Appendix C.3
Groups and Organizations (GO)
GO17 - GO36

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January 17, 2023

By Email and Overnight

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Re: Comments on the Draft Environmental Impact Report for the Los Angeles Aerial Rapid Transit Project, SCH No. 2020100007

Dear Mr. Zelmer:

On behalf of The California Endowment ("TCE"), we submit the following comments on the Draft Environmental Impact Report ("DEIR") prepared for the project ("Project") proposed by Los Angeles Aerial Rapid Transit ("ARTT"). GO17-1

Summary and Statement of Position.

We provide the following summary of our position, followed by a table of contents and the remainder of our letter.

Introduction & Overview: We oppose the Project and request that it be terminated immediately.

Metro should not be supporting this unsolicited private project proposed at the behest of Frank McCourt and his companies because it is not a public transportation project, but rather, a common carrier tourist attraction. Because it is a private carrier for private benefit which Metro will not own, operate, or control, this private project should not benefit from public land, air rights, or taxpayer resources—all of which will be necessary for this estimated $300 million behemoth to become a reality. As the DEIR itself acknowledges there is a superior way to achieve the outcomes allegedly GO17-2

sought by this proposed project that involves public transportation—electric buses. If the Project is to be pursued, Metro should not be the lead agency - because the City of Los Angeles ("City") is in a much better position and is more properly designated as the lead agency.

cont'd GO17-2

The DEIR is Deficient and Must be Revised and Recirculated: The DEIR is seriously deficient. It fails to fulfill its function of informing both the public and the decisionmakers of the impacts of the Project, potentially feasible mitigation measures, and alternatives to the Project. As a result, it cannot provide the basis for reasoned decision-making as required by the California Environmental Quality Act ("CEQA").

If it is pursued further, the DEIR must be corrected and recirculated. An EIR is not supposed to be a sales brochure or advertisement for a project. It is supposed to be an unbiased full disclosure document that advises the public and decisionmakers of the impacts of a project and how any negative impacts can and will be reduced. The DEIR presented by ARTT and Metro falls woefully short of those legal requirements for full and accurate disclosure.

GO17-3

The DEIR is Misleading: Sadly, omission of critical information and use of analytically misleading half-truths is a common theme throughout the EIR. Mitigation measures for the Project's negative impacts are ineffective and explicitly deferred. It remains unclear what any unspecified future mitigation measures will entail, but the certainty and effectiveness of any proposed mitigations remain in question because the project proponent has not committed to funding any portion of the project other than initial environmental review and permitting.

GO17-4

The Financing Plan is Missing: To date, the Project does not have a financing plan, a plan that is critical to understanding how negative impacts identified in the DEIR will be mitigated by the Project's proponent, if they will be mitigated at all.[1] The Project's financial plan- which the Metro board

[1] Newspaper accounts reported that the gondola project was transferred to a newly-created entity named Zero Emissions Transit (ZET), which is apparently a subsidiary of Climate Resolve. However, in court documents, Metro representatives stated under perjury that the transfer had not yet occurred, and was just a non-binding statement of future intention. (Declaration Of Ronald W. Stamm In Support Of Respondent's And Real Party's Joint Opposition To Motion To Augment The Record And File A First

GO17-5

was promised would be made available before the end of September 2022- is missing altogether. Since the proponent- Frank McCourt's company, ARTT/ McCourt Global- has only committed to funding about 3% of the entire project budget, the shortfalls in construction and operating revenues will need to be made up somewhere and it is most likely that some if not all will come from public transit funding sources- better used for public projects. The DEIR should have discussed who is responsible for the Project, its implementation, and its mitigation measures both in the short range and the long range terms. We could discern no mention of Climate Resolve or ZET in the EIR at all. In this way, the EIR fails as a full disclosure document.

cont'd GO17-5

Unavoidable Impacts Cannot be Mitigated: Mitigation of identified negative impacts will be expensive but are critical to protect the neighborhoods and people living and working near the Project route. Traffic, air pollution, parking, noise and recreation will all have a significant impact on the local community and historic nearby landmarks. The Noise section of the DEIR identifies that there will be significant and so-called unavoidable impacts from construction equipment. This noise and vibration will affect the neighborhoods around El Pueblo and in Chinatown. The vibration will threaten the physical integrity of the El Grito Mural and the Avila Adobe. TCE offices, which are less than 100 feet from the proposed site of the Alameda tower support over 400 office workers which in addition to TCE staff include over 11 non-profit orgs in addition to another dozen groups in various stages of incubation and their staff members, as well as hundreds of non-profit and governmental visitors who participate in conferences on site on a daily basis. Homeboy Industries is also a sensitive receptor in this area and would be similarly impacts by noise and vibration. These impacts can be avoided by denying the project altogether, or choosing the environmentally superior alternative, which in the EIR is called "Transportation Systems Management" but comes down to enhancement of the Dodger Express Buses system.

GO17-6

Instead of promoting a private gondola to a private sports stadium (an amusement park ride, not actual public transit), Metro should focus on enhancing actual public transit options with its limited resources and staff and Board time.

GO17-7

FN GO17-5 Amended Petition in Los Angeles Superior Court case no. 22STCP01030, filed October 6, 2022, paragraph 10.)

The City of Los Angeles is the Appropriate Lead Agency:

Because the Project is a private project and not a public transportation project, we ask that the Project review process be terminated immediately. In the alternative, Metro should transfer lead agency status to the City to complete review and processing of the gondola Project. Because decisions about this development will have profound impacts on the City and the future the quality of life of City residents, the City, not Metro, is the proper lead agency. GO17-8

As discussed below, some impacts are disclosed by the DEIR as significant and unavoidable (noise and vibration). Still other impacts are reported to be mitigated below the level of significance, but because the impact was understated, or the mitigation measure is uncertain or vague, the impacts will be significant (traffic, local air quality, cultural resources, recreation and parks, and land use). Together, these impacts are unacceptable. Projects proposed through our public entities, whether Metro or the City, should maintain and improve, not degrade, the quality of life in Los Angeles. GO17-9

Conclusion: Outright denial of this Project is appropriate in view of the numerous significant, unavoidable environmental impacts of the Project and the existence of a superior, emission free, less costly and less community impactful method of achieving the stated goal of this project. GO17-10

Denial of the Project is also appropriate because Metro has no ability to approve this project because it is wholly private- not a public-private project or other type of project that may be approved by Metro for joint development with ARTT. Instead of reviewing the Project as lead agency, Metro should transfer lead agency status to the City of Los Angeles, which is required to approve a greater number of Project related actions and has a greater ability to monitor and control Project implementation in the future if it is implemented. GO17-11

The California Endowment's complete DEIR Comment Letter follows. GO17-12

To assist in review of this Comment letter, we provide the following Table of Contents:

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I. PRELIMINARY STATEMENT AND LEGAL FRAMEWORK: THE GONDOLA PROJECT SHOULD BE REJECTED OUTRIGHT.

