West Harbor Modification Project

CEQA Findings of Fact and Statement of Overriding Considerations

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
2009 SPW EIS/EIR	*2009 Pedro Waterfront Environmental Impact Statement/Environmental Impact Report*
2016 SPPM Addendum	*2016 Addendum to the 2009 San Pedro Waterfront Project Environmental Impact Statement/Environmental Impact Report for the San Pedro Public Market Project*
2019 SPPM Addendum	*2019 Addendum to the San Pedro Waterfront Project Environmental Impact Report for the San Pedro Public Market Project*
AQMP	Air Quality Management Plan
BACT	Best Available Control Technology
BMP	Best Management Practice
Board	Board of Harbor Commissioners
BSA	Biological Study Area
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CEQA Guidelines	*Guidelines for Implementation of the California Environmental Quality Act* (California Code of Regulations, Title 14, Section 15000 et seq.)
CFG	California Fish and Game
CO	Carbon Monoxide
dBA	A-Weighted Decibel
DC	Direct Current
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
GHG	Greenhouse Gas
GVWR	Gross Vehicle Weight Rating

Acronym/Abbreviation	Definition
IS	Initial Study
LADOT	Los Angeles Department of Transportation
LADWP	Los Angeles Department of Water and Power
LAHD	Los Angeles Harbor Department
L_{eq}	Equivalent Noise Level
LID	Low-Impact Development
LOD	Limits of Disturbance
MMRP	Mitigation Monitoring and Reporting Program
MS4	Municipal Separate Storm Sewer System
MW	Megawatts
NAHC	Native American Heritage Commission
NMFS	National Marine Fisheries Service
NOP	Notice of Preparation
PM_{10}	Particulate Matter Less Than 10 Microns in Diameter
POLA	Port of Los Angeles
Port	Port of Los Angeles
PRC	Public Resources Code
Proposed Project	West Harbor Modification Project
RWQCB	Regional Water Quality Control Board
SCAG 2024 RTP/SCS	Southern California Association of Government's 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy Connect SoCal
SCAQMD	South Coast Air Quality Management District
SEIR	Subsequent Environmental Impact Report
SLM	Sound-Level Meter
SOP	Standard Operating Procedure
SPPM	San Pedro Public Market
SPL	Sound Pressure Level
SPW	San Pedro Waterfront
SWPPP	Stormwater Pollution Prevention Plan

Acronym/Abbreviation	Definition
SWRCB	State Water Resources Control Board
TAG	Transportation Assessment Guidelines
TDM	Transportation Demand Management
TMDL Guidelines	*Trash Total Maximum Daily Loads for the Los Angeles River Watershed*
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
VMT	Vehicle Miles Traveled

CEQA Findings of Fact

I. Introduction to CEQA Findings

These Findings of Fact (Findings) are made pursuant to the California Environmental Quality Act (CEQA, Public Resources Code [PRC] § 21000, et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (California Code of Regulations, Title 14, Section 15000, et seq.) (CEQA Guidelines) by the Board of Harbor Commissioners (Board) of the Los Angeles Harbor Department (LAHD) as the lead agency for the West Harbor Modification Project (Proposed Project). These Findings pertain to the Final Subsequent Environmental Impact Report (SEIR) for the Proposed Project, State Clearinghouse (SCH) #2005061041.

A. Project Description Summary

In 2009, LAHD certified an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the San Pedro Waterfront (SPW) Project (SCH No. 2005061041)) (2009 SPW EIS/EIR). One of the primary objectives of the SPW Project was to provide enhanced visitor-serving commercial opportunities within the Ports O' Call area along the main channel. Many of the potentially significant environmental impacts identified in the 2009 SPW EIS/EIR were determined to be less than significant or were reduced to a less-than-significant level through either the adoption of mitigation measures or the incorporation of project revisions. Impacts related to aesthetics, air quality and meteorology, biological resources, geology, noise, recreation, ground transportation and circulation, and water quality sediments and oceanography, however, were identified as significant and unavoidable. For those impact areas, LAHD adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program (MMRP) containing 91 mitigation measures to address these impacts, both during construction and operation of the SPW Project.

In May 2016, LAHD approved an Addendum to the 2009 SPW EIS/EIR for the San Pedro Public Market (SPPM) Project (2016 SPPM Addendum). The SPPM Project included a more specific concept for the former Ports O' Call Village site. In May 2016, LAHD prepared the 2016 SPPM Addendum to address development of a smaller building area, the inclusion of a portion of the Town Square originally evaluated in the SPW EIS/EIR, reconfiguration of the waterfront promenade, extension of the proposed lease term from 30 years to 50 years, and possible modifications to the U.S. Army Corps of Engineers (USACE) permits. The 2016 SPPM Addendum found that the SPPM Project would not result in any new significant impacts or a substantial increase in the severity of previously identified impacts that were analyzed in the SPW EIS/EIR. A revised MMRP identifying 28 mitigation measures that apply specifically to the SPPM Project was incorporated into the 2016 SPPM Addendum. The *2019 Addendum to the San Pedro Waterfront Project Environmental Impact Report for the San Pedro Public Market Project* (2019 SPPM Addendum) was prepared to extend the duration of the lease for an additional 16 years.

The Tenant (developer) has proposed to expand the 500-seat outdoor Amphitheater to 6,200 seats and also use the Amphitheater area as an entertainment lawn venue for public and private events and as a passive open park space when not otherwise programmed. In addition, the Tenant has proposed a 175-foot-diameter Ferris wheel and other entertainment attractions in the Discovery Sea Amusement Area previously analyzed in the 2016 SPPM Addendum. Attractions could include a double-decker carousel, wave swings, a drop tower, or other amusement attractions found in similar waterfront destinations; these structures are not anticipated to exceed 75 feet in height. LAHD has also determined that certain mitigation measures approved in the MMRP for the 2009 SPW EIS/EIR and 2016 SPPM Addendum need to be updated or reanalyzed to determine their effectiveness and need in the areas of air quality, utilities and public services, and transportation. It was also determined that the Proposed Project would not affect any federal permits or require any federal approvals. Therefore, no National Environmental Policy Act evaluation was required. In April of 2022, LAHD issued the Initial Study (IS)/Notice of Preparation (NOP) to inform responsible and trustee agencies, public agencies, and the public that LAHD was preparing a Draft Subsequent EIR to update the 2009 SPW EIS/EIR. The IS/NOP was circulated for a 30-day public review and comment period starting on April 14, 2022, and a virtual scoping meeting was held on May 3, 2022. Originally, the 30-day review period was scheduled to end on May 16, 2022. However, LAHD extended the public review period for an additional 30 days, which ended on June 15, 2022. Comments received in response to the IS/NOP and during the public scoping meeting were used to inform the scope of the Draft SEIR. Based on LAHD's evaluation of the probable effects of the Proposed Project and a thorough review of the comments on the IS/NOP, the Draft SEIR analyzed effects associated with the following resources:

- Aesthetics
- Air Quality
- Biological Resources
- Greenhouse Gas (GHG) Emissions
- Noise
- Transportation

Consistent with the Findings of the 2009 SPW EIS/EIR, it was determined during preparation of the IS/NOP that the Proposed Project would have either a less-than-significant impact or no impact associated with the following resources:

- Agriculture and Forestry Resources
- Energy
- Geology and Soils
- Land Use and Planning
- Mineral Resources
- Population and Housing

- Recreation
- Utilities and Service Systems
- Wildfire

The following areas were found to have no impacts in the NOP/IS but were carried into the Draft SEIR based on the project revision to include the 208 E. 22nd Street Parking Lot component in the Proposed Project:

- Hazards and Hazardous Materials
- Cultural Resources
- Tribal Cultural Resources

B. Project Objectives

Proposed Project objectives include the following:

- 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, including the addition of the 208 E. 22nd Street Parking Lot improvements;
- Provide public access to the SPW through increased parking amenities and pedestrian walkways;
- Provide for a variety of waterfront uses, including berthing for visiting vessels and harbor service craft, as well as other recreational, commercial, and Port-related waterfront uses; and
- Provide for enhanced visitor-serving commercial opportunities within the former site of Ports O' Call Village (now the *Project Site*), complementary to those found in downtown San Pedro.

C. Type of EIR

The EIR for the Proposed Project is a SEIR prepared pursuant to PRC § 21166 and State CEQA Guidelines Section 15162, which state:

> When an EIR has been certified or a negative declaration adopted for a project, no Subsequent EIR or negative declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:
>
> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This SEIR assesses impacts related to the Proposed Project proposed by the developer (Tenant). LAHD administers development within the Port of Los Angeles (POLA or Port) and overall Port operations. The Proposed Project is located within the Port, adjacent to the City of Los Angeles, in the community of San Pedro. The Port is located in San Pedro Bay within the County of Los Angeles, approximately 20 miles south of downtown Los Angeles. The Port is adjacent to the community of San Pedro to the west, the Wilmington community to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south. In total, the Port encompasses approximately 7,300 acres of land and water along 43 miles of waterfront.

The Proposed Project represents a change to the SPPM and SPW Projects previously reviewed in accordance with CEQA. No changes are proposed that would affect any federal permits or require any federal approvals. Therefore, National Environmental Policy Act evaluation is not required for the Proposed Project.

This SEIR has been prepared in accordance with the requirements of the City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970 (Article I) (PRC § 21000, et seq.) and the CEQA Guidelines. LAHD is the CEQA lead agency because the Proposed Project is proposed within the Port.

LAHD has exercised independent judgment in accordance with PRC § 21082.1(c) in retaining its own environmental consultant and directing the consultant in preparation of the SEIR, as well as reviewing, analyzing, and revising material prepared by the consultant as described in more detail below.

In accordance with PRC § 21081 and CEQA Guidelines §15091, LAHD has made one or more specific written Findings regarding significant impacts associated with the Proposed Project. Those Findings are presented below, along with the rationale behind each of the Findings. Concurrently with the adoption of these Findings, LAHD adopts the MMRP. The MMRP includes revisions to previously adopted mitigation measures as well as new mitigation measures.

The documents and other materials that constitute the record of proceedings on which the Proposed Project's Findings are based are located at the Port of Los Angeles Environmental Management

Division at 425 South Palos Verdes Street, San Pedro, California 90731. This information is provided in compliance with PRC § 21081.6(a)(2) and CEQA Guidelines §15091(e).

D. Procedural Compliance with CEQA

LAHD published a Draft SEIR on November 6, 2024, and a Final SEIR in June 2025, in compliance with CEQA requirements. LAHD prepared the Final SEIR in accordance with CEQA and the CEQA Guidelines. As allowed in CEQA Guidelines Section 15084(d)(2), LAHD retained a consultant to assist with the preparation of the environmental documents. LAHD, acting as lead agency, has directed, reviewed, and edited as necessary all material prepared by the consultant, and such material reflects LAHD's independent judgment. In general, the preparation of the SEIR included the following key steps and public notification efforts:

- A 30-day scoping process began with LAHD's issuance of the NOP of an SEIR on April 14, 2022. Originally, the 30-day review period was scheduled to end on May 16, 2022. However, LAHD extended the public review period for an additional 30 days, which ended on June 15, 2022. LAHD held a virtual SEIR scoping meeting on May 3, 2022, to receive perspective and input from agencies, organizations, and individuals on the scope and content of the environmental information to be addressed in the SEIR.
- LAHD issued the Draft SEIR on November 6, 2024. The Notice of Availability for the Draft SEIR was mailed and emailed to an extensive distribution list. The list was mailed to 77 contacts and emailed to 61 contacts. The Notice of Availability and the Draft SEIR were also posted on LAHD's website and were available for review at the LAHD office. In addition, notification of the availability of the Draft SEIR was posted in the *Torrance Daily Breeze*, *Long Beach Press Telegram, Random Lengths, Metropolitan News Enterprise,* and *La Opinión.* It was also distributed to those who provided comments on the NOP, and other interested parties and stakeholders.
- The Notice of Completion for the Draft SEIR was filed with the State Clearinghouse on November 6, 2024. The Draft SEIR was available for a 65-day public review period starting November 6, 2024. Following the close of the public review period on January 10, 2025, LAHD revised the Draft SEIR in response to comments received and provided written responses addressing all environmental issues raised.
- LAHD published the Final SEIR on the Port's website in June 2025. LAHD provided an email notifying all public agencies, organizations, and individuals that commented on the Draft SEIR of the availability of the Final SEIR at least 10 days prior to certifying the SEIR. The Board held a public hearing on June 26, 2025, to consider certification of the Final SEIR.

E. Incorporation of Final SEIR by Reference

The 2009 SPW EIS/EIR is hereby incorporated by reference into these Findings. The Final SEIR consists of: (1) the Draft SEIR, including revisions; (2) all appendices to the Draft SEIR (Appendices A–I); and (3) comments received on the Draft SEIR; a list of public agencies, organizations, and individuals commenting on the Draft SEIR; LAHD's responses to environmental issues raised in the review and consultation process; and other information.

II. Findings Regarding Environmental Impacts

Pursuant to PRC § 21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency makes one or more of the following Findings with respect to each significant impact:

- Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR. (The concept of infeasibility also encompasses whether a particular mitigation measure promotes the project's underlying goals and objectives, and whether a mitigation measure is impractical or undesirable from a policy standpoint. See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957.)

LAHD has made one or more of these specific written Findings regarding each significant impact associated with the Proposed Project. Those Findings are presented below, along with a presentation of facts in support of the Findings. The Board certifies these Findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental issues identified and discussed.

The SEIR evaluation included a detailed analysis of impacts on the eleven resource topics potentially affected by the Proposed Project and analyzed impacts of the Proposed Project. The SEIR disclosed the environmental impacts that would result from the adoption and implementation of the Proposed Project without mitigation. Feasible mitigation measures intended to avoid or substantially lessen significant environmental effects were identified.

III. Findings Regarding Environmental Impacts Found to Be Less Than Significant or No Impact

PRC § 21081 and CEQA Guidelines Section 15091 do not require Findings of Fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the Board hereby finds that the following environmental impacts of the Proposed Project, as analyzed in the SEIR, either would not occur or would be less than significant. Impacts that were dismissed by the IS/NOP are not included in the Findings. These Findings are based on the detailed impact analyses provided in Sections 3.1 through 3.11 of the Draft SEIR and the cumulative impacts discussed in Chapter 4 of the Draft SEIR. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines Section 15126.4(a)(3)).

A. Aesthetics (SEIR Section 3.1)

Impact AES-1. Would the Proposed Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the Project Site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Proposed Project is in an urbanized area, would the Proposed Project conflict with applicable zoning and other regulations governing scenic quality?

The Board finds that construction and operation of the Proposed Project would not contrast with the existing visual character or quality of areas seen from critical public viewing positions or the "valued aesthetic image" of those areas as the Proposed Project is within an urban area. Construction impacts would be temporary, and Proposed Project components would be within the established character of the Port with no unfavorable contrast. The Proposed Project, including the 208 E. 22nd Street Parking Lot, would not lead to a new, significant environmental effect or a substantial increase in the severity of previously identified effects. The Proposed Project would not conflict with applicable zoning and other regulations governing scenic quality. As discussed in the Draft SEIR, Proposed Project impacts would be less than significant, and no mitigation would be required.

Impact AES-2. Would the Proposed Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The Board finds that implementation of the Proposed Project, including the 208 E. 22nd Street Parking Lot, would not lead to a new significant environmental effect or a substantial increase in the severity of previously identified effects. The potential light and glare impacts of the Amphitheater would be new when compared with the 2009 SPW EIS/EIR but, given the urban nature of the area surrounding the Proposed Project, and as discussed in the Draft SEIR, impacts would be less than significant with no mitigation required. However, no residual impacts would occur.

B. Air Quality (SEIR Section 3.2)

Impact AQ-5: Would the Proposed Project result in on-road traffic that would contribute to an exceedance of the 1-hour or 8-hour CO standards and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds the Proposed Project carbon monoxide (CO) emissions would not result in new significant impacts not previously considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. The Proposed Project would add to impacts identified as less than significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. As discussed in the Draft SEIR, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact AQ-5**, and residual impacts would remain less than significant.