A. Preliminary Statement On Gondola Proposal and Processes.

1. Impacts on TCE and the Community.

The Endowment—who will be directly impacted by this Gondola Project and its use of the surrounding land-- seeks to protect the interests of its community, and to ensure that local agencies (like Metro) comply with their own laws. (See Notice of Preparation Letter Submitted by The Endowment and Homeboy in EIR Appendix A.)

GO17-13

TCE's Building Healthy Communities Initiative is focused on empowering local communities to change the conditions, policies and practices that create racial, health and opportunity disparities in communities.[2] TCE is partnered with fourteen communities across California to engage in place based community change initiatives to build healthy and safe neighborhoods for children to grow up in. Much of this work is accomplished by creating spaces for collaboration by nonprofit service providers. The Center for Healthy Communities on Alameda is such a space. TCE's Center for Healthy Communities campus has become an anchor pillar of the region's nonprofit community, annually hosting thousands of conference attendees to work on the wellness gaps in our community.5 Every

FN GO17-13

2 The California Endowment <https://www.calendow.org/the-center-for-healthy-communities/los-angeles/>

year TCE welcomes over 150,000 guests to its campus. For example during 2019, the Center for Healthy Communities Campus hosted an average of 8 conferences per day for community stakeholders such as the City of Los Angeles, the County of Los Angeles, and LA Metro. This includes over 500 Grantee conferences, 700 Government conferences, and 800 non-profit conferences annually. At TCE, we strive to continue to expand these programs and are actively planning on adding additional programming space, that will increase our daily visitor count and help to complete the vision of the campus. Completing the TCE campus will foster the development of additional community leadership, civic engagement, and transitional housing support in the community. The California Endowment's Center for Healthy Communities represents opportunities for civic engagement and participation by the nonprofit sector in improving community well-being in the region. Completing the TCE campus is also complementary to the shared vision of a establishing a "Hope Village" for the further advancement of the community. cont'd GO17-13

Over the last several years, The Endowment has reached out to the City to discuss the possibility of using the triangle park immediately adjacent to TCE for the benefit of the community and has regularly supported its maintenance and upkeep. This park and adjacent street were anticipated to be part of the expanded TCE campus envisioned in the Hope Village project. Given the proximity of the Project along Alameda Street to the TCE campus, it would be a significant impediment to completing the campus and expanding these community service uses. GO17-14

The Gondola Project would impact historic cultural resources such as the Avila Adobe, Olvera Street, and the State Historic Park with aesthetics and noise associated with its operations and with noise and ground vibration associated with its construction. It will have aesthetic impacts as its towers and stations literally tower over neighborhoods and gondola cars transport hundreds of people past the windows and over the yards of houses. It will have traffic and transportation impacts as game attendees will drive to and park in Chinatown and Union Station neighborhoods in order to board the gondola and save on expensive Dodger parking lots. It will have recreational impacts on the State Historic Park as it takes a portion of the land and prevents use portions of the park for such beloved activities as kite flying during kite festivals. GO17-15

2. The Private Use of Public land, Rights of Way and Eminent Domain is Indefensible. GO17-16

The project would involve use of aerial gondolas to transport individuals from the Forecourt of Union Station, over a public right of way, a

metro line, Chinatown, a freeway, and over multiple communities, to Dodger Stadium. It would require the extensive use of public land including Metro's Forecourt and parcels of property owned by the City of Los Angeles along Alameda Street near Olvera Street, and state-owned property at the State Historic Park of Los Angeles. It would require use of air rights over private property, over State owned highway, and over Metro rail lines, and Los Angeles public streets. cont'd GO17-16

If private property owners do not agree to allow their property to be used for the Project, Metro might use condemnation proceedings. The use of public power, such as eminent domain by Metro to assist a private carrier is expressly contemplated in correspondence between Metro and ARTT. (AR 199- Sept. 26 2018 Letter, p. 9 ["…it is anticipated that Metro would utilize the power provided…" including "condemnation"]). GO17-17

The Surplus Lands Act and similar provisions of law prioritize affordable housing, educational, open space and recreational use of public land above private use. The Park Preservation Act, California Public Resources Code section 5400-5409, requires that any usage of designated public park land, such as would occur at the State Historic Park, must be compensated for by replacement of equal land. The EIR fails to address the Park Preservation Act. GO17-18A GO17-18B

3. Secretive Sole Source determination should be Voided.

Following ARTT's submission of a proposal in April 2018, Metro made a sole source determination in 2018- that ARTT would be the only possible provider of the gondola- without public disclosure and/or involvement or Metro Board of Directors input or approval. Metro entered a Memorandum of Agreement ("MOA") in 2019 that restricted its ability to examine competitive proposals through an exclusive negotiating agreement ("ENA") clause. Such sole source approval and ENA restrictions were taken in violation of Metro's own stated policies and procedures in its internal acquisition and contracting manuals, which in turn implement state competitive bidding laws. Competitive bidding requirements are normally necessary- and required by law- for all significant public transportation projects. GO17-19

All of these critical actions in matters of vital public interest, were taken administratively, without public knowledge, oversight and/or

involvement—and all in direct violation of Metro's own procurement policies.

If left unchecked, these determinations—which set the course for a major investment of tax-payer funds and direct impacts on the local community, service providers, and property owners (including The Endowment)—will proceed to the entitlement/construction phase.

cont'd GO17-19

4. Sweetheart deal through Metro's Office of Extraordinary Innovation (OEI).

While some members of the public may have heard about the Gondola Project in December 2019, Metro's sole source determination through the Office of Extraordinary Innovation ("OEI") was not disclosed to the public. The Endowment itself was unaware of its existence until September 2021 and only after The Endowment and other organizations sought records regarding the Gondola Project. The Gondola Project, therefore, appears to have all the earmarks of a clandestine, sweetheart deal, carefully sidestepping the significant public engagement, outreach and transparency required of all Metro public transportation projects

GO17-20

It simultaneously avoids the scrutiny and competitive bidding required of private projects. By fast-tracking and sole-sourcing a multi-million-dollar aerial tram through Metro's OEI Metro deprived the public of knowledge and input regarding the Gondola Project as it proceeded through Metro's internal review process. OEI was meant for smaller, more genuinely innovative projects- not a gondola which is not extraordinary or innovative technology in any way.

5. Frank McCourt's Interest Would Be Improperly Promoted Above Everyone Else.

This project would promote the interests of a single person- Frank McCourt- over the interests of the public, which would be better served by a genuine public transportation project. Gondola Project is proposed by ARTT. ARTT was created by McCourt Global which is, in turn, controlled by Frank McCourt, the former owner of the Los Angeles Dodgers before their bankruptcy filing. McCourt continues to hold at least a half- interest in the parking lots surrounding Dodger Stadium. In 2008, he proposed extensive commercial and retail development of the parking lots in a plan called the Next 50, but those plans went nowhere when he was unable to raise the financing for them. The plans are apparent on the website of the architect

GO17-21

who designed them for the McCourt Company. (See https://johnsonfain.com/projects/architecture/commercial/la-dodgers-stadium-next-50/; Enclosure 10.)

TCE has taken a stand on behalf of the broader public interest, and the interests of the local community, to ensure that community voices are heard, and that if true public transportation is needed, that Metro adhere to its own policies that seek to develop transportation with and for the public, not simply push forward an unsolicited private transportation project through a now faulty Metro process in the Office of Extraordinary Innovation. cont'd GO17-21

6. An environmentally superior alternative of Electrified buses is available and should be chosen.

A better, public serving transportation project might be, for example, enhancement of the Dodger Express buses with electrified buses. This possibility is identified as the Environmentally Superior Alternative in the EIR. (4-75.) Such electric buses would be available not just during the 182 days on which there is a game or event at Dodger stadium, but also available to serve the public on other days and to other destinations throughout the rest of the year. McCourt's private gondola project line serves no other interest than conveying Dodger game ticketholders to the Stadium from Union Station and back again. This will not alleviate but will exacerbate greater traffic, pollution and congestion in the community in an around Union Station (UCLA Study) as riders drive to Union Station to take the Gondola, thereby displacing cars from the Dodger parking lot to Chinatown and the surrounding area around Homeboy and The California Endowment. GO17-22

7. Precedent set by gondola would be bad public policy of Private Interest Appropriation of Public Functions.

If Metro continues to participate in this gondola proposal with Frank McCourt and the companies he controls, it will undercut public confidence in Metro and in local government generally. The gondola project demonstrates that a single rich and powerful individual such as Frank McCourt can coopt the instruments of public government- and an agency as large as Metro- that is supposed to serve the public generally- and enlist that agency in meeting his private interests of building a private transportation project to the GO17-23

parking lots he owns at Dodger stadium.[3] Metro has committed to use eminent domain—the taking of private land and air rights away from individual owners-- to help him achieve his goal. The former homeowners of Chavez Ravine had their homes and land taken by eminent domain. Will history repeat itself? If McCourt and the gondola project are not stopped now, it would set a precedent for further use of public agencies by private individuals to serve their private interests and enrich themselves at the expense of the public.

cont'd GO17-23

GO17-24

This project has been recognized by Metro staff as unprecedented. It is unprecedented for a reason: it is not legally authorized and is not within Metro's jurisdiction to pursue. Billionaire Elon Musk sought to promote similar private transportation to Dodger Stadium in the guise of a public transportation project but he abandoned that effort. (https://ballparkdigest.com/2021/04/16/musk-boring-to-dodger-stadium-dead/). Similarly, the ARTT project should be rejected and abandoned before it progresses further with Metro.

GO17-25

8. Alternative Use of the Union Station Forecourt.

The proposal assumes the Union Station Forecourt would be used for the gondola project. There are much better uses possible for this public land, including continued use as public open space. If the land is available for lease, members of the public may be interested in exploring its use as

GO17-26

[3] Even if the Project allegedly will not require Metro monetary expenditures, Metro itself identified opportunity costs and other costs in its Request for Information. Metro stated that the Project would "have a cost to Metro and the people of Los Angeles County These may include the social and political cost of acquiring property; the impacts of construction on local communities; acting as the face of the project and mediating opposition; the opportunity costs of expending limited resources and capacity; and the impact of allowing for an additional transit use on the Union Station property given the myriad of projects, both transit and commercial, in early stages of development. To the extent that Metro will be environmentally clearing the project, claiming property, and substantially involved in other ways, the reputational risks of problems that arise on the project, such as delays, mismanagement, or operational incidents, also reflect on Metro even if Metro is not paying for the project." (Request for Information, p. 3.)

FN GO17-23

supportive housing, community recreational, or educational space. The Surplus Land Act requires a prioritization of uses ahead of private interest.

If there is to be a lease of the Forecourt land, we would like notification of any Requests for Proposals or other bidding processes whether required by local, state and federal competitive bidding laws and regulations or otherwise.

cont'd GO17-26

9. SB 44 Streamlining Does not Apply Because the Gondola is not a Public Transit Project. (EIR Section 1.4.3.)

The DEIR contains a section asserting that SB 44 applies to the gondola project. (EIR, pp. 1-5 to 1.9). However, this is wrong and misinforms the public. As explained below and in TCE's lawsuit and confirmed in ARTT's application, the gondola project is not public transportation; it is a private project. As such, it is not entitled to the streamlining benefits that SB 44 provides for "public transit" projects.