Vehicle trips associated with the Proposed Project would result in CO emissions at the intersections evaluated in Section 3.8 *Transportation,* of the SEIR. The Proposed Project would generate approximately 5,000 daily 1-way vehicle trips, which would include approximately 4,500 patron trips, 388 worker trips, and trips by shuttle buses and other support vehicles. These trips would not occur at a single intersection, but would be spread out over the intersections identified in Section 3.8 *Transportation,* of the SEIR.

The South Coast Air Quality Management District (SCAQMD), in its *CO Redesignation Request and Maintenance Plan* (SCAQMD 2005), conducted a CO hot spot modeling analysis for the four most congested intersections in the Los Angeles region and found no exceedances of ambient air quality standards for CO, indicating that hotspots from CO emissions did not occur. The most congested intersection in Los Angeles County was estimated to experience a daily traffic volume of 100,000 vehicles per day. Because the study intersections for the Proposed Project would experience substantially lower traffic volumes than SCAQMD's study intersections, CO intersection modeling is not warranted. In addition, since vehicle emissions have improved since the time of SCAQMD's modeling analysis, it is reasonable to infer that vehicle trips associated with the Proposed Project also would not result in an exceedance of CO ambient air standards at intersections. Accordingly, the Proposed Project impacts would be less than significant.

Impact AQ-6: Would the Proposed Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds the Proposed Project would not result in odors that would adversely affect a substantial number of people and would not be expected to create a nuisance as defined in SCAQMD Rule 402. Proposed Project construction and operation would not result in new significant impacts not considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. Therefore, as discussed in the Draft SEIR, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact AQ-6**, and residual impacts would remain less than significant.

Emissions and associated odors associated with Proposed Project construction activities would be dispersed over the construction site and would be short-term and transient. Operation of the Proposed Project would be recreational and would not involve agriculture, heavy industrial processes, or other uses identified SCAQMD's *CEQA Air Quality Handbook* (1993) as having the potential for substantial odors. Emissions associated with operational vehicles, in particular the patron vehicles that would comprise the majority of Proposed Project emissions, would be dispersed over roadways. Emissions associated with fireworks would occur up to 13 times per year, with two shows up to 20 minutes long and the remaining lasting for up to 10 minutes. Therefore, as discussed in the Draft SEIR, impacts would be less than significant.

Impact AQ-8: Would the Proposed Project conflict with or obstruct implementation of an applicable air quality plan and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds the Proposed Project would be consistent with and would not obstruct implementation of an applicable Air Quality Management Plan (AQMP) and would not result in new significant impacts under **Impact AQ-8**. The Proposed Project also would not substantially increase the severity of impacts identified as less than significant in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. Therefore, as discussed in the Draft SEIR, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPW EIS/EIR and 2016 SPPM Addendum under **Impact AQ-8**, and residual impacts would remain less than significant.

Proposed Project activities would result in emissions of nonattainment pollutants, primarily from diesel-combustion equipment used during construction and from on-road automobiles utilizing streets during operation. The SCAQMD periodically updates its AQMP; the most recent update was adopted in December 2022 (SCAQMD 2022).

The 2022 AQMP and prior iterations included emission-reduction measures designed to bring the South Coast Air Basin into attainment of the national and state ambient air quality standards. The 2022 AQMP contains attainment strategies that include mobile source–control measures and clean-fuel projects that are enforced at the federal and state levels on engine manufacturers and petroleum refiners and retailers. Proposed Project activities would comply with these control measures. SCAQMD also adopts AQMP control measures into SCAQMD rules and regulations, which are then used to regulate sources of air pollution in the South Coast Air Basin. Compliance with these requirements would further ensure that Proposed Project activities would not obstruct implementation of the AQMP and impacts would remain less than significant.

C. Cultural Resources (SEIR Section 3.4)

Impact CUL-1: Would the Proposed Project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5?

The Board finds that the Proposed Project would result a less-than-significant impact on historical resources pursuant to CEQA. None of the historical resources identified in the 2009 SPW EIS/EIR are within the SEIR study area. The buildings at 264 and 266–270 E. 22nd Street and the former SP/SPW Red Car Line were evaluated for the purposes of this SEIR and found ineligible for the National Register of Historic Places and California Register of Historic Resources, as well as from local Historic-Cultural Monument consideration. In addition, these properties are not listed in the CRHR, or as a local landmark, and they do not otherwise meet the criteria for historical resources pursuant to CEQA. For these reasons, there are no CEQA historical resources present at the 208 E. 22nd Street Parking Lot. Therefore, the Proposed Project's change to the SPW Project would not result in a new significant impact or a substantial increase in the severity of a previous impact on historical resources. The 2009 SPW EIS/EIR finding of a less-than-significant impact remains valid for the Proposed Project.

The inclusion of the 208 E. 22nd Street Parking Lot as part of the Proposed Project would not lead to a new significant environmental impact or a substantial increase in the severity of previously identified effects. Because there are no historical resources present, no mitigation measures 3are required.

D. Hazards (SEIR Section 3.6)

Impact HAZ-1: Would the Proposed Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The Board finds that the Proposed Project, including the 208 E. 22nd Street Parking Lot, would not lead to a new significant environmental impact or a substantial increase in the severity of previously identified significant impacts. The 2009 SPW EIS/EIR finding of a less-than-significant impact remains valid for this Proposed Project.

Proposed Project construction would involve the routine transport, use, and disposal of hazardous materials (e.g., solvents, paints, oils, grease, fuel). Although these hazardous materials would be transported, used, and disposed of during construction, they are typically used in construction projects and would not represent the transport, use, and disposal of acutely hazardous materials. Moreover, these hazardous materials are generally used in small amounts, and any potential construction-related hazardous releases or emissions would be from such commonly used materials as those previously mentioned and would not include substances listed in 40 CFR 355 Appendix A, *Extremely Hazardous Substances and Their Threshold Planning Quantities*. Releases involving hazardous materials common to construction would be small and localized, and spills that may occur would be contained and cleaned according to the Material Safety Data Sheet in the appropriate manner. A hazardous-Material Safety Data Sheet would include accidental-release cleanup measures, such as appropriate techniques for neutralizing, decontaminating, and cleaning or vacuuming, along with information regarding adsorbent materials. In addition, projects requiring more than 1 acre of soil disturbance would be required to obtain National Pollutant Discharge Elimination System (NPDES) coverage under the Construction General Permit (SWRCB 2023a). The Construction General Permit would require development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes best management practices (BMPs) to regulate and prevent contamination of stormwater runoff. Construction BMPs can include, but are not limited to, the following:

- Maintenance activities, maintenance schedules, and long-term inspection procedures;
- Controls for reducing or eliminating the discharge of pollutants; and
- Procedures for the proper disposal of waste.

The transport, use, and disposal of hazardous materials during construction activities would be conducted according to all applicable regulations and requirements; therefore, as discussed in the Draft SEIR, construction would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

The Proposed Project would consist of an outdoor Amphitheater, amusement attractions, a 175-foot-diameter Ferris wheel, and overflow parking. Commercial and recreational uses associated with the Proposed Project would use hazardous chemicals that are typical in these types of settings and could include common materials such as toners, paints, restroom cleaners, and other maintenance materials. Therefore, the likelihood of any spill involving the transport, use, or disposal of these materials would be minimal, and the amount would be small and localized. Spills that may occur would be contained and cleaned up as they occur. In some cases, maintenance could involve the use of pesticides and/or herbicides. However, these materials would also be used in small amounts, intermittently, and with proper care, as dictated by their accompanying Material Safety Data Sheets. Thus, as discussed in the Draft SEIR, Proposed Project operations are not expected to create a significant hazard to the public or the environment related to the routine transport, use, or disposal of hazardous materials. This impact would not be new and would be consistent with the 2009 SPW EIS/EIR and the 2016 SPPM Addendum.

E. Noise (SEIR Section 3.8)

Impact NOI-2: Would the Proposed Project generate excessive ground-borne vibration or ground-borne noise levels?

The Board finds that because groundborne vibration from the Proposed Project would not be perceptible and would pose no risk of building damage, impacts would be less than significant. The Proposed Project would not result in any new significant impacts, substantially increase in the severity of a previously analyzed impact, or require the implementation of new mitigation measures related to groundborne vibration and groundborne noise.

The Proposed Project would not introduce any new sources of groundborne vibration when compared to those analyzed in the 2009 SPW EIS/EIR. With one exception, the Proposed Project is not anticipated to require any new pile driving beyond what was evaluated in the 2009 SPW EIS/EIR. It is possible that the proposed larger Ferris wheel may require pile driving. The Ferris wheel would be approximately 1,000 feet from the nearest residential structures. At this distance, groundborne vibration would not be perceptible and would pose no risk of building damage. Furthermore, this is well within the distance range analyzed in the 2009 SPW EIS/EIR, which evaluated pile driving occurring within 220 to 1,380 feet of the closest noise-sensitive receptors and found no impacts related to groundborne vibration or groundborne noise. As such, as discussed in the Draft SEIR, the Proposed Project would not result in new significant groundborne vibration or groundborne noise impacts, substantially increase the severity of a previously analyzed impact, or require the implementation of new mitigation measures that were not already evaluated in the 2009 SPW EIS/EIR.

Impact NOI-3: Would the Proposed Project be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport and expose people residing or working in the Project area to excessive noise levels?

The Board finds that the Proposed Project would not lead to any new significant impacts, or a substantial increase in the severity of previously identified significant impacts related to airport and

airstrip noise levels. As identified in the 2009 SPW EIS/EIR, the nearest airport is the Torrance Municipal Airport, which is more than 4 miles from the Project Site. Therefore, there would be no significant impacts related to airport noise for the Proposed Project. As such, as discussed in the Draft SEIR, the Proposed Project would not result in new significant airport noise impacts, substantially increase the severity of a previously analyzed airport noise impact, or require new airport noise mitigation measures that were not already evaluated in the 2009 SPW EIS/EIR.

F. Transportation (SEIR Section 3.9)

Impact TRAN-1: Would the Proposed Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

The Board finds that given the temporary nature of construction, it is not expected that construction of the Proposed Project would preclude any programs, plans, ordinances, or policies addressing the circulation system, include transit, roadway, bicycle, and pedestrian mobility. Proposed Project construction activities would largely occur within the site and not on public roadways, so access to travel along Harbor Boulevard would not be affected for any users. Sidewalks, bike lanes, and vehicle lanes would remain open. Although CEQA Appendix G considers construction-related impacts, per the Los Angeles Department of Transportation (LADOT) Transportation Assessment Guidelines (TAG) (LADOT 2022), the construction period is considered a non-CEQA analysis, given its temporary nature. Impacts would be less than significant, and no mitigation would be required.

Operation of the Proposed Project was reviewed against the transportation-related goals, policies, and objectives of the planning documents described in LADOT TAG Attachment D.1 (see Appendix G of the SEIR) and the *Southern California Association of Government's 2024–2050 Regional Transportation Plan/Sustainable Communities Strategy Connect SoCal* (SCAG 2024 RTP/SCS) (see Appendix G of the SEIR). The Proposed Project is not anticipated to conflict with any programs, plans, ordinances, or policies addressing the circulation system, as identified in those plans; therefore, the Proposed Project would result in a less-than-significant impact under **TRAN-1**. Detailed documentation of the Proposed Project's consistency with programs, plans, ordinances, and policies is included in Appendix G.

The proposed plans for the 208 E. 22nd Street Parking Lot involve the improvement of an existing parking lot, including the paving of a previously unpaved section of the lot. This lot would serve the entire SPW area, and it would not be a trip-generating use in and of itself. As discussed in the Draft SEIR, it is not anticipated that the improvement of the 208 E. 22nd Street Parking Lot would conflict with any of the programs, plans, ordinances, or policies addressing the circulation system.

IV. Findings Regarding the SEIR'S Conclusions of No Significant and Unavoidable Environmental Impacts with Mitigation

The Board finds that mitigation measures that have been identified in the SEIR will lessen the following significant environmental impacts to a less-than-significant level. This following section of the SEIR Findings discusses those impacts that would require the implementation of feasible mitigation measures.

A. Biological Resources (SEIR Section 3.4)

Impact BIO-2: Would the Proposed Project interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The Board finds that significant impacts relating to construction activities and the 208 E. 22nd Street Parking Lot assessed in the 2009 SPW EIS/EIR would be less than significant with mitigation. The 2009 SPW EIS/EIR determined that special aquatic habitats and sensitive natural communities would be affected by the SPW Project. These included scattered kelp beds along the Main Channel adjacent to Warehouse 1 and the proposed Outer Harbor Cruise Terminals, eelgrass and mudflat habitat adjacent to the Youth Camp, mudflat habitat at Berth 78–Ports O'Call, and mudflat, salt marsh, and cord grass habitat at the Salinas de San Pedro Salt Marsh. These natural communities and special aquatic habitats would not be impacted by the Proposed Project because in-water work is not proposed as part of this Proposed Project.

Construction-Related Activities

The Proposed Project would not result in any new significant impacts or substantially increase the severity of a previously analyzed impact on sensitive natural communities. Construction for the Proposed Project would be conducted entirely on upland lands in the SPW that are already developed or highly modified. None of the construction locations for any of the Proposed Project features contain any sensitive natural communities, including riparian habitats or sensitive marine environments. Therefore, construction activities for the Proposed Project would not result in any direct impacts on sensitive natural communities, including riparian habitats and sensitive marine habitats.

The mudflat at Berth 78–Ports O' Call (which is considered a depleted natural community) that is present within the biological study area (BSA) occurs outside of the limits of disturbance (LOD), approximately 75 feet east-northeast of where the proposed amusement attractions would be installed. Although the harbor is located adjacent to the LOD, sensitive marine environments (e.g., eelgrass beds, kelp beds) occur farther south, in the shallow waters and near the breakwater of the Outer Harbor, approximately 1 mile to the southwest of the Project Site. Due to the distance between the construction sites and sensitive areas, temporary indirect impacts are unlikely but may include dust

and runoff from construction-related activities. However, implementation of avoidance and minimization measures, including general BMPs, would be implemented to minimize Proposed Project effects during construction. These BMPs, although not specific to biological resources, would reduce indirect impacts on surrounding habitats by implementing dust control, erosion and runoff control, and pollution prevention. None of the special aquatic habitats or sensitive natural communities identified in the 2009 SPW EIS/EIR are located within the Proposed Project's LOD.

208 E. 22nd Street Parking Lot

Paving the entirety of the 20-acre 208 E. 22nd Street Parking Lot site, with the exception of 1.92 acres of already paved parking and some landscaping along the eastern side, would result in the permanent removal of the ruderal vegetation in the open-lot portion of the 208 E. 22nd Street Parking Lot site. However, the open lot does not contain any sensitive natural communities, including riparian habitats. None of the special aquatic habitats or sensitive natural communities identified in the 2009 SPW EIS/EIR are located within the 208 E. 22nd St Parking Lot.

The eastern portion of the 208 E. 22nd Street Parking Lot has already been established prior to the Proposed Project, but it would experience increased usage with the addition of paved spots in the western portion of the open lot, as well as from the addition of new public events (e.g., concerts, fireworks shows) at the SPW. Operation of the 208 E. 22nd Street Parking Lot could result in the production of human-produced trash that amasses in parking-lot trash receptacles from patrons, which could introduce elements to marine habitats that affect the water quality or deposit debris that is detrimental to sensitive marine habitats. However, these impacts are not substantially different from what was previously analyzed in the 2009 SPW EIS/EIR. In addition, as a part of Proposed Project operation, trash would be cleaned up after each event to prevent debris from entering the storm-drain system and ocean (see Section 2.4.1 of the Draft SEIR). Also, the Proposed Project would be required to comply with the County's Low Impact Development Ordinance (Title 12, Chapter 12.84), which consists of site-design approaches and BMPs designed to address runoff and pollution at the source, including trash and debris, and would capture urban runoff and prevent it from entering the harbor. The *Trash Total Maximum Daily Loads for the Los Angeles River Watershed* (Los Angeles RWQCB 2007) (TMDL Guidelines) and the *Statewide Water Quality Control Plan for Trash* also require measures to limit load allocations associated with trash. Storm drains within the Project Site would be compliant with these requirements and would implement full trash-capture systems. Furthermore, implementation of **MM-BIO-7**, *Trash Management and Post-Event Cleanup*, would ensure that trash and other debris resulting from Amphitheater events would be removed before it is able to reach nearby sensitive marine environments. With the implementation of **MM-BIO-7**, impacts on sensitive natural communities would remain less than significant, and there would be no substantial change from the Findings in the 2009 SPW EIS/EIR. Consequently, as discussed in the Draft SEIR, the inclusion of the 208 E. 22nd Street Parking Lot would not result in new significant impacts, substantially increase the severity of a previously analyzed impact, or require new mitigation measures that were not already addressed in the 2009 SPW EIS/EIR.

Amphitheater and Fireworks

Amphitheater events and fireworks shows could both result in the production of trash and debris, which can find its way into nearby waters, where sensitive marine environments are present.

Increased human presence from Amphitheater events and fireworks shows could result in the production of human-produced trash from patrons, which can amass in trash receptacles and litter the ground. Fireworks shows would produce waste that could become deposited in the harbor, and variable wind conditions could contribute to the size and scope of the fallout area, affecting sensitive marine environments outside of the launch area (see **Impact BIO-1** for details).

Several sensitive habitats are located within a 0.6-mile radius from the proposed fireworks-launch location. Eelgrass beds occur to the west of the barge, along the Cabrillo Beach north and Scout Camp locations, and account for approximately 14.1 percent of shallow water–habitat coverage in the summer months, when fireworks shows are expected to occur (Wood 2021). Eelgrass beds support a rich detrital food web and provide structure, food, and nursery habitats for a diverse range of fish and birds. Additionally, kelp beds can be found in shallow-water zones (i.e., breakwater) within the marine assessment area. Kelp beds can serve as nursey habitats for abundant fish species by providing refuge and small-sized prey. Both the eelgrass beds and kelp beds would be considered environmentally sensitive habitat areas (ESHA) under the California Coastal Act.

Chemical and physical debris from fireworks that could drift into this habitat may affect its overall quality. In addition to the proposed Amphitheater and fireworks events, the SPW is an active commercial and recreational area of the Port, located in an urban setting. The proposed fireworks shows could draw a significant number of visitors to the SPW, with many visitors viewing the fireworks show outside of the Amphitheater from developed shorelines, the proposed lawn area, and other nearby locations. Increases in visitors to this area would likely result in increased amounts of human-generated trash and debris from picnics, parties, and other gatherings along the shorelines that could wash into adjacent harbor waters.

As a part of Proposed Project operation, trash would be cleaned up from the West Harbor area after each event to prevent debris from entering the storm drain system and ocean. The TMDL Guidelines and the *Statewide Water Quality Control Plan for Trash* also require measures to limit load allocations associated with trash. Storm drains within the Project Site would comply with these requirements and implement full trash-capture systems. The fireworks discharger would be required to comply with the requirements specified in NPDES General Permit No. CAG994007 (Los Angeles Regional Water Quality Control Board [RWQCB], Order No. R4-2023-0180, adopted May 25, 2023), which specifies Standard Operating Procedures (SOPs) for all fireworks shows, including a BMP Plan that will include cleanup practices following fireworks shows. Where possible, sustainable products and practices, such as biodegradable confetti, would be used during events, and care would be taken to prevent any trash and debris from entering the Main Channel (see Section 2.4.1 of the Draft SEIR). Furthermore, implementation of **PF-BIO-1**, *Compliance with Local Regulations*, **MM-BIO-7**, *Trash Management and Post-Event Cleanup,* and **MM-BIO-10**, *Biodegradable Venue Products,* would ensure that trash and other debris resulting from Amphitheater events and fireworks shows would be removed from the harbor and that biodegradable products would be used to reduce impacts on nearby marine environments. With the implementation of these measures and compliance with state and local trash ordinances and NPDES General Permit No. CAG994007 for fireworks displays, as discussed in the Draft SEIR, impacts on sensitive natural communities would be reduced to less than significant. This impact was not assessed in the 2009 SPW EIS/EIR.

Ferris Wheel and Amusement Attractions

The proposed locations for the Ferris wheel and the amusement attractions are in developed areas that do not contain any sensitive natural communities. None of the sensitive natural communities identified in the 2009 SPW EIS/EIR are located within the Proposed Project's LOD.

The Proposed Project would result in similar impacts as those already deemed significant in the 2009 SPW EIS/EIR, but it would not substantially increase the severity of those impacts. Implementation of avoidance and minimization measures that are nonspecific to biological resources, including general BMPs, would ensure that residual impacts on sensitive natural communities that result from construction-related activities and the 208 E. 22nd Street Parking Lot are reduced to a less-than-significant level.

Mitigation

PF-BIO-1: Compliance with Local Regulations

Tenant will ensure agreements with Event Organizers contain provisions regarding compliance with applicable local regulations regarding event-generated waste. Event organizers will comply with all applicable City of Los Angeles Ordinances pertaining to waste reduction, single-use plastic and expanded polystyrene (EPS) foam (or Styrofoam) bans and the reduction of disposable foodware and accessories.

MM-BIO-7: Trash Management and Post-Event Cleanup

To prevent trash and debris produced by Amphitheater events from entering nearby waters and causing harm to sensitive marine environments and species, a Standard Operating Procedure (SOP) will be developed for trash management and post-event cleanup. The SOP will be reviewed by LAHD prior to implementation. At a minimum, the SOP must include the following.

- Trash receptacles must be covered containers to deter animals (e.g., gulls) from easily accessing litter and prevent wind-blown trash from entering the Harbor. The number and placement of receptacles must be adequate to accommodate the event.
- Following any events at the Project Site, trash will be removed from all venue locations including at the Amphitheater, parking lots, parks, surrounding walkways, and open areas as soon as practicable, and no later than 4 hours following the event. Trash and debris will be properly disposed of in accordance with all applicable regulations.

MM-BIO-10: Biodegradable Venue Products

Wherever reusable, compostable, and/or recyclable products are infeasible or not required by regulations, event organizers will invest in biodegradable products (e.g., confetti, decorations, packaging, single-use items) for all Amphitheater events to prevent injury and damage to surrounding sensitive marine environments and protect species from harmful materials (e.g., plastics, mylar, metals). Event organizers are encouraged to utilize reusable food ware, drinkware, napkins, and accessories for dine-in services, to the extent feasible. Event organizers

are encouraged to procure paper products (i.e., napkins and event literature) that are unbleached and contain a minimum of 30-percent post-consumer recycled content.

B. Cultural Resources (SEIR Section 3.4)

Impact CUL-2. Would the Proposed Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The Board finds that construction, improvements, and operations at the 208 E. 22nd Street Parking Lot would not result in substantial changes to the Proposed Project as previously approved in the 2009 SPW EIS/EIR and 2016 SPPM Addendum. Construction and operation of the 208 E. 22nd Street Parking Lot would not cause a substantial adverse change in an archaeological resource or a unique archaeological resource. However, because the potential for encountering previously unidentified archaeological resources always exists, implementation of **MM-CR-3** would ensure that impacts would remain less than significant. As such, the Proposed Project would not result in any change to the impact determination previously listed in the cultural resources section of the 2009 SWP EIS/EIR or the 2016 SPPM Addendum. Therefore, the Proposed Project's change to the SPW Project would not result in a new significant impact or a substantial increase to the severity of a previous impact on archaeological resources. The 2009 SPW EIS/EIR finding of a less-than-significant impact with mitigation remains valid for the Proposed Project.

Mitigation

MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities

In the event that an artifact or an unusual amount of bone, shell, or nonnative stone is encountered during construction, work will be immediately stopped and relocated from that area. The contractor will stop construction within 100 feet of the exposure of these finds until a qualified archaeologist, retained by LAHD and Tenant in advance of construction, can be contacted to evaluate the find (see 36 Code of Federal Regulations 800.11.1 and pertinent CEQA regulations). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos, chipped stone tools such as projectile points or choppers, flakes of stone not consistent with the immediate geology, such as obsidian or fused shale, trash pits containing bottles and/or ceramics, or structural remains. If the resources are found to be significant, then they will be avoided or mitigated consistently with SHPO guidelines. All construction equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by LAHD and Tenant through the construction contractor to review the types of cultural resources and artifacts that would be considered significant and ensure operator recognition of these materials during construction.

If human remains are encountered, then there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Los Angeles County Coroner will be contacted to determine the age and cause of death. If the remains are not of Native American heritage, then construction in the area may recommence. If

the remains are of Native American origin, then the Most Likely Descendants of the deceased will be identified by the NAHC. LAHD and USACE will consult with the Native American Most Likely Descendant(s) to identify a mutually acceptable strategy for treating and disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in PRC § 5097.98. If the NAHC is unable to identify a Most Likely Descendant, if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC, LAHD, or USACE, and/or if the descendant is not able to reach a mutually acceptable strategy through mediation with the NAHC, then the Native American human remains and associated grave goods will be reburied with appropriate dignity on the Project Site in a location not subject to further subsurface disturbance.

Impact CUL-3: Would the Proposed Project disturb any human remains, including those interred outside of dedicated cemeteries?

The Board finds that the construction, improvements, and operations at the 208 E. 22nd Street Parking Lot would not result in substantial changes to the previously approved project. However, the possibility always exists that buried human remains could be inadvertently unearthed during construction, which could result in substantial damage to potential cultural resources. If human remains are identified, then the process set forth in Health and Safety Code Section 7050.5 and PRC § 5097.9 would be carried out. In addition, **MM-CR-3** would require work to stop in the event of an unanticipated discovery. As such, the Proposed Project would not result in any change to the impact determination previously listed in the cultural resources section of the 2009 SWP EIS/EIR or the 2016 SPPM Addendum. The 2009 SPW EIS/EIR finding of a less-than-significant impact with mitigation remains valid for the Proposed Project.

Mitigation

MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities

(Full measure is included above.)

C. Hazards (SEIR Section 3.6)

Impact HAZ-2: Would the Proposed Project create a significant hazard to the public or the environment by being located on a hazardous-materials site and through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The Board finds that the Proposed Project, including the 208 E. 22nd Street Parking Lot, would not lead to a new, significant impact or a substantial increase in the severity of previously identified impacts as discussed in the Draft SEIR. Implementation of **MM-HAZ-1** would ensure that potential impacts would be reduced to a less-than-significant level.

Hazardous Material Sites

As discussed under Section 3.6.3, *Environmental Setting*, of the SEIR and under the two summaries for the 2009 SPW EIS/EIR and 2016 SPPM Addendum, the Proposed Project area has a history of contamination and has undergone a series of environmental investigations. An environmental-database search was conducted in 2023 using the State Water Resources Control Board's (SWRCB's) GeoTracker data-management system, Department of Toxic Substances Control's (DTSC's) EnviroStor data-management system, and the California Department of Environmental Protection's Cortese List Data Resources. The following listings remain active and have some potential to affect implementation of the Proposed Project.

Port of Los Angeles – Former Warehouse #12, 260 E. 22nd Street

As mentioned, the 2023 *Site Conceptual Model Update and Data Gap Investigation Work Plan* (Parsons 2023) was prepared as an update to the existing Site Conceptual Model to reflect current site conditions and propose additional investigations. A remaining data gap for low-threat closure is associated with sampling of onsite soil for methyl tert-butyl ether. Concentrations of total petroleum hydrocarbons in groundwater meet the criteria for closure because they would not affect the anticipated beneficial use of affected water, and reduction-oxidation data indicate that compounds are attenuating naturally.

Soil disturbance as part of the Proposed Project implementation could expose construction personnel and the surrounding environment to hazardous waste in the form of contaminated soil. Implementation of **MM-HAZ-1**, which would require the development of a Soil Management Plan (SMP), would reduce potential impacts to less than significant.

GATX Annex Terminal – San Pedro, 208 East 22nd Street

Historical site characterizations and remedial investigations indicate that soil and groundwater at this site have been affected. A 1987 Remedial Action Plan called for a 1-foot-thick cover of clean soil over the site's remediated area and a land-use covenant to exclude future residential use. According to the May 2000 First Amendment to Agreement 1784 between LAHD and the DTSC, LAHD is responsible for and has successfully conducted maintenance at the soil cover, ensured site security, conducted voluntary monthly and required semiannual site inspections, and prepared annual site-inspection reports. According to a 2022 *Annual Groundwater Monitoring Report* (DTSC 2022), groundwater monitoring on site is ongoing, and contaminant concentrations (i.e., volatile organic compounds and 1,4-dioxane) are decreasing or stable. Soil disturbance as part of Proposed Project implementation could expose construction personnel and the surrounding environment to hazardous waste in the form of affected soil. Implementation of **MM-HAZ-1** would reduce potential impacts to less than significant.

Former Unocal Station #0692, Berth 78

A soil sampling investigation was conducted in 2021 (SWRCB 2023b) to delineate potential impacts on site. The investigations resulted in the detection of total petroleum hydrocarbons as gasoline, diesel, benzene, and tertiary butyl alcohol. In December 2021, the Los Angeles RWQCB approved additional soil delineation at the property known as the San Pedro Fish Market. The soil delineation

was completed in June 2023 (SWRCB 2023b). Remediation was scheduled to begin before December 2023 and be completed prior to Proposed Project implementation. Remediation of onsite soil and potential groundwater impacts would reduce potential impacts on construction personnel or the surrounding environment to less-than-significant levels.

Mitigation

MM-HAZ-1: Develop a Soil Management Plan (SMP) for the 208 E. 22nd Street Parking Lot Site

The Proposed Project sponsor will retain the services of a qualified environmental-engineering firm to prepare and implement an SMP during site preparation and grading activities. The SMP will be designed to protect human health and the environment. It will include protocols, measures, and techniques for the proper handling, management, and disposition of affected soils found on site and in any areas of offsite work during site preparation and grading activities. The SMP will also be designed to protect workers and offsite receptors during site activities and ensure the proper characterization, management, and/or disposal of contaminated environmental media that is above applicable environmental-screening levels. A commercial environmental-engineering firm with demonstrated expertise and experience in the preparation of SMPs will prepare the SMP, which will be stamped by an appropriately licensed professional. The SMP will be implemented throughout all ground-disturbing work and would apply to the Proposed Project.

D. Hydrology and Water Quality (SEIR Section 3.7)

Impact HYD-1: Would the Proposed Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The Board finds that the Proposed Project, including construction and operation of the 208 E. 22nd Street Parking Lot, would not lead to a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. As discussed in the Draft SEIR, implementation of the 2009 SPW EIS/EIR's **MM-GW-1** and **MM-GW-2**, along with new **MM-HAZ-1**, **MM-BIO-7**, and **MM-BIO-10**, would reduce potential impacts to a less-than-significant level.

Although no excavations that might encounter contaminated soil would be completed as part of the Proposed Project, onsite operations would be significantly affected due to historical industrial land uses. Therefore, with implementation of **MM-GW-1** and **MM-GW-2**, the Proposed Project would not create a new impact or increase the severity of a previously identified impact. Implementation of the 2009 SPW EIS/EIR's **MM-GW-1** and **MM-GW-2** would reduce potential impacts to less-than-significant levels.

The Proposed Project would be subject to existing regulations requiring the implementation of a SWPPP and stormwater control BMPs, which would ensure that impacts related to the Proposed Project would be less than significant with mitigation, consistent with the Findings of the 2009 SPW

EIS/EIR and 2016 SPPM Addendum. Proposed Project construction could add to impacts already deemed less than significant with mitigation in the 2009 SPW EIS/EIR but would not result in new significant impacts, substantially increase the severity of a previously analyzed impact, or require new mitigation measures that have not already been evaluated in the 2009 SPW EIS/EIR and 2016 SPPM Addendum. Therefore, with implementation of **MM-GW-1** and **MM-GW-2**, the Proposed Project would not create a new impact or result in a substantial increase in the severity of a previously identified impact.