GO17-27

The hearings held in an attempt to comply with SB 44 were not true public hearings, at which members of the public could make remarks in a public forum. Instead, they were in "science fair" format that isolated commenters and caused many members of the public to object in frustration. (https://www.sgvtribune.com/2023/01/14/opponents-of-aerial-gondola-to-dodger-stadium-take-over-meeting-in-chinatown/.)

10. The EIR Must Address Environmental Justice Impacts Including Possible Affirmative Actions to Redress Past Discrimination.

An EIR must analyze the environmental justice impacts of a project proposal. (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 555.) In *Golden Door Properties*, the trial court ruled that an EIR "failed to address environmental justice" by making "no attempt to disclose the increased health damage that could occur to the more vulnerable County residents (children, the ill, and disadvantaged communities) from the project 'increasing nonattainment criteria pollutants' ..., or from not requiring GHG offsets to be obtained in-County." Similarly in the present case, the significant effects such as from construction noise and vibration (EIR, 3.13-63) will be felt most forcefully and most immediately by the nearby vulnerable communities, including many elderly non-English-speaking

GO17-28

residents of Chinatown.

cont'd GO17-28

The Court of Appeal in *Golden Door* cited Ramo, Environmental Justice as an Essential Tool in Environmental Review Statutes: A New Look at Federal Policies and Civil Rights Protections and California's Recent Initiatives (2013) 19 Hastings W.Nw. J. Envtl. L. & Pol'y 41, 42 [noting that "[t]he California Attorney General's recent litigation involving ... global warming emissions[ ] affecting minority communities has sparked renewed interest in the relationship between environmental review laws and the doctrine of environmental justice."].)

When the City of Los Angeles analyzed expansion of the Los Angeles International Airport, the EIR/EIS included an entire section devoted to environmental justice impacts. (https://www.lawa.org/-/media/lawa-web/lawa-our-lax/final-environmental-impact-statement/final-environmental-impact-statement--part-i/feis_eir_part1-13_040403_environmentaljustice.ashx.) Metro should do no less with regard to the gondola project.

GO17-29

A legacy of discriminatory actions by government officials against minority communities was evident in the forceful eviction of people from their homes in Chavez Ravine in the 1950's in order to make room for Dodger Stadium and its parking lots. Every action Metro and the City of Los Angeles takes today must be informed by efforts to be especially sensitive to the City's diverse communities, especially in light of the discrimination of the past. Translating documents into appropriate languages, especially when they discuss possible physical damage to treasures of Hispanic heritage in Los Angeles such as Avila Adobe and El Grito Mural, is a bare minimal step that Metro should undertake.

GO17-30

GO17-31

A legacy of discriminatory actions by government officials against minority communities was also evident in the eviction of residents from ancient Chinatown near Union Station. (Encl. 4 [Administrative Civil Rights Complaint regarding Cornfields, p. 14 stating "The City and the railroads forcibly relocated the Chinatown community to its present location to build Union Station in the 1930's."; also https://californiahistoricalsociety.org/blog/old-chinatown-and-the-present-union-station-transportation-land-use-race-and-class-in-pre-wwii-los-angeles/ .)

GO17-32

The injustice families suffered in the 1950's era eminent domain

seizures of their homes and property by local government has been extensively documented. (See https://www.latimes.com/entertainment-arts/books/story/2020-03-31/dodgers-stealing-home-eric-nusbaum; https://www.zinnedproject.org/materials/chavez-ravine; https://laist.com/news/la-history/dodger-stadium-chavez-ravine-battle; copies of these articles are enclosed. Encl. 3.)

cont'd GO17-32

The use of eminent domain[4] to take private property from minority community members in a way that enhances private gain is similar to the historic injustice that occurred at Bruce's Beach in Manhattan Beach. With regard to Bruce's Beach, however, the County of Los Angeles has sought to correct the historic wrong that occurred by returning property to the Bruce family. (https://mitchell.lacounty.gov/los-angeles-county-completes-landmark-return-of-bruces-beach-to-the-rightful-heirs-of-charles-and-willa-bruce/.) The wrongs done to families who lost their homes and properties through discriminatory government actions in Chavez Ravine have yet to be redressed.

GO17-33

11. Elected Officials' Clearly Expressed Concerns Must Be Seriously Considered.

On September 15, 2022, the Metro Executive Committee met to receive a staff report on the status of the Gondola project. At this hearing, Los Angeles City Councilmember Hernandez who took office on December 12, 2022, reiterated concerns previously expressed at the September 15, 2022 Executive Committee hearing which were to ensure the genuine involvement of the community in a public and transparent review process for the gondola. Among her requests were for translation of relevant documents.

Additionally, Director Solis raised a number of questions and concerns at the September 15, 2022 Metro Executive Committee hearing. We have provided a transcript of the remarks of Director Solis and of Councilmember Hernandez. (Enclosure 1.)

Finally, the Board of Directors of Metro itself passed a Resolution in 2021 seeking answers to questions to avoid Unintended Consequences. A copy of that resolution is attached. (Enclosure 2.) Despite the passage of time, the Board's questions have not completely been addressed.

GO17-34

FN GO17-33

4 The use of eminent domain/condemnation power by Metro to assist the gondola is expressly contemplated in the correspondence between Metro and ARTT.