Operations would also comply with the latest municipal separate storm sewer system (MS4) permit. In addition, standard Port of Los Angeles permit conditions would require the provision of adequate onsite waste collection, contained trash enclosures, and minimization of waste from concessions through compliance with city ordinances for single-use items and food recycling. To ensure that trash is picked up, standard BMPs would also be part of the permit conditions, and the entire site would be cleaned after each event to minimize mobilization of pollutants from concert events. The TMDL Guidelines and the *Statewide Water Quality Control Plan for Trash* also require measures to limit load allocations associated with trash. Where possible, sustainable practices and products, such as biodegradable confetti, would be used during events, and care would be taken to direct the spray away from the main channel. This material, along with other trash, would be cleaned up after each event to prevent debris and microplastics from entering the storm drain system and ocean. Furthermore, implementation of **MM-BIO-7**, *Trash Management and Post-event Cleanup*, and **MM-BIO-10**, *Biodegradable Venue Products*, would ensure that trash and other debris resulting from Amphitheater events and fireworks shows would be removed from the harbor and that biodegradable products would be used to reduce impacts on nearby marine environments.

The Proposed Project would be designed and maintained in accordance with Los Angeles RWQCB water quality requirements, such as the Los Angeles Regional MS4 permit. The Proposed Project would also comply with the Construction General Permit post-construction stormwater management measures and the City of Los Angeles's low-impact development (LID) ordinance. Consequently, potential surface water quality impacts from operation of the Proposed Project would not violate any waste-discharge requirements or otherwise substantially degrade water quality.

However, soil and groundwater in limited portions of the Project Site have been affected by hazardous substances and petroleum products from spills during historical industrial land uses. These areas are in various stages of contaminant site characterization and remediation. Hazards are further described in Section 3.6, *Hazards and Hazardous Materials*, of the Draft SEIR. Operations related to the Proposed Project on these sites would be significantly affected. Implementation of the 2009 SPW EIS/EIR's **MM-GW-1** and **MM-GW-2**, and new **MM-HAZ-1,** *Develop a Soil Management Plan for the 208 E. 22nd Street Parking Lot Site*, would reduce potential impacts during operation to less-than-significant levels with mitigation.

As discussed above, water quality impacts related to Proposed Project operations would be less than significant with mitigation, consistent with the Findings of the 2009 SPW EIS/EIR and 2016 SPPM Addendum. Proposed Project operations could add to impacts already deemed less than significant with mitigation in the 2009 SPW EIS/EIR, but they would not result in new significant impacts or substantially increase the severity of a previously analyzed impact that was not already evaluated in the 2009 SPW EIS/EIR and 2016 SPPM Addendum. With implementation of **MM-GW-1**,

MM-GW-2, **MM-HAZ-1**, **MM-BIO-7**, and **MM-BIO-10**, impacts during the operations phase would be less than significant.

208 E. 22nd Street Parking Lot Improvements

Improvements to the 208 E. 22nd Street Parking Lot would include paving the entirety of the 20-acre site, except for 1.92 acres of already paved parking and some landscaping along the eastern side to accommodate up to 2,600 stalls. These improvements would increase the impervious surface of the Project Site. As noted above, the Proposed Project would comply with LID requirements. Based on soil conditions, an infiltration basin or a flow-through planter/sand filter are proposed to treat stormwater. However, historical site characterizations and remedial investigations have indicated that soil and groundwater at the site have been contaminated; affected soil and groundwater exist in limited areas of the Proposed Project. Locations of historic hazards on the Project Site are further described in Section 3.6 of the Draft SEIR. Implementation of the 2009 SPW EIS/EIR's **MM-GW-1** and **MM-GW-2**, along with the development and implementation of an SMP for the 208 E. 22nd Street Parking Lot site (**MM-HAZ-1**), would reduce potential impacts to a less-than-significant level.

Amphitheater

As part of the Amphitheater, a 50,000-square-foot artificial-turf lawn would be installed. The lawn is proposed to utilize a FieldTurf™ product or equivalent, which is specifically designed for festivals and event spaces. The turf fibers are made of ultraviolet-stabilized polyethylene with polyurethane-coated backing layers, which is 100-percent permeable. Unlike an artificial sport field or pitch, ground rubber infill is not used; instead, the infill materials would be sand, ground cork, or granulated olive cores or some combination thereof (Brown pers. comm.). With use of these materials and by avoiding ground rubber, the amount of polyfluoroalkyl substances would be inconsequential, thus addressing comments raised during the NOP period. Additionally, the artificial turf would be vacuumed regularly and intermittently washed down (approximately four times per year). Because the artificial lawn would be a permeable surface to promote infiltration, water quality benefits would be achieved via percolation and filtration through the underlying soil. Implementation of the 2009 SPW EIS/EIR's **MM-GW-1** and **MM-GW-2** would reduce potential water quality impacts to a less-than-significant level. In light of the comments received regarding the use of artificial turf, the Tenant has also evaluated the potential replacement of artificial turf with natural grass for the Amphitheater lawn area. The analysis of this potential replacement is included as Appendix J. Should the Tenant decide to replace the proposed artificial turf with natural grass, this replacement is not expected to have significant effects on hydrology or water quality as the natural permeability of grass allowing for infiltration is deliberately recreated by the turf proposed in the Draft SEIR, and the use of natural grass would not introduce artificial material to the site. Neither the artificial turf nor the natural grass maintenance would permit runoff to enter harbor water.

Fireworks

Fireworks may be launched from a barge at approximately 13 events per year and may last up to 10 minutes, with two shows permitted to run for a 20-minute duration. According to the Los Angeles RWQCB, after fireworks explode, they can release into the water some polluting chemicals and materials, including aluminum, antimony, barium, carbon, calcium, chlorine, cesium, copper, iron, potassium, lithium, magnesium, oxidizers (including nitrates, chlorates, and perchlorates),

phosphorus, sodium sulfur, strontium, titanium, and zinc. Particulate matter and debris from exploded fireworks and unignited pyrotechnic material, as well as paper, cardboard, wires, and fuses from ignited pyrotechnic material, can also adversely affect the quality of the surrounding waters. Residual firework pollutants discharged into surface waters constitute discharge of a pollutant from a point source. The Los Angeles RWQCB adopted a General NPDES Permit intended to authorize discharges of residual firework pollutants from public fireworks displays into surface waters in Los Angeles and Ventura Counties. Prior to the public display of fireworks and residual firework pollutant discharges to surface waters, coverage under the General NPDES Permit must be obtained. Complying with the permit requires developing a list of BMPs that must be approved by the Los Angeles RWQCB. Therefore, with compliance with the General NPDES Permit, water quality impacts would be less than significant.

Mitigation

MM-GW-1: Complete Site Remediation

LAHD will remediate all contaminated soils within Proposed Project boundaries. Remediation will occur in compliance with federal, state, and local regulations. Soil remediation will be completed such that contamination levels are below health-screening levels established by the California Office of Environmental Health Hazard Assessment and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Use of localized soil capping/paving, combined with agency-approved deed restrictions, may be an acceptable remediation measure in upland areas and/or for risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.

MM-GW-2: Create a Contamination Contingency Plan

LAHD will prepare a contamination contingency plan for nonspecific facilities. The Proposed Project site has a long history of industrial activity, so it is possible that future construction activity could encounter historical soil or groundwater contamination that had not been previously reported to regulatory agencies.

MM-HAZ-1: Develop a Soil Management Plan (SMP) for the 208 E. 22nd Street Parking Lot Site

(Full measure is included above.)

MM-BIO-7: Trash Management and Post-Event Cleanup

(Full measure is included above.)

MM-BIO-10: Biodegradable Venue Products

(Full measure is included above.)

Impact HYD-2: Would the Proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would result in substantial erosion or siltation on or off site; create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows?

The Board finds that the Proposed Project, including the 208 E. 22nd Street Parking Lot, would not lead to a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. Implementation of **MM-HAZ-1** would ensure that residual impacts are reduced to a less-than-significant level.

During Proposed Project construction, earth-disturbing activities (e.g., grading, stockpiling) could result in short-term water quality impacts associated with soil erosion and subsequent sediment transport. Sediment transport to local drainage facilities, such as drainage inlets and storm drains, could result in reduced storm-flow capacity, which could further result in localized ponding or flooding during storm events. During construction, stormwater drainage patterns could be temporarily altered. However, the Proposed Project would implement BMPs required in the Proposed Project's SWPPP to minimize the potential for erosion or siltation in nearby storm drains and temporary changes in drainage patterns during construction. During construction, provisions for erosion- and stormwater-control measures would be implemented, as required by City of Los Angeles Municipal Code. Construction BMPs (e.g., sediment basins and traps, filter berms, diversion berms) would capture and infiltrate small amounts of sheetflow into the ground such that offsite runoff from the construction site would not increase, ensuring that drainage patterns would not be significantly altered. Erosion- and stormwater-control measures (e.g., silt fences, staked straw wattles, geofabric) required by the Construction General Permit would also limit site runoff during construction and would not alter stormwater drainage patterns. BMPs would be implemented to control construction-site runoff by diverting runoff to sediment- and stormwater-control devices used to divert clean water from entering a disturbed area, ensure proper stormwater control and treatment, and reduce the discharge of pollution to the storm-drain system. Construction of the Proposed Project would not substantially alter the existing drainage pattern of the area in a manner that would result in substantial erosion or siltation, or increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Therefore, Proposed Project construction would not result in an exceedance of drainage system capacities, and the associated impact would be less than significant.

Generally, the entire 20 acres of the 208 E. 22nd Street Parking Lot would be paved to accommodate up to 2,600 stalls, with the exception of 1.92 acres of already paved parking and landscaping along the eastern side. This would require removal of the existing Red Car maintenance facility, loading platform, rail, and parking lot along Miner Street and the Pacific Performance Racing building at the corner of Harbor Boulevard and 22nd Street; the pump station at Harbor Boulevard and 22nd Street would remain in place. Building demolition would include the two-story, 3,500-square-foot building at 264 W. 22nd Street and the 3,000-square-foot, single-story building at 270 W. 22nd Street. Demolition is scheduled to occur over approximately 30 days. An infiltration basin on the western side of the parking lot is proposed to treat stormwater. Ultimately, drainage would be improved, and impeded or redirected flood flows would be reduced. The parking lot improvements would comply

with LID requirements and would require utility work and site regrading and paving. Site grading would require import of soil and pavement to cap the area of contaminated soils. During construction, BMPs would be implemented to control construction-site runoff to ensure proper stormwater control and treatment and reduce the discharge of pollution to the storm-drain system, as required by the Construction General Permit and described in the Proposed Project's SWPPP. As required by **MM-HAZ-1**, an SMP would be implemented throughout all ground-disturbing work, and drainage patterns would be similar to those under existing conditions. Therefore, construction and operation of the 208 E. 22nd Street Parking Lot would not result in an exceedance of drainage-system capacities or provide substantial additional sources of polluted runoff, and the associated impact would be less than significant with mitigation.

The Amphitheater would occupy approximately 2.1 acres, including a 50,000-square-foot area consisting of an artificial lawn. During construction, BMPs would be implemented to control construction-site runoff, as required by the Construction General Permit. The artificial lawn would be a permeable surface to promote infiltration. As a result, stormwater-runoff rates and volume would be managed and stormwater runoff treated through filtration via the underlying soil cover. Infill materials would include sand, ground cork, or granulated olive cores or some combination. LID through infiltration would reduce runoff rates and volumes. Stormwater runoff would comply with applicable LID requirements, including the City of Los Angeles's LID ordinance and the Los Angeles Regional MS4 permit. Therefore, construction and operation of the Amphitheater would not result in an exceedance of drainage-system capacities or provide substantial additional sources of polluted runoff, and the associated impact would be less than significant.

Mitigation

MM-HAZ-1: Develop a Soil Management Plan (SMP) for the 208 E. 22nd Street Parking Lot Site

(Full measure is included above.)

E. Tribal Cultural Resources (SEIR Section 3.10)

Impact TCR-1: Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe and listed in or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k)?

The Board finds that the inclusion of the 208 E. 22nd Street Parking Lot as part of the Proposed Project would not lead to a new significant impact or a substantial increase in the severity of previously identified significant impacts. Implementation of **MM-CR-3** from the 2009 SPW EIS/EIR

MMRP would ensure that residual impacts would be reduced to less than significant for the 208 E. 22nd Street Parking Lot.

No tribal cultural resources were identified by the Port through outreach to the Native American Heritage Commission (NAHC) or through AB 52 consultation with local Native American Tribes. Construction, improvements, and operations at the 208 E. 22nd Street Parking Lot would not result in changes to the proposed operational and development activities of the previously approved project. Construction and operation of the 208 E. 22nd Street Parking Lot would not result in a substantial adverse change pertaining to tribal cultural resources, as defined in PRC § 21074, including in the significance of a tribal cultural resource listed in or eligible for listing in a register of historical resources, as defined in PRC § 5020.1(k).

Mitigation

MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities

(Full measure is included above.)

Impact TCR-2: Would the Proposed Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe and a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American Tribe.

The Board finds that the inclusion of the 208 E. 22nd Street Parking Lot as part of the Proposed Project would not lead to a new significant environmental effect or a substantial increase in the severity of previously identified significant effects. Implementation of **MM-CR-3** from the 2009 SPW EIS/EIR MMRP would ensure that residual impacts would be reduced to less than significant for the 208 E. 22nd Street Parking Lot.

Of the four mitigation measures included in the 2009 SPW EIS/EIR MMRP, only one is applicable to the 208 E. 22nd Street Parking Lot. **MM-CR-3**, *Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities*, is being carried over from the 2009 SPW EIS/EIR, but has it been slightly modified so that the professional archaeologist would be retained by LAHD and the Tenant through the construction contractor.

Mitigation

MM-CR-3: Stop Work if Cultural Resources Are Discovered during Ground-Disturbing Activities

(Full measure is included above.)

F. Public Services (SEIR Section 3.11)

Impact PUB-1: Would the Proposed Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire or police protection?

The Board finds that the Proposed Project would result in impacts on public services similar to those already deemed significant in the 2009 SPW EIS/EIR, but it would not substantially increase the severity of those impacts. The 2009 SPW EIS/EIR MMRP specifies that **MM-PS-5** applies to the cruise-ship lines, the cruise terminal, the Catalina Express, and tugboat companies during operation. The 2016 SPPM Addendum MMRP revised **MM-PS-5** to apply to the SPPM Tenant. Implementation of **MM-PS-1** from the 2009 SPW EIS/EIR, along with newly proposed **MM-PS-7**, would ensure that residual impacts would be reduced to a less-than-significant level.

Construction of the Proposed Project could result in significant impacts on emergency access to the Project Site. However, the Proposed Project would implement **MM-PS-1**, which would require proper coordination with law-enforcement agencies to ensure adequate access to and around the Project Site during construction. Therefore, with implementation of **MM-PS-1**, impacts during the construction phase would be less than significant.

Operation of the Proposed Project would result in up to 6,200 patrons and approximately 175 staff members on site during concert events. The West Harbor team considered the security and safety of its property and prepared an emergency plan that details how the event space will prepare for emergency concerns. The safety of the performers, guests, and staff members are a major concern, and an organized and comprehensive emergency plan is essential to addressing this concern. The objective of the plan is to establish and define specific responsibilities, guidelines, and procedures that will facilitate an effective response by all persons connected with the facility and ensure proper protocol for any type of life-threatening incident at the Amphitheater.

Captain Kevin McCloskey of the Port Police provided a letter on July 7, 2023, which detailed what changes would be required to ensure adequate public services for the Proposed Project (McCloskey pers. comm.). The letter states that the Proposed Project would be required to implement certain measures that have been incorporated into **MM-PS-7**.

With the implementation of **MM-PS-7,** impacts during the operations phase would be less than significant.

Mitigation

MM-PS-1: Coordinate with Law Enforcement Agencies (Construction Phase)

LAHD will be required, pursuant to the Los Angeles Port Police Policy Manual (Port 2023) to coordinate with law-enforcement agencies during construction of all roadway improvements to establish emergency vehicular access and ensure continuous law enforcement access to surrounding areas.

MM-PS-5: Water Conservation and Wastewater Reduction

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

a. The landscape-irrigation system will be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler-head patterns will be adjusted to minimize overspray onto walkways and streets. Each zone (i.e., sprinkler valve) will water plants having similar watering needs (i.e., shrubs, flowers, and turf will not be in the same watering zone). Automatic irrigation timers will be set to water landscaping during early-morning or late-evening hours to reduce water loss from evaporation. Irrigation run times will be adjusted for all zones seasonally, reducing the length and frequency of watering in the cooler months (i.e., fall, winter, and spring). Sprinkler-timer run times will be adjusted to avoid water runoff, especially when irrigating sloped property. Sprinkler times will be reduced once drought-tolerant plants have been established.

b. Drought-tolerant, low-water-consuming plant varieties will be used to reduce irrigation-water consumption.

c. Recycled water will be used for irrigation and toilet-flushing (i.e., dual-flushing) on notification from LADWP that recycled water is available and on notification from Port Engineering that necessary connections are available prior to construction.

d. Ultra-low-flush toilets, ultra-low-flush urinals, and water-saving showerheads must be installed in both new and replacement construction. Low-flow faucet aerators will be installed on all sink faucets.

e. Significant opportunities for water savings exist in air-conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP will be contacted for specific information on appropriate measures.

f. Recirculating, or point-of-use, hot-water systems will be installed to reduce water waste in long piping systems where water must be run for a considerable period of time before heated water reaches the outlet.

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

MM-PS-7: Operational Safety Measures

The Proposed Project would be required to implement the following:

a. Utilize blue phones and cameras;

b. Assign numbered lots and aisles for responding officers;

c. To prevent a traffic backup on the street, install signage at the entrance that indicates when lots are full;

d. Implement traffic-management procedures (refer to Appendix H, Event Parking Management and Circulation Plan, and Appendix I-1, Parking Management Plan, for detailed information); and

e. The Tenant will ensure that adequate closed circuit television cameras are positioned throughout the site. The footage will be available to the emergency logistics team. Footage will be recorded and copies made available on request to the police during the event and up to 28 days after the event, if required for evidential purposes. Images should be of such quality and size to be able to identify offenders.

In addition, specific Amphitheater changes include the construction of escape lanes for concert crowds and a reduction in the amount of lighting in the harbor.

V. Finding Regarding Significant and Unavoidable Environmental Changes

The Board finds that mitigation measures that have been identified in the SEIR will not lessen the following significant environmental impacts to a less-than-significant level. This following section of the SEIR Findings discusses those impacts that would require the implementation of feasible mitigation measures.

A. Air Quality (SEIR Section 3.2)

Impact AQ-1: Would the Proposed Project result in new construction emissions that exceed the SCAQMD regional peak-daily emission thresholds of significance in Table 3.2-5 and/or increase the severity of impacts considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that construction activities associated with the Proposed Project would result in emissions from engine exhaust and fugitive dust. **MM-AQ-3** through **MM-AQ-8**, although not quantified for the Proposed Project, would be implemented and may reduce emissions. Proposed Project construction emissions would not exceed SCAQMD thresholds and would not result in any new significant impacts not previously considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. The Proposed Project would add to impacts already deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. Therefore, the Proposed Project would not create a new impact or substantial increase in the

severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact AQ-1**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-3: Fleet Modernization for On-Road Trucks During Construction

1. Trucks hauling materials such as debris or fill will be fully covered while operating off Port property.
2. Idling will be restricted to a maximum of 5 minutes when not in use.
3. Tier Specifications:
    - From January 1, 2024, to December 31, 2026: All on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with 2012 emission standards, or newer, where available.
    - Post January 1, 2027: All on-road heavy duty diesel trucks used on site or to transport materials to and from the site shall comply with 2015 emission standards, or newer, where available.
    - A copy of each unit's certified U.S. Environmental Protection Agency (USEPA) rating, Best Available Control Technology (BACT) documentation, and CARB or South Coast Air Quality Management District (SCAQMD) operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

MM-AQ-4: Fleet Modernization for Construction Equipment

1. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.
2. Idling will be restricted to a maximum of 5 minutes when not in use.
3. Tier Specifications: All offroad diesel-powered construction equipment greater than 50 hp will meet the Tier 4 emission standards, where available. In addition, all construction equipment will be outfitted with BACT devices certified by CARB. Any emissions-control device used by the contractor will achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel-emissions control strategy for a similarly sized engine, as defined by CARB regulations.

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit will be provided at the time of mobilization of each applicable unit of equipment. Construction-equipment measures will be met, unless one of the following circumstances exist and the contractor is able to provide proof that any of these circumstances exists.

- A piece of specialized equipment is unavailable in a controlled form within the state of California, including through a leasing agreement;

- A contractor has applied for necessary incentive funds to put controls on a piece of uncontrolled equipment planned for use on the project, but the application process is not yet approved, or the application has been approved, but funds are not yet available; and/or
- A contractor has ordered a control device for a piece of equipment planned for use on the project, or the contractor has ordered a new piece of controlled equipment to replace the uncontrolled equipment, but that order has not been completed by the manufacturer or dealer. In addition, for this exemption to apply, the contractor must attempt to lease controlled equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the project has the controlled equipment available for lease.

MM-AQ-5: Fugitive Dust

The calculation of fugitive dust (i.e., PM_{10}) from unmitigated Proposed Project earth-moving activities assumes a 61-percent reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure Proposed Project compliance with SCAQMD Rule 403.

The construction contractor will apply for a SCAQMD Rule 403 Dust Control Permit. The construction contractor will further reduce fugitive dust emissions to 74-percent from uncontrolled levels. The construction contractor will designate personnel to monitor the dust control program and to order increased watering or other dust control measures, as necessary, to ensure a 74-percent control level. Their duties will include holiday and weekend periods when work may not be in progress.

The following measures, at minimum, must be part of the contractor Rule 403 dust control plan.

- Active grading sites will be watered one additional time per day beyond that required by Rule 403;
- Contractors will apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;
- Construction contractors will provide temporary wind fencing around sites being graded or cleared;
- Trucks hauling dirt, sand, or gravel will be covered or will maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code;
- Construction contractors will install wheel washers where vehicles enter and exit unpaved roads onto paved roads or wash off tires of vehicles and any equipment leaving the construction site;
- The grading contractor will suspend all soil-disturbing activities when winds exceed 25 miles per hour or when visible dust plumes emanate from a site; disturbed areas will be stabilized if construction is delayed;
- Trucks hauling materials such as debris or fill will be fully covered while operating off LAHD property;

- A construction relations officer will be appointed to act as a community liaison concerning onsite construction activity, including resolution of issues related to PM_{10} generation;
- All streets will be swept at least once a day using SCAQMD Rule 1186, 1186.1-certified street sweepers or roadway-washing trucks if visible soil materials are carried to adjacent streets;
- Water or nontoxic soil stabilizer will be applied three times daily to all unpaved parking or staging areas or unpaved road surfaces;
- Roads and shoulders will be paved; and
- Water will be applied three times daily or as needed to areas where soil is disturbed.

MM-AQ-6: Best Management Practices

The following types of measures are required on construction equipment (including on-road trucks).

- Use diesel-oxidation catalysts and catalyzed diesel-particulate traps;
- Maintain equipment according to manufacturers' specifications;
- Restrict idling of construction equipment to a maximum of 5 minutes when not in use.; and
- Install high-pressure fuel injectors on construction equipment vehicles.

MM-AQ-7: General Mitigation Measure During Construction

For any of the above mitigation measures (**MM-AQ-3** through **AQ-6**), if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, then the new technology could replace the existing measure pending approval by the LAHD.

MM-AQ-8: Special Precautions Near Sensitive Sites

When construction activities are planned within 1,000 feet of sensitive receptors (defined as schools, playgrounds, day care centers, and hospitals), the construction contractor will notify each of these sites in writing at least 30 days before construction activities begin.

Impact AQ-2: Would the Proposed Project result in ambient air pollutant concentrations from construction activities that exceed NAAQS or CAAQS and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that construction activities associated with the Proposed Project would result in emissions from engine exhaust and fugitive dust. **MM-AQ-3** through **MM-AQ-8**, although not quantified for the Proposed Project, would be implemented, and may further reduce emissions. Proposed Project construction emissions would not exceed SCAQMD's Localized Significance Thresholds and would not result in any new significant impacts not previously considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. The Proposed Project would add to impacts already

deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. Therefore, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact AQ-2**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-3: Fleet Modernization for On-Road Trucks During Construction

(Full measure is included above.)

MM-AQ-4: Fleet Modernization for Construction Equipment

(Full measure is included above.)

MM-AQ-5: Fugitive Dust

(Full measure is included above.)

MM-AQ-6: Best Management Practices

(Full measure is included above.)

MM-AQ-7: General Mitigation Measure During Construction

(Full measure is included above.)

MM-AQ-8: Special Precautions Near Sensitive Sites

(Full measure is included above.)

Impact AQ-3: Would the Proposed Project result in new operational emissions that exceed the SCAQMD regional peak daily emission thresholds of significance in Table 3.2-7 and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that Proposed Project emissions would be less than 2 percent of the 2009 SPW EIS/EIR emissions for volatile organic compounds, less than 7 percent for CO, less than 1 percent for particulate matter less than 10 microns in diameter (PM_{10}), and less than 0.5 percent for nitrogen oxides, sulfur oxides, and particulate matter less than 2.5 microns in diameter. Therefore, the Proposed Project would not create a new impact or a substantial increase in the severity of a previously identified impact. Emission reductions associated with **MM-AQ-31** were quantified and would reduce operational emissions. The Proposed Project would add to impacts already deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. Therefore, the Proposed Project would not create a new impact or increase the severity of a previously identified impact identified in the 2009 SPW EIS/EIR or 2016

SPPM Addendum under **Impact AQ-3**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-31: Zero-Emission Shuttle Buses

To the extent commercially available for rent, the Tenant shall use zero-emission shuttle buses from Port-owned parking lots to the Project Site during ticketed amphitheater events.

Impact AQ-4: Would the Proposed Project result in ambient air pollutant concentrations from operational activities that exceed NAAQS or CAAQS and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that operational activities associated with the Proposed Project would add to impacts already deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. **MM-AQ-31** was quantified and would reduce operational emissions. The Proposed Project would add to impacts already deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. Therefore, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPP EIS/EIR under **Impact AQ-4**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-31: Zero-Emission Shuttle Buses

(Full measure is included above.)

Impact AQ-7: Would the Proposed Project expose receptors to significant levels of TACs per the following SCAQMD thresholds and/or increase the severity of impact identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that construction activities associated with the Proposed Project would result in short-term emissions of diesel particulate matter (DPM) from the combustion of diesel fuel in off-road construction equipment engines and on-road diesel vehicles. The California Air Resources Board (CARB) classifies DPM as a toxic air contaminant (TAC) and uses PM_{10} emissions from diesel exhaust as a surrogate for DPM. The anticipated 15 months of construction would be much less than the 30 years typically considered in a cancer-risk determination and less than the 70 years considered in the 2009 SPW EIS/EIR Health Risk Assessment.

Diesel engines emit TACs in disproportionately higher concentrations than gasoline engines and, on a horsepower basis, diesel exhaust is considered to be more toxic than gasoline exhaust (Krivoshto et al. 2008). Aside from an emergency diesel generator, operation of the Proposed Project would not use diesel fuel, would be primarily recreational, and would not involve heavy industrial processes

associated with TACs or land uses associated with heavy-diesel transportation. Patron and worker vehicles would be mostly gasoline-fueled autos, and the use of electric vehicles is expected to increase in future years as California regulations drive the penetration of electric vehicles in the fleet mix. Impacts associated with proposed firework displays and tugboats used to position firework barges are unique to the Proposed Project and were quantified using SCAQMD's Risk Screening Procedures (SCAQMD 2017). The analysis assessed cancer risk, non-cancer chronic impacts, and short-term acute exposure.

MM-AQ-31 was quantified and would reduce emissions from shuttle buses. In addition, impacts associated with proposed firework displays and tugboats used to position firework barges were quantified using SCAQMD's Risk Screening. Proposed Project activities would not result in cancer risk, non-cancer chronic impacts, or acute health impacts that exceed SCAQMD's health-protective thresholds and would not result in any new significant impacts not previously considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. The Proposed Project would add to impacts already deemed significant in the 2009 SPW EIS/EIR and 2016 SPPM Addendum, but it would not substantially increase the severity of those impacts. Therefore, the Proposed Project would not create a new impact or increase the severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact AQ-7**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-31: Zero-Emission Shuttle Buses

(Full measure is included above.)

B. Biology (SEIR Section 3.3)

Impact BIO-1: Would the Proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

The Board finds that the Proposed Project would result in similar impacts as those already deemed significant in the 2009 SPW EIS/EIR. Implementation of **MM-BIO-2**, *Conduct Nesting Bird Surveys*, and **MM-BIO-7**, *Trash Management and Post-event Cleanup*, would ensure that residual impacts on sensitive terrestrial and marine species as a result of Proposed Project-related activities and the 208 E. 22nd Street Parking Lot are reduced to a less-than-significant level.

For other issues that were not assessed in the 2009 SPW EIS/EIR—including impacts from Amphitheater events, fireworks shows, the Ferris wheel and amusement attractions, as discussed above—implementation of **MM-BIO-2**, *Conduct Nesting Bird Surveys*; **MM-BIO-7**, *Trash Management and Post-event Cleanup*; **MM-BIO-10**, *Biodegradable Venue Products*; and **MM-BIO-11**, *Abandoned Nest Clearance Must Avoid Breeding Bird Season*, as well as compliance with the requirements specified in NPDES General Permit No. CAG994007, would fully reduce impacts on sensitive terrestrial and marine species as a result of debris and trash from Amphitheater events,

fireworks shows, and the amusement attractions to less-than-significant levels. Lighting from Proposed Project features would not represent a substantial change from current ambient Port conditions; therefore, any impacts from night lighting would be less than significant. Noise impacts from fireworks events would be above the Level B harassment thresholds for pinnipeds other than harbor seal at the Bait Barge and Fireworks Barge. Noise impacts would be reduced, but not eliminated, by **MM-NOI-3** which would reduce noise levels from the Amphitheater (see Section 3.8.8.6, *New Mitigation Measures Applicable to the Proposed Project*, in the SEIR for details). Noise impacts on pinnipeds would be reduced to less-than-significant levels with the implementation of **MM-BIO-8,** *Marine Mammal Monitoring During Fireworks Events*. Noise impacts on nesting California least tern would be reduced to less-than-significant levels with the implementation of**MM-BIO-9**, *California Least Tern Nesting Colony Monitoring During Fireworks Events*.

208 E. 22nd Street Parking Lot

Paving the entirety of the 20-acre 208 E. 22nd Street Parking Lot site—with the exception of 1.92 acres of already paved parking and some landscaping along the eastern side—would result in the permanent removal of the ruderal vegetation in the open-lot portion of the 208 E. 22nd Street Parking Lot site. However, the open lot is composed of compacted soil and gravel vegetated with weedy, nonnative species and does not provide any suitable habitat to support any special-status plant or wildlife species (see Section 3.3.3, *Environmental Setting*, in the Draft SEIR for details). Should the trees within the existing paved lot be removed, then impacts on nesting birds could occur (as discussed in the *Construction-Related Activities* section above). However, the potential impacts on nesting birds have already been addressed in the 2009 SPW EIS/EIR and would be reduced to a less-than-significant level with the implementation of **MM-BIO-2**, *Conduct Nesting Bird Surveys*. Therefore, construction activities at the 208 E. 22nd Street Parking Lot would not result in any new impacts on sensitive species from those already addressed in the 2009 SPW EIS/EIR, and no new additional avoidance, minimization, or mitigation measures would be required.