12. A Final Decision in TCE's Procurement Lawsuit Against Metro May Render the Project Impossible.

The California Endowment, brought a lawsuit (a Petition for a Writ of Mandate) in March 2022, seeking to set aside Metro's determination to proceed with ARTT's unsolicited proposal for a multi-million dollar gondola project. This lawsuit was heard on January 6, 2023. A decision on this lawsuit was issued on Monday, January 9, 2023 denying the writ of mandate but that may not yet be a final decision. GO17-35

B. Metro is not the Appropriate Lead Agency.

1. The Statute Cited by Metro as its Authority to Approve or Supervise the Project Does Not Give Metro Such Authority.

The applicable statute, Public Resources Code section 21067, defines a lead agency as a public agency having the principal responsibility for carrying out **or** approving a project. Metro simply assumes in the DEIR that it is the lead agency, asserting that Metro has the "responsibility for supervising or approving the project as a whole" without showing under what statutory authority it has that responsibility or authority. (DEIR, p. ES-1) The truth is that because this is not a public transportation project, a public/private Metro project, or a project that Metro intends to acquire, other than possibly leasing its forecourt, Metro has no control, responsibility or authority over the project, therefore, Metro is not the proper lead agency for the Project. GO17-36

The list of permits set out in the DEIR as required for the ARTT does list Public Utilities Code (PUC) section 130252 as requiring "submittal, review, and approval of proposed plans for design, construction, and implementation of the Project", which is Metro's responsibility. (DEIR, p. 2-61.) However, this statute does not grant Metro the degree of authority to authorize, or any authority to supervise the Project, that it claims.

PUC section 130252 applies only to "public mass transit systems or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects." (PUC § 130252(a).) However, the Project was *not* proposed or approved as a *public* mass transit

project; instead, it would be a privately owned and operated (MAR5 220) transportation system primarily serving a small fraction of the public (Dodger baseball game or event ticket holders) on a limited number of days per year. We note that ARTT itself stated in its response to Metro's RFI that Public Utilities Code section 130252 does **not** apply to the Project. (MAR 207.) ARTT's proposal to Metro for approval of the ARTT explicitly says that the gondola would be *privately owned and operated*." (*Id*, emphasis added.) As a private transportation project, the ARTT would be outside the ambit of PUC 130252; Metro's authority to approve it at all has not been shown.

cont'd GO17-36

Even if this were a public mass transit project, Metro would have no or only very limited authority to "supervise" the Project, as shown by both PUC sections 130252 subd. (a) and subd. (c). Subdivision (a) provides that:

> All *plans* proposed for the design, construction, and implementation of public mass transit systems or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects, shall be submitted to the commission [here, to Metro] for approval.

(Emphasis added.) In addition, PUC 130252, subdivision (c), provides:

> As used in this section, "plan" means a project description and *not* the detailed project plans, specifications, and estimates.

GO17-37

(Emphasis added.) Hence, even if Metro did have statutory authority to approve the Project, that authority would only cover approval of the overall plan for the ART, not over the myriad individual design and specifications or estimated costs; supervision of the actual construction, let alone operation, of the Project is not vested in Metro. The emphasis in the statute is on Metro ensuring that proposed transportation project plans are consistent with the Regional Transportation Plan adopted by the regional transportation planning agency (here, the Southern California Association of Governments [SCAG]), *not* on Metro evaluating the merits of any individual project or supervising any individual project. (PUC § 130252(a).) Metro provides no citation to authority that it may "supervise" the Project. Instead, Metro would have only such contractual rights as Metro and ARTT negotiate between

FN GO17-36

5 The Metro Administrative Record ("MAR") and Supplemental Administrative Record ("SAR") are included with a flash drive submitted with this letter. (Enclosure 8.)

them (completely out of sight of the public) to control or modify the thicket of design and construction details, features, and operational performance of the ART, details crucial to the nature and extent of the Project's impact on the environment.

cont'd GO17-37

Metro itself has repeatedly noted that the Project will not cost Metro a dime, based on ARTT's repeated statements that it will reimburse Metro for all costs involved in acting as lead agency for the Project, and exercising eminent domain to acquire property or air rights if needed for the Project. (MAR 15.) None of ARTT's assurances have covered post-approval actions. Obviously, Metro cannot supervise the Project's construction or operation, or enforce mitigation measures imposed as part of the CEQA process, if it does not spend money; Metro's insistence that it will not spend public funds on the gondola is a tacit admission that it will not – that it cannot - supervise the gondola. Since enforcement of mitigation measures is a crucial part of the role of lead agency (*Friends of Kings River v. County of Fresno* (2014) 232 Cal.App.4th 105, at 116)), and since Metro has effectively disabled itself from being able to enforce such measures, Metro cannot properly serve as lead agency.

GO17-38

2. The CEQA Guidelines Do Not Support Metro's Claim to Be the Lead Agency.

The CEQA Guidelines provide guidance on determining the lead agency for a project at section 15151. That guidance disfavors Metro. Subsection (a) provides that if a public agency will carry out the project itself, that agency will normally be the lead agency. Metro has been very clear that the agency will *not* carry out the gondola Project (MAR 198 ["Metro does not envision taking a hands-on, prescriptive, or performance minded approach to this project"]), and both ARTT's Proposal and its responses to Metro's Request for Information (RFI) repeatedly emphasize that ARTT, not Metro, will handle the design, construction, and operation of the Project. (MAR pp. 2, 15, 189, etc.) Metro does not qualify as lead agency on this count. Since Metro has also stated that it will not take a "prescriptive" role regarding the Project, it also has admitted that it will not supervise the Project.

GO17-39

Guidelines section 15051 provides guidance for assigning the lead agency role where one agency will not carry out the project itself. Where two or more public agencies will both have a role in approving or supervising a project, Guidelines section 15051 subd. (b) provides:

(b) If the project is to be carried out by a nongovernmental person

> or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

Subsection (b)(1) further provides that:

> (1) The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose, such as an air pollution control district or a district which will provide a public service or public utility to the project.

Again, Metro itself has disavowed any role in supervising the Project; in addition, it is the very kind of agency the Guidelines disfavor: Metro is a single-purpose public transportation agency that does not have "general governmental powers," e.g., land use and zoning powers (except for land it owns).