The eastern portion (i.e., 1.92 acres) of the 208 E. 22nd Street Parking Lot has already been developed prior to the Proposed Project, but it would experience increased usage with the addition of paved areas in the western portion of the open lot, as well as from the addition of new public events (e.g., concerts, fireworks shows) at the SPW. Operation of the 208 E. 22nd Street Parking Lot could result in the production of human-produced trash that amasses in the parking lot and in trash receptacles, which can find its way into nearby waters, where sensitive species could consume it, causing suffocation, starvation, or debilitation or resulting in species becoming entangled in the debris. However, these impacts are not substantially different from what was previously analyzed in the 2009 SPW EIS/EIR. In addition, as a part of Proposed Project operation, trash would be cleaned up after each event to prevent debris from entering the storm-drain system and ocean (see Section 2.4.1, *Proposed Modifications*, in the Draft SEIR). During events, the event applicant would be responsible for cleaning the 208 E. 22nd Street Parking Lot; during non-concert events and general use, the Port and/or event organizers would be responsible for cleaning the parking lot. The Proposed Project would also be required to be compliant with the County of Los Angeles's Low Impact Development Ordinance (Title 12, Chapter 12.84), which consists of site-design approaches and BMPs designed to address runoff and pollution at the source, including trash and debris, which would capture urban runoff and prevent it from entering the harbor. The City's TMDL Guidelines (Los Angeles RWQCB 2007) and the *Statewide Water Quality Control Plans for Trash* (SWRCB 2023c)

also require measures to limit load allocations associated with trash. Storm drains within the Project Site would be compliant with these requirements and would implement full trash-capture systems.

With the implementation of **MM-BIO-7** *Trash Management and Post-Event Cleanup*, operations-related impacts associated with this new Proposed Project feature would remain less than significant, and there would be no substantial change from the Findings in the 2009 SPW EIS/EIR.

Mitigation

MM-BIO-2: Conduct Nesting Bird Surveys

This measure applies if construction is to occur between February 15 and September 1. Prior to ground-disturbing activities, a qualified biologist will conduct surveys for the presence of black crowned night herons, blue herons, and other nesting birds within Berth 78–Ports O' Call or other appropriate and known locations within the BSA that contain potential nesting-bird habitat. Surveys will be conducted 24 hours prior to ground disturbance and/or the clearing, removal, or grubbing of any vegetation. If active nests of species protected under the MBTA and/or similar provisions of the CFG Code (i.e., native birds including, but not limited to, black-crowned night heron) are located, then a barrier installed at a 50–100 foot radius from the nest(s) will be established, and the tree/location containing the nest will be marked and will remain in place and undisturbed until a qualified biologist performs a survey to determine that the young have fledged or the nest is no longer active.

MM-BIO-7: Trash Management and Post-Event Cleanup

(Full measure is included above.)

MM-BIO-8: Marine Mammal Monitoring During Fireworks Events

A qualified biologist will monitor marine mammals at Outer Harbor 1 and Outer Harbor 2 (see Figure 3.3-2) at Tenant expense during fireworks shows at least once per month for the first year of operation to determine whether event noises are negatively affecting marine mammals in the area. All monitoring will be conducted in accordance with a Marine Mammal Monitoring Plan that will be prepared by a qualified biologist and approved by LAHD in coordination with NMFS. A *qualified biologist* is a person who, by reason of their knowledge of the natural sciences and the principles of marine biology, acquired by marine biology education and experience, performs services including, but not limited to, consultation investigation, surveying, evaluation, planning, or responsible supervision of marine biology activities when those professional services require the application of biological principles and techniques.

Any observed disturbances will be reported to LAHD and NMFS within 24 hours. Within 30 days following the completion of each monitoring event, the qualified biologist will prepare a report for submittal to West Harbor, LAHD, and NMFS that details the findings of the monitoring results. This report will include an introduction/background, methods, results, discussion, and recommendations. Recommendations may include BMPs, additional monitoring, continuance of monitoring if impacts are observed, or other measures to ensure that no incidental harassment or other significant impact occurs at the monitoring sites, up to and

including cessation of fireworks shows. If discernable negative changes in marine mammal behavior are observed, then consultation with NMFS will be initiated to develop measures to avoid negative impacts.

MM-BIO-9: California Least Tern Nesting Colony Monitoring During Fireworks Events

LAHD least tern monitors will monitor the California least tern nesting colony at Pier 400 at Tenant expense during fireworks shows, when terns are present during the California least tern nesting season (i.e., March 15–August 31), to ensure that event noise does not negatively affect nesting birds. Monitoring will be performed by a qualified biologist.

Any disturbances that result from monitored activities will be reported within 24 hours to LAHD, USFWS, and CDFW. Following the first season of monitoring, results will be assessed and shared with USFWS and CDFW, who will determine whether further monitoring would be necessary. Within 30 days of each monitoring event, the qualified biologist will prepare a report for submittal to West Harbor, LAHD, USFWS, and CDFW that details the findings of the monitoring results. All monitoring will be conducted in accordance with a California Least Tern Nesting Colony Monitoring Plan that will be prepared by the LAHD in coordination with USFWS and will be approved by the Port's Environmental Management Division and biology team. This report will include an introduction/background, methods (including monitoring timeframe), life stage of California least tern present, observations of any stressors and negative bird behavior, and any recommendations. Recommendations may include BMPs, additional monitoring, continuance of monitoring if impacts are observed, or other measures to ensure that no significant impact occurs at the nesting site, up to and including cessation of firework shows. If discernable negative changes in bird behavior are observed, then consultation with USFWS and CDFW will be initiated to develop measures to avoid negative impacts on California least terns.

MM-BIO-10: Biodegradable Venue Products

(Full measure is included above.)

MM-BIO-11: Abandoned Nest Clearance Must Avoid Breeding Bird Season

To avoid impacts on nesting birds protected under the MBTA and/or similar provisions of the CFG Code, clearance of abandoned bird nests on the Ferris wheel, Amusement Attractions, or other Proposed Project structures (e.g., Amphitheater) must occur outside of the breeding-bird season (February 15–September 1), unless a qualified biologist determines that the nest has been abandoned.

C. Greenhouse Gases (SEIR Section 3.5)

Impact GHG-1. Would the Proposed Project result in construction and operational activities that conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions and/or increase the severity of impact considered in the 2009 SPW EIS/EIR or 2016 SPPM Addendum?

The Board finds that the Proposed Project would not result in activities that would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions (refer to Table 3.5-1 of the Draft SEIR). In addition, **MM-AQ-31** would require the use of zero-emission shuttle buses, thereby facilitating the state's transition to zero-emission transit. PF-GHG-1 would require the Tenant to have entered into a binding contract with a third-party solar Tenant to construct and install solar-panel canopies (i.e., photovoltaic system) that is designed to generate approximately 1.4 megawatts (MW) of direct current (DC) electricity. The Proposed Project would also not substantially increase emissions quantified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum. Therefore, the Proposed Project would not create a new impact or substantial increase in the severity of an impact previously identified in the 2009 SPW EIS/EIR or 2016 SPPM Addendum under **Impact GHG-1**, and residual impacts would remain significant and unavoidable.

Mitigation

MM-AQ-3: Fleet Modernization for On-Road Trucks During Construction

(Full measure is included above.)

MM-AQ-4: Fleet Modernization for Construction Equipment

(Full measure is included above.)

MM-AQ-6: Best Management Practices

(Full measure is included above.)

MM-AQ-7: General Mitigation Measure During Construction

(Full measure is included above.)

MM-AQ-27: Light-Emitting Diode (LED) Light Bulbs

All buildings and exterior lighting will use LED light bulbs.

MM-AQ-31: Zero-Emission Shuttle Buses

(Full measure is included above.)

PF-GHG-1: Install Solar Canopies over Main Parking Lot

Prior to the opening of the Amphitheater, the Tenant, or a third-party solar Tenant through an agreement with the Tenant, will install solar-panel canopies (i.e., photovoltaic system) on the premises that is designed to generate approximately 1.4 megawatts (MW) of direct current (DC electricity. In the event Tenant's solar Tenant 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 Tenant on terms substantially similar to original solar contract.

D. Noise (SEIR Section 3.8)

Impact NOI-1: Would the Proposed Project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

The Board finds that implementation of **MM-NOI-1** and **MM-NOI-2** would reduce community noise levels from Proposed Project construction, provide advance notification of construction activities to nearby residents, and place limits on the times when construction activity can occur. Considering the distances between the construction noise sources and receivers, **MM-NOI-1** and **MM-NOI-2** would not be sufficient to reduce the projected increase in the ambient-noise level to the point where it would no longer cause a substantial increase. Therefore, construction noise impacts would remain significant and unavoidable after mitigation.

Implementation of **PF-NOI-1** and **MM-NOI-3–MM-NOI-10** would reduce community noise levels from Amphitheater events and provide a reporting and enforcement procedure to ensure that noise-reduction measures are implemented consistently. Implementation of **MM-NOI-3** would lead to a 10 A-weighted decibel (dBA) reduction in front-of-house noise levels relative to the levels considered in the analysis (i.e., reducing front-of-house levels from 110 dBA to 100 dBA $L_{eq(5min)}$). For a given set of conditions (i.e., sound system setup and atmospheric conditions) a 10 dBA reduction in front-of-house sound levels will translate directly to a 10 dBA reduction in noise levels in the community surrounding the Amphitheater. Applying the 10 dBA reduction to the Amphitheater noise levels reported in Table 3.8-8 and Table 3.8-9 of the SEIR leads to the reduced noise levels shown in Table 3.8-12 and Table 3.8-13 of the SEIR. With mitigation, Amphitheater noise levels at residences in San Pedro, west of the Proposed Project, would not exceed daytime ambient-noise levels and would exceed evening and nighttime ambient levels by less than 5 dBA. Overall, the mitigation would drastically reduce the number of residences in San Pedro west of the Project Site that would be affected by Amphitheater noise levels in excess of ambient levels. However, even with mitigation, Amphitheater noise levels would continue to exceed ambient-noise levels by more than 5 dBA Leq(h) at multiple noise-sensitive receivers, including liveaboard vessels in Al Larson Marina (exceedances of 12 to 18 dBA Leq[h], depending on the time of day), residences at Reservation Point (exceedances of 13 to 21 dBA Leq[h], depending on the atmospheric conditions and time of day), and liveaboard vessels in Cabrillo Marina (exceedances of 13 to 27 dBA Leq[h], depending on the atmospheric conditions and time of day). Therefore, Amphitheater noise impacts would remain significant and unavoidable after mitigation.

Implementation of **MM-NOI-11** and **MM-NOI-12** would limit community noise impacts from fireworks by controlling the maximum number of events per year and ensuring that each event does not exceed the 20-minute duration assumed in the analysis in the Draft SEIR. **MM-NOI-13** would prevent the use of the loudest types of fireworks at the beginning of a fireworks display, which would reduce the startling effects caused by the sudden occurrence of the highest noise levels. However, these three measures would have a negligible effect on the overall noise levels from any individual fireworks display. If fully implemented, **MM-NOI-14** would substantially reduce noise levels and eliminate the significant noise impacts associated with fireworks displays; however, it is unclear whether it would be feasible to replace all the proposed fireworks displays with drone displays. Therefore, fireworks noise impacts would remain significant and unavoidable after mitigation.

Mitigation

PF-NOI-1: Incorporate Sound-Focusing Design into the Amphitheater Sound System

Design, install, and use a house sound system (i.e., loudspeakers and software processing) with sound-focusing capabilities that provides the allowable front-of-house SPL[1] limits within the Amphitheater, while reducing the amount of noise energy spillage outside the Amphitheater. The loudspeaker system will allow for alternative system-tuning parameters to optimize community noise control under different atmospheric conditions.

MM-NOI-1: Construct temporary noise barriers, muffle and maintain construction equipment, prohibit idling, locate equipment, use quiet construction equipment, and notify residents

The following will reduce impact of noise from construction activities.

a) **Temporary Noise Barriers:** When construction is occurring within 500 feet of a residence or park, temporary noise barriers (solid fences or curtains) will be located between noise-generating construction activities and sensitive receivers.

b) **Construction Equipment:** All construction equipment powered by internal combustion engines will be properly muffled and maintained.

c) **Idling Prohibitions:** Unnecessary idling of internal combustion engines near noise sensitive areas will be prohibited.

d) **Equipment Location:** All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing noise sensitive land uses.

e) **Quiet Equipment Selection:** Select quiet construction equipment whenever possible. Comply where feasible with noise limits established in the City's Noise Ordinance.

[1] *Sound pressure* is the sound force per unit area, usually expressed in micro Pascals (or micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The *sound pressure level* is expressed in decibels. *Sound pressure level* is the quantity that is directly measured by a sound level meter

f) **Notification:** Notify residents within 500 feet of the Project Site of the construction schedule in writing.

MM-NOI-2: Construction Hours

Construction activities for the Proposed Project would not exceed the ambient-noise level by 5 dBA at a noise sensitive use between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday. If extended construction hours are needed during weekdays under special circumstances, LAHD and the contractor will provide at least 72 hours' notice to sensitive receptors within 0.5 miles of the construction area. Under no circumstances will construction hours exceed the range prescribed by the City of Los Angeles Municipal Code.

MM-NOI-3: Limit Noise Levels within the Amphitheater during all Tier 1 Events

Limit the maximum front-of-house noise level within the Amphitheater during all Tier 1 Events to a 5-minute A-weighted equivalent noise level of 100 decibels, designated as 100 dBA $L_{eq(5min)}$[2]. The "front-of-house" position is defined as the sound mixing position approximately 95 feet from the Amphitheater stage. The noise level will be monitored and reported in accordance with **MM-NOI-5**, *Monitor Amphitheater Event Noise,* and **MM-NOI-6,** *Noise Reporting Requirements Following Amphitheater Events*. Tier 1 Events are defined as all public or private performance events with amplified sound and intended audiences of more than 500 people. Tier 1 events may include, but are not limited to, Tenant events, public events, leased events, rental events, and other third-party events. Any supporting activities for a Tier 1 Event, such as sound checks and rehearsals, are considered part of the Tier 1 Event and will be subject to the same noise level restrictions, reporting, and penalties, regardless of the presence and/or size of the audience inside the Amphitheater at the time of such activities.

MM-NOI-4: Require all Tier 1 Events to Utilize the House Public Address/Sound Reinforcement System

All leases, contracts, and/or permits for the use of the Amphitheater will require all Tier 1 Events to use the house sound system with the required noise-mitigation features implemented. Users[3] may provide alternative and/or additional stage sound monitors and consoles, but may not use alternative or additional sound system(s) to provide sound to the audience/front-of-house. All auxiliary sound must go through the house sound console prior to amplification, and the sound console must be controlled by an employee of the Tenant. Tier 2 Events (i.e., small events, attended by 500 people or less, such as community events or viewing parties) will be permitted to use an alternative temporary sound system, provided that the system generates lower noise levels than the house sound system. Under no circumstances will Users be

[2] Equivalent Noise Level (L_{eq}) is the average A-weighted noise level during the measurement period. The 5-minute L_{eq} values used for the analyses and assessment of Amphitheater noise levels are denoted as $L_{eq(5min)}$.

[3] A *User* of the Amphitheater is any company or organization, and their associated staff, authorized to operate events at the Amphitheater, including the Tenant and any parties operating under a lease, contract, or permit.

permitted to disable or circumvent any of the noise-control measures required as part of the Amphitheater's lease.

MM-NOI-5: Monitor Amphitheater Noise for all Tier 1 Events

Noise Monitoring Requirements Prior to Project Occupancy

Prior to the use of the house sound system, the Tenant will construct and maintain a permanent noise-monitoring station at the front-of-house sound mixing location and will demonstrate to the satisfaction of the Port that the noise-monitoring station is functional. The noise monitoring hardware will meet the requirements of an ANSI Class 1 SLM and will be designed for permanent/semipermanent installation in outdoor environments under the full range of local weather conditions, including rain and fog. The noise monitoring station and associated software will be capable of data logging and continuous noise-level averaging over various time periods. At a minimum, the station will be capable of reporting the L_{max} and L_{eq} for each consecutive 1-minute, 5-minute, and 1-hour period, as well as the moving 3-minute and 5-minute average L_{eq}, accurately synchronized with the local time. The station will include an interface so the measurement results can be viewed in real time by staff designated to monitor noise levels. The interface will also be available and visible to the User at the front-of-house sound mixing location[4] so that the User can review noise levels in real time. Maintenance of the noise monitoring equipment will include annual calibration of the noise measurement system. The front-of-house noise monitoring microphone will have an unobstructed line of sight to the sound system loudspeaker arrays.