In *Center for Biological Diversity v. County of San Bernardino* (2016) 247 Cal.App.4th 326, the Court of Appeal had to determine which of two agencies, the local water agency or the County, should be the lead agency for a project to pump, transfer, distribute, and store groundwater. The Court of Appeal set out the degree of participation in approving and supervising a project that was required for the single purpose water agency to claim the lead agency role. The opinion lays out in great detail the water agency's proposed role in carrying out the project: it would obtain financing for the pumping and transfer, approve the design and construction of the wells, approve the design and construction of the pipelines and conveyance facilities, manage and oversee the project's operation, control and operate the joint powers agency that would distribute the water, and oversee compliance with the overall plan, among several other functions. (*Id*. at 340-343.) In short, the court held that the water agency had the most active and extensive role in carrying out the project, and therefore was the proper lead agency. (*Id*., at 343.) Here, Metro's role does not encompass planning, designing, operating, or managing the Project. It simply cannot justify its self-designation as lead agency. Instead Metro has explicitly disavowed such an active role in carrying out or supervising the Project. (MAR 198.) Almost the only function it will carry out that the water agency in *CDB v. County of San Bernardino* performed is acquiring land.

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GO17-39

The designation of the lead agency is vital to the EIR process, particularly due to the lead agency's role in certifying the EIR and choosing among alternatives to the project. (*Kings County Farm Bureau v. City of*

*Hanford (*1990) 221 Cal.App.3d 692, at 736-737.) A court has taken the necessary step of ordering a completed EIR to be decertified and redone, where an improper lead agency had prepared and certified it. In *Planning and Conservation League v. Department of Water Resources* (200) 83 Cal.App.4th 892 ("*PCL v. DWR*"), the project was the implementation of an agreement among several water districts and the state Department of Water Resources (DWR) as to how State Water Project water would be allocated among water districts statewide in the face of serious water shortages. The EIR had been prepared and certified by one of the local water districts that would itself receive water under the agreement. The court directed that the certification of the EIR prepared by this local agency be vacated, and that a new EIR be prepared with DWR as lead agency, because DWR had primary responsibility for managing the state's water resources, and only the statewide agency, with its statewide view of the water situation and its power to enforce the water allocations, was the appropriate agency to prepare the EIR. (*Id*. at 926.) Should Metro proceed to certify the ARTT EIR as lead agency, a similar remedy would be appropriate.

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Guidelines section 15051, subd. (d) provides if more than one agency "equally meet the criteria" to perform as lead agency, the agencies may designate the lead agency by agreement.[6] Here, ARTT requested that Metro take the lead agency role in the CEQA process and Metro agreed. This Guideline subsection does not authorize a private party and an agency to agree on a lead agency in this fashion, and they were "not at liberty to anoint" Metro as lead agency when it does not meet the regulatory criteria. (*PCL v. DWR,* 83 Cal.App.4th at 906.) The agreement, and Metro's claim to be lead agency, are invalid.

3. Metro Does Not Have the Appropriate Authority Over the Project.

As discussed above, Metro does not have principal authority for approving or supervising the Project. Other agencies have considerably more specific approval authority, and would exercise considerably more supervisory authority over the Project, than Metro. Looking at the list of permits required for the Project at DEIR pp. 2-57 to 2-62, approval/supervisory authority over the Project is split among several different state and local agencies. Caltrans must issue an encroachment

GO17-40

FN GO17-39 6 Of course, that Guideline subsection does not apply here, since Metro does not meet the criteria.

permit before the Project can cross any state highway or freeway (as it must do to link Union Station with Dodger Stadium); the California Department of Parks and Recreation must issue four separate easement/approvals/permits/plan amendments to allow the Project to build and operate the Chinatown Station that will be located partially on State Park land, and to allow it to cross the airspace over the Park; and the CalOSHA Amusement Ride and Tramway Division must examine the Project's safety and issue a Certificate allowing construction of the ropeway before the Project can operate, as well as having responsibilities to ensure safe working conditions in various aspects of the Project, including periodic tests of the operational safety of the ropeway system (DEIR, p. ES-12), emergency evacuation plans (DEIR, p. 2-47), construction activities (DEIR, p. 3.9-1), and any other phase of the Project involving worker safety.

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Finally, the City of Los Angeles has direct authority over all streets in the City (DEIR, p. 3.17-1: "All the streets in the Project study area are under the jurisdiction of the City of Los Angeles.") This gives the City the authority to execute a franchise agreement enabling the Project to "operate, over, or along any street, highway, or other place in the City of Los Angeles," without which agreement the Project cannot operate at all (since it travels over City streets or "other place[s]" for its entire length); and approve the design of for the Project components located within the public right-of-way. The City's Planning Department would also be required to approve the creation of a Specific Plan to provide for consistent application of Project design standards, limitations, and operational measures, would need to approve the creation of a Sign District to impose a comprehensive set of sign regulations on the Project site and to permit signage consistent with applicable City requirements.

GO17-41

Most importantly, the City must both issue permits for the Project to be built partially on City-owned land (DEIR, p. 2-61), and approve modification of the existing 1960 Dodger Stadium Conditional Use Permit ("CUP") to allow the Stadium Tower and the Dodger Stadium Station to be built and to operate. (CUP Condition 4, at SAR 3102, provides for collaboration by "the operators of the Stadium" and municipal officials "in devising mass transportation service to the Stadium site which will be sufficiently efficient to encourage patronage thereof and thus reduce the number of private automobiles driven to the Stadium events.")

The Project will also be built on or cross over land that is within the Alameda District Specific Plan, the Central City North Community Plan, the

GO17-42

DTLA Community Plan (current or updated), the Central City North Specific Plan, the Silver Lake-Echo Park-Elysian Valley Community Plan, and the Chinatown Redevelopment Plan (DEIR, pp. 3.11-8 through 3.11-137), all of which are encompassed within the City's General Plan (P. 3.17-5) and the City will be responsible for ensuring compliance by the Project with each such plan. For example, the City would be asked to waive provisions of the River Implementation Overlay District to allow the construction and operation of the Alameda and Alpine Towers and waive provisions of the Cornfield/Arroyo Seco Specific Plan to allow construction and operation of the Chinatown Station. (DEIR, p. 2-62.)

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The final requirement listed in the DEIR as needed from the City of Los Angeles for the Project to go forward is the execution of a Development Agreement between the Project sponsor and the City that will remain in effect for *twenty years.* [8] (DEIR p. 2-62.) As described in Government Code sections 65864 through 65869.5, in addition to specifying various terms and conditions binding each party, such a development agreement must "require periodic review at least every 12 months" wherein the applicant must "demonstrate good faith compliance with the terms of the agreement." (Govt. Code § 65865.1.) While Metro has disavowed oversight of the Project, the terms that must be included in the development agreement provided for in the DEIR guarantee that the City *will* continue to monitor the Project at least yearly for the next twenty years. The City will also have statutory authority to enforce the development agreement, pursuant to Government Code section 65865.4 (absent specified conditions, "a development agreement shall be enforceable by any party thereto. . . .")

GO17-43

4. Metro Lacks Intention to Enforce Mitigation Measures Adopted for the Project.

GO17-44

7 See, particularly, the map at DEIR, p.3.11-8, showing only some of the varied plans and requirements to which the Project would be subject. Metro does not have the authority and expertise to evaluate and balance the requirements of all these plans, and the other plans described above, with respect to the Project. The City does.

FN GO17-42

8 The requirements of the Government Code sections cited by the DEIR for development agreements are not discussed in the list of required permits; the reader is left either to guess or to ferret out the information for him/herself. This compromises the DEIR's function both as an informative document and as a document of political accountability. (*Laurel Height Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 374, 392.)

FN GO17-43

Finally, a lead agency under CEQA may not approve a project that will have significant environmental impacts unless it also adopts mitigation for those impacts or adopts an alternative project that would avoid them. (PRC § 21001, 21081.) The lead agency is responsible for adopting and enforcing mitigation measures for all significant environmental impacts that will be caused by a project, and must adopt a mitigation monitoring process to ensure that the mitigation is carried out. (CEQA Guidelines, § 15097.) The mitigation measures listed in the DEIR for the Project include a multiplicity of plans (e.g., Construction Traffic Management Plan [DEIR, p. ES-14], Construction Monitoring Plan (Built Resources) [DEIR, p. ES-40], Cultural Resources Monitoring and Mitigation Plan (DEIR, p. ES-41], Archeological Testing Plan for Alameda Station (DEIR, p. ES-45], Archaeological Testing Plan for LAUS Forecourt [DEIR, p. ES-47], Archaeological Testing Plan for Los Angeles State Historic Park [DEIR, p. ES-48], Paleontological Resources Mitigation and Monitoring Plan [DEIR p. ES-52], Soil and Groundwater Management Plan [DEIR, p. ES-53], Construction Noise Management Plan [DEIR, p. ES-58, Vibration Monitoring Plan [DEIR, p. ES-67, Temporary Disaster Route Plan [DEIR, p. ES-76], Utility Relocation Plan [DEIR, p. ES-79], and a Fire Protection Plan [DEIR, p. ES-80]. In addition, ARTT will need to prepare a Site-Specific Final Geotechnical Report. (DEIR, p. ES-50.) Metro, again, has stated that it "does not envision taking a hands-on, prescriptive, or performance minded approach to this project."] (MAR 198.) It can be presumed that Metro does not plan to monitor/enforce all these various mitigation plans.

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GO17-44

The DEIR appears to assume that ARTT will prepare all these plans. (See, e.g., DEIR 3.13-68 [Construction Noise Management Plan to be prepared by "Project Sponsor."] Presumably, it is the City, with its direct construction permitting responsibilities, local ordinances regulating such impacts as excessive construction noise and expertise in overseeing such plans and mitigation measures, that will perform the required oversight and, if necessary, enforcement. (See, e.g, DEIR's reliance on LA Municipal Code [i.e., the City] to enforce stormwater runoff prohibitions, pp. 3.10-6.) The DEIR leans on the City of Los Angeles to enforce many, if not most of its plans to mitigate the adverse impacts of the Project.

Metro does not meet the statutory or regulatory requirements to be the lead agency for this Project, nor does it commit to performing the oversight necessary to carry out mitigation measures that will supposedly protect the environment from degradation and damage by the Project. Instead, Metro

appears to have defaulted to the City to perform oversight and enforcement activities. Metro has abdicated so many of the responsibilities of a lead agency that it cannot be designated as the lead agency.

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C. The DEIR Must Be Revised And Recirculated.

The DEIR must be recirculated after information is added to make it legally adequate. It will not be possible to rely upon the response to comments because the DEIR is so deficient as to render public comment "in effect meaningless." (*Laurel Heights I, supra*, 6 Cal.4th at 1130.) The purpose of an EIR is to provide the public with detailed information about a project before it is approved. (Pub. Resources Code §§ 21002.1; 21003.1.) "[W]hen significant new information is added to the EIR after public notice is given of the availability of the DEIR, but before certification, the EIR must be recirculated for public review. . . ." (CEQA Guidelines § 15088.5; Pub. Resources Code § 21092.1.) After the information to address the deficiencies identified here and by other public comments is added, a revised DEIR must be recirculated.

GO17-45

D. Denial Of The Project Is Appropriate Because Of Unavoidable Adverse Impacts.

Under California law a proposed project with adverse impacts must be denied if there are feasible alternatives or mitigation measures available that would reduce the project's significant adverse environmental impacts. (Pub. Resources Code § 21002.) Such is the case here. Thus, because a denial is appropriate under CEQA, and would allow study of better alternatives.

E. Outright Rejection Of The Project Is Appropriate Because Metro Has No Authorization To Pursue The Gondola Proposal.

Metro has no jurisdiction to proceed with the gondola project at all. No environmental review is required at all for a project that a public agency rejects outright. The Project must be rejected outright. As a private project[9] to a single destination, this Project is a common carrier,

GO17-46

9 A "private project" is defined as "a project which will be carried out by a person other than a governmental agency, but the project will need a discretionary approval from one or more governmental agencies" for a

FN GO17-46

similar to the Palm Springs Tram which is a tourist ride and does not does not meet the statutory requirements for a public transportation project [49 U.S.C. § 5302 subd. (15)]. In order to confer upon this wholly private project the benefits of non-competition, use of public land, access to eminent domain powers, and fast-track project approval consideration it must be a true public transportation project primarily benefitting the taxpaying public. The mere proximity and potential coordination between a private project and an existing public transportation hub such as Union Station does not turn a private transportation project into public transportation For example, if the private funicular, Angel's Flight, happened to abut a Metro stop, that would not be sufficient for that private transportation project to be considered a public transportation project—the Gondola Project is no different.