The funding required to meet all costs associated with the required noise monitoring will be the financial responsibility of the Tenant. Such costs may include, but are not limited to, payment of technicians or contractors involved in the monitoring process and any costs associated with the purchase, installation, repair, maintenance, or replacement of the sound-monitoring equipment, including any software or hardware required to support the measurement and reporting program.

Noise Monitoring Requirements during Tier 1 Events

The noise-monitoring station will be active during all Tier 1 Events. During all Tier 1 Events, the Tenant will designate staff member(s) to monitor noise levels via the noise-monitoring station. The designated staff member(s) will possess at least 1 year of verifiable experience related to noise monitoring and will be knowledgeable in the fundamentals of noise propagation and operation of noise-monitoring equipment. Alternatively, staff with less than 1 year of experience may conduct noise-monitoring duties under the training and supervision of an individual with at least 5 years of relevant noise-monitoring experience who is knowledgeable in the fundamentals of noise propagation and operation of noise-monitoring equipment. The designated staff member(s) will observe current noise-measurement data from the monitoring station to identify potential violations.

[4] The *front-of-house sound mixing location* refers to the location within the audience area in front of the stage where the mixing board/console is located and sound levels are controlled by the User's sound engineer.

If the measured noise approaches levels that indicate a potential violation of the 100 dBA $L_{eq(5min)}$ front-of-house limit, then the Tenant will take immediate action to reduce amplified noise levels. Immediate actions can include, but are not limited to, reduced sound amplification, temporary suspension of sound amplification, transitioning to quieter portions of the performance, and early termination of events if other actions fail to control noise levels. Proactive steps should be taken to reduce noise levels and avoid the need for noise-related event termination, and any decision to terminate a performance should consider the effect a shutdown may have on the audience.

MM-NOI-6: Noise Reporting Requirements Following Amphitheater Events

A sound-monitoring data report will be generated for each Tier 1 Event that includes all amplified activities at the Amphitheater. The report should show the measured L_{max} and L_{eq} for each consecutive 1-minute, 5-minute, and 1-hour period throughout each affected day and should indicate the start and end times of each activity (e.g., rehearsal, sound check, performance). Any $L_{eq(5min)}$ that exceeds 100 dBA at the front-of-house monitoring location will be clearly flagged in the report, and a consolidated summary of all noise exceedances (if any) throughout each day will be provided. The report will identify any actions taken to reduce excessive noise levels and should evaluate the results of these actions.

The Tenant will maintain a log of all sound-monitoring data reports to provide a permanent record and document any violations of the sound level limit(s) that occurred. For events that cause any violations of the sound level limits, or for event logs requested at any time by the Executive Director, the sound monitoring log will be furnished to the Port within 48 hours of the conclusion of the event. For all other events, the sound monitoring log will be furnished to the Port within 30 days. All sound monitoring data and associated reports will be maintained by the Tenant for a minimum of 5 years after each event day.

MM-NOI-7: Establish a Noise Complaint Hotline and/or Website

The Tenant will maintain a dedicated noise-complaint hotline and/or website for the proposed Amphitheater, which will be staffed during all events to respond in real-time, to the extent feasible, to any complaints. At all times, the Tenant will remain in control of the sound emanating from the venue, directly operating the sound boards and/or overseeing those that do. The phone number/web address for the hotline will be published on the Tenant's public website. All noise complaints will be documented and addressed by the Tenant. Complaint logs will be provided to the LAHD on an annual basis or as requested by the Executive Director.

MM-NOI-8: Enforce a Curfew and Restrict the Hours of Use and Duration for the Amphitheater Amplified Sound System

All events will conclude no later than 10:30 p.m. on all nights, unless prior written permission has been granted by the Executive Director or designated Deputy. In no case, however, will a performance extend past 11:00 p.m. The use of the sound system at the Amphitheater will start no earlier than 8:00 a.m. The Tenant is responsible for recording event start and end times and

logs will be provided to the LAHD on an annual basis or as requested by the Executive Director.

On any Tier 1 Event day that includes a public or private performance, the total use of amplified sound equipment for all activities (e.g., rehearsal, soundcheck, performance) will be limited to a cumulative total of 12 hours. Sound amplification may occur over multiple distinct intervals, as long as the sum of those intervals is 12 hours or less.

On non-performance days, the total use of amplified sound equipment in preparation for Tier 1 Events will be limited to no more than a cumulative total of up to 4 hours.

MM-NOI-9: Fines for Non-Compliance

The maximum permissible front-of-house noise level within the Amphitheater is a 5-minute A-weighted equivalent noise level of 100 decibels, designated as 100 dBA $L_{eq(5min)}$. For the purposes of assessing compliance, the noise level will be assessed for each discrete consecutive 5-minute period starting at regular clock intervals (e.g., 8:00 p.m., 8:05 p.m., 8:10 p.m.). Every 5-minute interval during which the noise level exceeds 100 dBA $L_{eq(5min)}$ will be considered one Offense, with the exception that the front-of-house noise limit does not apply to noise from fireworks that are operated in compliance with the Amphitheater lease and all other applicable permits and regulations.

The noise monitoring station (as defined in **MM-NOI-5**) would include an interface that allows designated noise monitoring staff member(s) to view measured noise levels in real time. If sound levels exceed 100 dBA, sustained over any 3-minute interval, then the designated noise monitoring staff member(s) will issue the User an official warning to lower the sound levels. An official warning will be presumed to have been issued when sound levels exceed 100 dBA, sustained over any 3-minute interval, at the 3-minute mark. If additional violations occur, additional warnings and monetary penalties will apply as set forth below:

- **First Offense**: A notification of Offense, including a second warning to lower sound levels, will be issued during the performance if sound levels exceed 100 dBA $L_{eq(5min)}$ over any discrete consecutive 5-minute period starting at regular clock intervals (e.g., 8:00 p.m., 8:05 p.m., 8:10 p.m., etc.).
- **Second Offense**: A $5,000 fine.
- **Third Offense**: A $7,500 fine.
- **Subsequent Offenses**: $10,000 per violation.
- **Curfew Penalty**: A penalty of $1,000 per minute for the first 5 minutes past the applicable curfew for the event (10:30 p.m. or as established in **MM-NOI-8**). A penalty of $5,000 per minute will be assessed thereafter.

However, should sound levels exceed 105 dBA $L_{eq(5min)}$ at any time, there will be no warnings to lower the sound, and an immediate fine of $10,000 will be assessed to the User and for any subsequent violations that also exceed 105 dBA $L_{eq(5min)}$.

MM-NOI-10: Restrict the Total Number of Tier 1 Event Performance Days to 100 per Year

The total number of Tier 1 Event performance days will not exceed 100 per calendar year. For Tier 1 Event performances that run over multiple days, each calendar day that includes a performance will count against the allowed total. For example, a 3-night run by the same artist would count as three separate Tier 1 Event performance days, or a 2-day jazz festival would count as two separate Tier 1 Event performance days. Soundchecks or rehearsals on non-performance days will not count against the allowed total, provided they comply with all other applicable restrictions (including noise levels, curfews, and durations).

MM-NOI-11: Restrict the Total Number of Firework Displays to 13 per Year

The total number of firework displays will not exceed 13 per calendar year.

MM-NOI-12: Limit the Duration of All Firework Displays

The duration of all firework displays will be no longer than 10 minutes on all nights, with the exception of two firework displays that will be permitted to be up to 20 minutes, unless prior written permission has been granted by the Executive Director or designated Deputy. The Tenant is responsible for recording firework display start and end times, and logs will be provided to the LAHD on an annual basis or as requested by the Executive Director.

MM-NOI-13: Eliminate the Use of "Salute" Fireworks

Fireworks display events will not use concussion type, non-color shells such as "salutes" (*salute fireworks*, also known as *maroon fireworks*, are fireworks designed to make a very loud bang, or "report," and an intense flash of light).

MM-NOI-14: Replace Fireworks Displays with Drone Displays

To the extent permitted by Amphitheater programming, available technology, and all applicable legal, safety, and permit requirements, replace firework displays with lighted drone displays.

E. Transportation (SEIR Section 3.9)

Impact TRAN-2: Would the Proposed Project conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b)?

The Board finds that because of the operational and administrative inefficiencies and challenges of Transportation Demand Management (TDM) for special-event venues, TDM mitigation measures are not expected to reduce the Proposed Project's vehicle miles traveled (VMT) impact to less-than-significant levels. The Proposed Project would result in a significant and unavoidable transportation impact.

Construction

Due to the temporary nature of construction traffic associated with the Proposed Project, a substantial increase in VMT would not be anticipated to result from construction. Given the temporary nature of construction-industry jobs, the relatively large regional construction industry, and the total number of construction workers needed during any Proposed Project construction phase, it is likely that the labor force from within the region would be sufficient to complete the majority of Proposed Project construction without a substantial influx of new workers and their families, and thus would not result in a substantial increase in VMT. Therefore, construction of the Proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064. Impacts would be less than significant, and no mitigation would be required.

Operation

Under operation of the Proposed Project, **Impact TRAN-2** is expected to be significant and unavoidable. This determination is described below, including discussion for each Proposed Project component.

Amphitheater

The Proposed Project is anticipated to be a regionally serving event center. With a capacity of 6,200 guests, the proposed Amphitheater is expected to be of a similar scale as other venues in the region that serve regional audiences. To establish the Proposed Project as a regionally serving event center and estimate anticipated VMT, four comparable venues in southern California were used as samples in a catchment area analysis. The catchment area analysis is intended to establish a general understanding of the geographic market area of the other southern California event venues for transportation analysis purposes.

Based on the catchment area analysis, it was determined that each of these venues serve regional catchment areas, with a substantial portion of visitors originating 30 or miles away from the venue. Except for the Greek Theater, analysis of all venues showed that more than 10 percent of trips were greater than 30 miles in length; for Long Beach Terrace, a venue half the size of the Proposed Project, 24.2 percent of trips were more than 20 miles in length. 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. It is expected that the Proposed Project would result in a net increase in regionally serving events throughout the year, rather than replacing events that would have otherwise occurred at the comparable venues. Thus, a net increase in regional VMT is expected, which would result in a significant transportation impact.

208 E. 22nd Street Parking Lot

The 208 E. 22nd Street Parking Lot would not constitute a trip-generating use in and of itself; therefore, it would not produce trips but would serve as overflow parking for the Amphitheater and other SPW uses. With up to 2,600 spaces, the 208 E. 22nd Street Parking Lot would be the largest proposed lot intended for Amphitheater visitors.

The 208 E. 22nd Street Parking Lot is located approximately 0.5 mile away from the South (main) Driveway of the Proposed Project. Because the average trip length for the comparable venues

described above includes visitors who drove to the venues' designated lots and parked, it can be assumed that the estimated average trip length of 16.6 miles for the Proposed Project is inclusive of this 0.5 mile. Thus, any Proposed Project-related VMT effects of the 208 E. 22nd Street Parking Lot would be associated with the impacts identified for the Amphitheater.

Ferris Wheel and Amusement Attractions

The Ferris wheel and amusement attractions component of the Proposed Project is expected to be ancillary to the Amphitheater and adjacent retail uses, and, as a result, is not expected to generate new vehicle trips (or VMT) independent of these other uses, given that visitors to the amusement attractions would reasonably be anticipated as visiting other uses of and adjacent to the Proposed Project. Thus, the Ferris wheel and amusement attractions would not result in a significant impact on VMT. Additionally, as with the Amphitheater, the expected employment of the Ferris wheel and amusement attractions was incorporated into the SCAG 2024 RTP/SCS and would therefore not result in a significant cumulative VMT impact per the LADOT TAG.

Mitigation

Mitigation measures for VMT impacts involve the implementation of **MM-TRAN-1**, *Implementation of Transportation Demand Management (TDM) Strategies*. The LADOT TAG Attachment G includes quantification of effectiveness of strategies recommended by the City. TDM strategies are typically effective for residential- or office-development projects, which involve regular, predictable commute patterns or mobility behavior. Typical TDM strategies and their quantified effectiveness, including those noted in the LADOT TAG Attachment G, may not be directly applicable to special-event venues, such as the Proposed Project, for the following reasons:

- The Amphitheater would host events of varying sizes throughout the year, making it difficult to operate TDM strategies consistently and effectively.
- Special events are time-limited, lasting only for a few hours. This short duration poses operational and administrative challenges for TDM solutions that require consistent application and behavioral changes over time.
- Unlike commuters or residents, event attendees have a specific, one-time purpose (as opposed to a daily-commute habit) and may be less amenable to behavioral changes associated with TDM, such as using public transportation, carpooling, or alternative-transportation options.
- The timing and schedule of special events is not consistent, which poses challenges to the effective implementation and administration of TDM strategies.
- Transit agencies often run reduced hours or reduced frequency at night and during weekends, when many events would take place, posing challenges to the administration and effectiveness of transit-based TDM strategies.

Considering the challenges listed above, there are no feasible mitigation measures that would fully reduce Proposed Project-related VMT to a less-than-significant impact. However, the TDM mitigation measure **MM-TRAN-1** noted in Table V-1 should be implemented by the Tenant to reduce Proposed Project–related VMT.

Table V-1. MM-TRAN-1 TDM Strategies

Strategy	Description
MM-TRAN-1: Implementation of Transportation Demand Management (TDM) Strategies	
Event-Specific Expanded Public Transit Similar to T-25 (CAPCOA 2021)	Coordinate with LA Metro or LADOT to determine the feasibility of expanding services during events, including the feasibility of increasing frequency, network, or service hours.
Event-Ticket Packaging (Valk and Showalter 2003)	Include a link on the Amphitheater website to the LA Metro and LADOT Transit Pass purchase websites.
Traveler Information and Wayfinding (Parisi Transportation Consulting/Mead & Hunt 2022)	Develop and implement event-tailored visitor information to support navigation by transit and improve wayfinding from nearby transit connections prior to the start of Amphitheater operations.
Event-Specific Education and Outreach (Parisi Transportation Consulting/Mead & Hunt 2022)	Develop and implement social media and other marketing and outreach about mass transit and carpooling options for Amphitheater events prior to the start of Amphitheater operations.
Carpooling-Related Mitigation Measures	
Carpooling Incentive Program	Develop and implement a carpooling incentive program and transit pass program for Amphitheater employees, with a goal of achieving an average vehicle ridership of 2.0 for Amphitheater employees.
Designate Priority Parking Spaces for Electric and Clean Air Vehicles	Designate parking spaces for Amphitheater guests for electric-vehicle charging and Clean Air Vehicles.
Encourage Use of Satellite Shuttle Service	Encourage Amphitheater guests to use shuttle services from predetermined, offsite parking locations or transit connections (beyond proposed service for the 208 E. 22nd Street Parking Lot), such as those that connect to the Metro J (Silver) Line Bus Rapid Transit line in San Pedro, or the Metro A (Blue) Light Rail line in Downtown Long Beach. Coordinate with LA Metro to determine feasibility of locating a Metro A (Blue) Light Rail line shuttle stop near the Amphitheater.
Carpooling-Application Coordination	Coordinate with existing rideshare/carpooling applications generally available in the marketplace to encourage carpooling to Amphitheater events.
Active Transportation-Related Strategies	
Active Transportation Communication	Share active transportation plans across digital-media channels, such as including website links to the Port's connectivity plan. Additionally, partner with San Pedro's Historic Waterfront Business Improvement District and/or other local parking-lot owners to communicate and direct the public to available public parking lots and transit-related amenities, trolley stops, and other circulation and transit-related options that may become available.

Strategy	Description
Provide End-of-Trip Bicycle Facilities similar to T-10 (CAPCOA 2021)	Install and maintain end-of-trip bicycle facilities for employees or Amphitheater-event guest use. End-of-trip facilities include bicycle parking and lockers.

Sources: CAPCOA 2021**;** Valk and Showalter 2003**;** Parisi Transportation Consulting/Mead & Hunt 2022
CAPCOA = California Air Pollution Control Officers Association; LADOT = Los Angeles Department of Transportation; LA Metro = Los Angeles County Metropolitan Transportation Authority: MM = Mitigation Measure.

VI. Finding Regarding Significant Irreversible Environmental Changes

CEQA requires that an EIR must address any significant irreversible environmental changes that would be caused if the Proposed Project were implemented (CEQA Guidelines Section 15126.2(c)). An impact would come under this category if (1) the project would involve a large commitment of nonrenewable resources; (2) the primary and secondary impacts of the project would generally commit future generations to similar uses; (3) the project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; and (4) the proposed consumption of resources is not justified.

Construction of the Proposed Project would require the use of non-renewable resources, such as fossil fuels and non-renewable construction materials. Operation of the Proposed Project would also result in an irreversible commitment of non-renewable resources, including fossil fuels and natural gas. Use of these resources, however, would not substantially deplete existing supplies.

Fossil fuels and energy would be consumed during construction and operational activities. Fossil fuels, in the form of diesel oil and gasoline, would be used for construction equipment and vehicles. During operations, diesel oil and gasoline would be used by vehicles servicing and attending events. Electrical energy and natural gas would also be consumed during construction and operation. These energy resources would be irretrievable and irreversible.

Non-recoverable materials and energy would be used during construction and operational activities, but the amounts needed would be accommodated by existing supplies. Although the increase in the amount of materials and energy used would be minimal, they would nevertheless be unavailable for other uses.

Construction activities that result in physical changes to the environment have the most potential to result in irreversible changes. Improvements to the 208 E. 22nd Street Parking Lot would require the removal of an existing Red Car maintenance facility, existing Red Car loading platform, existing rails, and the 3,500-square-foot Pacific Performance Racing building located at 264 E. 22nd Street, and then paving the majority of the 18-acre site. Demolition of the Red Car maintenance facility, Red Car loading platform, and the building at 264 E. 22nd Street, as well as removal of the rails, would be considered an irreversible change. However, none of the Proposed Project elements would result in irreversible environmental damage. For example, the Proposed Project would not have a significant impact on aesthetic resources, historical resources, or sensitive biological species or communities that could not be mitigated to less-than-significant levels. The Proposed Project would not result in a loss of significant environmental resources or irreversible changes, with the exception of demolition of the

Red Car maintenance facility, Red Car loading platform and rails, and the Pacific Performance Racing building at the corner of Harbor Boulevard and 22nd Street, which could not be returned to pre-Project conditions. However, as discussed in the Draft SEIR, these are not historical resources under CEQA.

Impacts associated with operation of the Proposed Project would occur as described in Chapter 3, *Environmental Impact Analysis*, of the Draft SEIR. However, such impacts would cease or would change in some fashion should the Proposed Project, or portions thereof, cease to operate, change operations, or otherwise be redeveloped and reused. For example:

- Potential impacts related to aesthetics would change should the Proposed Project be demolished and/or the area redeveloped in the future;
- Potential impacts on air quality related to increased pollutants and emissions would be reduced or eliminated should the area not be occupied in the future;
- Potential impacts related to sensitive biological species or communities would be eliminated should the Amphitheater cease to operate;
- Potential impacts related to energy would be reduced or eliminated should Amphitheater activities be reduced or eliminated;
- Potential impacts related to noise would be reduced or eliminated should the Amphitheater or commercial activities be reduced or eliminated. Significant and unavoidable impacts related to ambient noise levels in the vicinity of the Proposed Project would remain even with mitigation and features due to both construction and operation; and
- Significant and unavoidable Transportation impacts related to VMT would be eliminated or reduced with operational changes or physical changes that may occur in the future or if the project approved under the 2009 SPW EIS/EIR were to be implemented.

Therefore, the Proposed Project and Alternative 2 could result in significant irreversible changes due to the use of energy resources and fossil fuels during construction and operation. However, construction and operation of the Proposed Project would not result in significant irreversible impacts on other environmental resources, as described above. Alternative 1 could result in the significant irreversible changes that were discussed in the 2009 SPW EIS/EIR.

VII. Finding Regarding Growth-Inducing Impacts

CEQA Guidelines require an EIR to discuss the ways in which a project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. This includes ways in which a project would remove obstacles to population growth or trigger the construction of new community-services facilities that could cause significant effects (CEQA Guidelines § 15126.2).

To address this issue, potential growth-inducing effects are examined through the following considerations:

- Removal of obstacles to growth (e.g., through the construction or extension of major infrastructure facilities that do not presently exist in a project area or through changes in existing regulations pertaining to land development);
- Expansion requirements for one or more public services to maintain desired levels of service as a result of a project or alternatives;
- Facilitation of economic effects that could result in other activities that could significantly affect the environment; or
- Setting a precedent that could encourage and facilitate other activities that could significantly affect the environment.

Growth-inducing effects are not to be construed as necessarily beneficial, detrimental, or of little significance to the environment. This issue is presented to provide additional information about ways in which the Proposed Project could contribute to significant changes in the environment, beyond the direct consequences of developing the Amphitheater, Ferris wheel, amusement attractions, and the 208 E. 22nd Street Parking Lot that were examined in the SEIR.

The Proposed Project would be designed to not only improve POLA, but also foster private-sector economic investment and growth by making the waterfront more attractive and user-friendly for residents of the area and visitors. Due to the desirability of being located near the improved waterfront, a more attractive and user-friendly waterfront could encourage the development of residential and commercial properties in the nearby community. The Proposed Project would also introduce new employment opportunities in the short term from construction activities and in the long term from operation of the Proposed Project. It is anticipated that the majority of new employees would come from the diverse worker population already residing within Southern California; the Proposed Project would not require a substantial influx of new residents into the area to fill new jobs. The Proposed Project would not include the development of new housing or infrastructure that would directly induce population growth. As such, the Proposed Project would not adversely affect the existing housing stock in the surrounding area.

The Proposed Project could indirectly result in economic growth by increasing the number of patrons along the waterfront and in downtown San Pedro. Sales would be generated by businesses that would be engaged in supplying services and materials to the visiting patrons attending Amphitheater events, as well as businesses in the San Pedro area that would supply services to the Amphitheater for hosting events. Amphitheater attendees eating at a local restaurant and/or shopping at a local store would create direct economic benefits for those businesses. This could, in turn, lead to more investment and growth in the waterfront and downtown area, the impacts of which were analyzed and addressed in the 2009 SPW EIS/EIR, 2016 SPPM Addendum, and 2019 SPPM Addendum.

VIII. Findings Regarding Alternatives Evaluated in SEIR

Various alternatives were considered during preparation of this SEIR. CEQA requires that an EIR present a range of reasonable alternatives to the Proposed Project. Accordingly, the Proposed Project and two alternatives—a No Project Alternative and a Half-Capacity Amphitheater Alternative—have been considered. Both alternatives meet most of the Proposed Project objectives and purpose and need statement, as required by CEQA, and have been analyzed in this SEIR to provide sufficient information and meaningful detail about the environmental effects of each alternative, so that informed decision-making can occur. The two alternatives that were carried through the analysis of impacts are:

- Alternative 1 —No Project Alternative (based on the approved 2009 SPW EIS/EIR, as updated in the 2016 SPPM Addendum and 2019 SPPM Addendum, as applicable); and
- Alternative 2 —Half-Capacity Amphitheater Alternative.

Alternative 1 – No Project Alternative

This alternative considers what would reasonably be expected to occur on the site if the Proposed Project did not occur. In this case, Alternative 1 would not allow implementation of the Proposed Project or other physical improvements associated with the Proposed Project. Without the development of the Proposed Project, the area would still be developed under the approved 2009 SPW EIS/EIR and 2016 SPPM Addendum, as applicable, for the Project Site.

Alternative 2 – Half-Capacity Amphitheater Alternative

This alternative would include all of the improvements of the Proposed Project, except the Amphitheater would have half the seating capacity. The Proposed Project would have 6,200 seats, whereas Alternative 2 would have 3,100 seats.

Environmentally Superior Alternative

CEQA requires a lead agency to identify the "environmentally superior alternative" and, in cases where the "No Project" Alternative is environmentally superior to the Proposed Project, the environmentally superior development alternative must be identified. Both alternatives have similar environmental impacts when compared to the Proposed Project, except for air quality, cultural resources, noise, public services, and transportation. Because Alternative 1 would allow development consistent with the 2009 SPW EIS/EIR (and as amended by the 2016 SPPM Addendum), Alternative 1 would only be able to build a 500-seat Amphitheater instead of the 6,200-seat Amphitheater proposed by the Proposed Project. In addition, Alternative 1 does not include development of the 208 E. 22nd Street Parking Lot and the associated cultural impacts. As such, Alternative 1 would have reduced impacts for cultural resources, noise, public services, and transportation as compared to the Proposed Project. Alternative 1 would not meet Project objective 2 and would meet objectives 1, 4, and 5 to a lesser extent as compared to the Proposed Project. Alternative 2 would implement a half-capacity (3,100-seat) Amphitheater and, as such, would have

reduced impacts associated with air quality and transportation. Alternative 2 would meet all of the Project objectives, but to a lesser extent as compared to the Proposed Project. The ability to meet the Project objectives to a lesser extent would be due to the fact that the reduced venue size would limit the type and quality of performances the venue would be able to entice. Alternative 2 would not support the types of shows that would be attracted to the larger Amphitheater. For example, the Greek Theater has a seating capacity of 5,900, which is similar to the size of the Proposed Project's Amphitheater and which allows the Greek Theater to attract shows with top talent (The Greek Theater 2024). As another example, the new Rady Shell at Jacobs Park has seating for up to 10,000 guests (Port of San Diego 2024). The proposed 6,200-seat Amphitheater would allow the Proposed Project to compete for the acts attracted to these larger-sized venues.

Therefore, Alternative 1, the No Project Alternative, has been identified as the environmentally superior alternative. However, according to CEQA guidance, because Alternative 1 is considered the No Project Alternative, Alternative 2 would be considered the most environmentally superior option among the remaining alternative options. CEQA does not require the lead agency to choose the environmentally superior alternative. Instead, CEQA requires the Port to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the Proposed Project, and make Findings that the benefits of those considerations outweigh the harm. "Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic Project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts" (CEQA Guidelines § 15126.6[c]).

IX. Findings on Responses to Comments on the Draft SEIR and Revisions Made in the Final SEIR

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of environmental issues as raised in the comments, as specified by CEQA Guidelines §15088(b). The SEIR also includes minor clarifications and modifications. The Board has reviewed and considered the Final SEIR and this information.

The Board finds that responses to comments made on the Draft SEIR and revisions made in the Final SEIR merely clarify, amplify, or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5.

CEQA Guidelines §15088.5 provides:

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification…. "Information" can include changes in the project or environmental setting as well as additional data or other information…."Significant new information" requiring recirculation includes, for example…

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The new information added to the SEIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed and that would clearly lessen the significant environmental impacts of the Proposed Project.

X. Finding Adopting A Mitigation Monitoring Program

The Board finds that an MMRP has been prepared for the Proposed Project and has been adopted concurrently with these Findings (PRC §21081.6(a)(1)). LAHD will use the MMRP to track compliance with mitigation measures. A copy of the final MMRP is provided as part of the staff report.

XI. Finding Regarding Location and Custodian of Record

The documents and other materials that constitute the record of proceedings on which LAHD's Findings of Fact are based are located at Port of Los Angeles Environmental Management Division, 425 S Palos Verdes Street, San Pedro CA 90731. The custodian of these documents is Lisa Wunder, Acting Director of Environmental Management. This information is provided in compliance with PRC § 21081.6(a)(2) and 14 Cal. Code Regs. §15091(e).

For purposes of CEQA and these Findings, the Record of Proceedings for the Proposed Project consists of the following documents, at a minimum:

- The NOP and all other public notices issued by LAHD and in conjunction with the Proposed Project;
- The Draft and Final SEIRs, including appendices and technical studies included or referenced in the Draft and Final SEIRs;
- All comments submitted by agencies or members of the public during the 66-day public comment period on the Draft SEIR;

- All comments and correspondence submitted to LAHD with respect to the Proposed Project;
- The MMRP for the Proposed Project;
- All Findings and resolutions adopted by LAHD decisionmakers in connection with the Proposed Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Proposed Project prepared by ICF, consultants to LAHD;
- All documents and information submitted to LAHD by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Proposed Project, up through the date the Board approved the Proposed Project;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by LAHD, in connection with the Proposed Project;
- Any documentary or other evidence submitted to LAHD at such information sessions, public meetings, and public hearing;
- Matters of common knowledge to LAHD, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings, in addition to those cited above; and
- Any other materials required to be in the Record of Proceedings by PRC §21167.6(e).

XII. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of the Proposed Project against unavoidable environmental risks in determining whether to approve the Project. As detailed in the Findings, the Proposed Project would result in significant unavoidable impacts to air quality, biology, GHG, noise, and transportation. The Proposed Project would also result in cumulatively considerable contributions to significant cumulative impacts on air quality and GHG.

The Proposed Project offers several benefits that outweigh its unavoidable adverse environmental effects. The Board adopts the following Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the Proposed Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives that would avoid or reduce the significant impacts of the Proposed Project, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Proposed Project against the Proposed Project's significant and unavoidable impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The following summarizes the benefits, goals, and objectives of the Proposed Project and provide the rationale for the benefits of the Proposed Project. The Board finds that any one of the environmental, technological, policy, and economic benefits of the Proposed Project set forth below

is sufficient by itself to warrant approval of the Proposed Project. These overriding considerations justify approval of the Proposed Project and certification of the Final SEIR. This determination is based on the findings herein and the evidence in the record. These benefits include the following:

- **Fosters economic growth, including jobs.** The Proposed Project would augment local employment and business opportunities by directly supporting numerous short-term construction jobs, long-term operational jobs, and a variety of indirect jobs related to construction and operation. The Proposed Project would also support long-term economic growth by generating revenues to the Port over the operational life of the Proposed Project. During construction the West Harbor Project is estimated to support a total of approximately 1,360 jobs (one-year equivalent), labor income of $107 million, and $296 million in economic output. During ongoing operation, the West Harbor Project is estimated to support a total of approximately 1,700 jobs, labor income of $88 million, and $250 million in economic output (Kosmont Companies 2025).
- **Implements the San Pedro Bay Clean Air Action Plan (CAAP).** The Proposed Project incorporates Project-specific environmental features that are consistent with CAAP requirements, along with implementation of additional standards and mitigation measures, such as **MM-AQ-31**, identified through the CEQA findings that meet CAAP requirements and objectives (see Section 3.2, Air Quality and Section 3.5 GHG, of the Draft EIR).
- **Updates previous Mitigation Measures from the 2009 Project.** The Proposed Project would update previously adopted mitigation measures to reflect changes since their consideration. These improvements would not be implemented without this Proposed Project.
- **Includes the208 E. 22nd Street Parking Lot Improvement.** The development of the 208 E. 22nd Street parking lot would support the overall development of the waterfront by providing additional parking and access.
- **Optimizes land use.** The Proposed Project seeks to improve this underutilized space through the enhancement and revitalization of the existing SPW area. By including a substantially larger outdoor concert amphitheater and entertainment lawn venue/park space and additional attractions for visitors to the SPW area, the Proposed Project will optimize the provision of visitor-serving benefits from a valuable waterfront property resource, thereby promoting and maximizing public access to Public Trust lands. The Proposed Project also allows for more access and opportunities to enjoy the coast, which is consistent with the Coastal Act.

In summary, the Proposed Project would allow LAHD to meet its legal mandates to accommodate growing international commerce, while maintaining compliance with important environmental programs and policies. The Board hereby finds that each of the benefits of the Proposed Project described above outweighs the significant and unavoidable environmental effects and are therefore considered acceptable.

XIII. References

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