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F. The EIR is Inadequate

There are numerous major concerns TCE has with the document that has been released for public review. "The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they--and the environment--will have to give up in order to take that journey." (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.) In this case, critical information is missing from the analysis of numerous impacts. In too many ways, the DEIR understates the impacts that are analyzed, apparently for no other reason than to avoid imposing the cost of mitigating them on the developer. Further, the mitigation measures that are proposed are often deferred and unenforceable, and many feasible mitigation measures have not been considered.

GO17-47

G. Legal Framework And Overview.

1. The Project Description Is Defective (Chapter 3) Because The Project Has Been Piecemealed, And Reasonably Foreseeable Impacts Have Not Been Analyzed Or Disclosed.

GO17-48

FN GO17-46 contract or lease. (Cal. Code Regs. Tit. 14 section 15377.)

ARTT was formed by McCourt Global, which is controlled by Frank McCourt (McCourt). (SAR 2992-92; AR 806, 3116, 3152.) McCourt Global also owns or controls a 50% interest in the parking lots around Dodger Stadium, an interest he kept when he sold interests in them to the Guggenheim Partners, and that McCourt Global holds through the Chavez Ravine Land Company (hereafter, "Landco." (The California Endowment v. Metro, Los Angeles Superior Court case no. 22STCP01030, First Amended Petition, ¶ 32.)

The land surrounding Dodger Stadium, known as Chavez Ravine, represents a large financial opportunity for the owner if the land is developed for more profitable businesses than its current use. Currently, it is used for surface parking, chiefly for Dodger games and events at Dodger Stadium. The company proposing the gondola — Los Angeles Aerial Rapid Transit — makes no mention of future development plans. However, the Covenants, Conditions and Restrictions (CCR) agreed to by the Dodgers' owners and Landco in 2012 (SAR 3054) explicitly provide for development of the parking areas wholly or partially owned by Landco. Article IV of the CCRs is entitled "Regulation of Development," and is wholly devoted to setting parameters for the eventual development of the Landco lands. (SAR 3026-3207) Section 4.1 of the CCRs provides:

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GO17-48

> The Parties acknowledge that Landco, in the future, may apply for governmental approvals for future development on the Landco Parcels (the "Development"), which Development may include, but shall not be limited to, (i) office buildings, (ii) hotel and exhibition facilities, (iii) residential buildings, (iv) medical buildings, (v) academic buildings, (vi) parking structures, and/or (vii) retail, dining and entertainment facilities.

(SAR 3026.) The remainder of Article IV is devoted to placing restrictions on the future development as to design, signage, preservation of access to the Stadium, etc. (SAR 3026-28.))

Article V of the CCRs is solely devoted to specifying the ownership, permissible use, and potential ownership transfer of parking capacity at and around Dodger Stadium. In Section 5.1.1, Landco grants to the Dodgers an easement to use not less than 16,500 parking spaces on Landco's land (called "Required Parking Spaces") for the benefit of the Stadium. Section 5.1.1 also recognizes that the existing parking at the Stadium contains approximately 19,000 spaces, with the spaces in excess of the required 16,500 called

"Additional Parking Spaces." The CCRs provide that the Dodgers may use the Additional Spaces, subject to six-months' notice from Landco that it wants some or all of the Additional Parking Spaces back.

Section 5.1.2 provides that Landco may also reclaim ownership and use of some of the 16,500 Required Parking spaces, but only if some form of "mass transportation, including, without limitation, a subway or light rail" is built. If this mass transportation is constructed, Landco will have the right to provide fewer than the 16,500 Required Parking Spaces for use by the Dodgers. (SAR 3028-29.) The maximum amount of that reduction is not specified in the CCRs, but the Conditional Use Permit for the entire parcel (Stadium and surrounding land) specifies that one parking space should be provided for every 3.6 seats in Dodger Stadium. (SAR 3101.) Since the Stadium is capped at 56,000 seats, at least 15,555 parking spaces must be made available. (56,000÷3.6 = 15,555.56.) Since the parties to the CCRs provided for 16,500 of Required Parking Spaces with the possibility of diminution, there is flexibility for reduction below the Required Parking Spaces number.

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GO17-48

The upshot is that at least 2,500 existing parking spaces in excess of the 16,500 Required Parking Spaces (19,000 – 16,500 = 2,500) are available to Landco upon six months' notice, and more could be available ***if*** some form of mass transit is built to serve Dodger Stadium. Landco's owner, Frank McCourt, long had plans for an ambitious retail and entertainment complex around the Stadium. Those plans are evident in Mr. McCourt's "Next 50" plan, which was unveiled in 2012 when he owned the Dodgers, and in court documents during the bankruptcy proceedings that forced him to sell the team. (SAR 3189-91.) Mr. McCourt publicly stated that he planned to create a plaza with shops and restaurants, and to create a Dodger museum. (SAR 3183-85.) Mr. McCourt failed to secure funding for "Next 50," but the agreements revealed in the bankruptcy proceeding (still in force) provide insight into the relationship between the proposed gondola and McCourt's plans to develop the parking lots around Dodger Stadium. The various public statements made by Mr. McCourt, together with the meticulously drafted CCRs that allow his Landco to free up hundreds of acres of land now used for parking if a mass transit service is created that could potentially move thousands of persons per hour to and from Chavez Ravine, make it reasonably foreseeable that development will occur around Dodger Stadium. (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209 ["The California Supreme Court set forth a piecemealing

test in Laurel Heights. 'We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.' (*Laurel Heights*, *supra*, 47 Cal.3d at p. 396.) Under this standard, the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action."

The specific facts of this case make it not only reasonably foreseeable, but reasonably likely that the proposed Project is a mechanism to allow Landco to take full possession of a large chunk of what are now parking lots around Dodger Stadium. The gondola project makes little or no economic sense without a major development at Dodger Stadium, which a gondola, as a mass transit project, could facilitate. There are only 81 home games in the regular baseball season. Even adding a maximum of 12 post-season games, a couple of exhibition games, a maximum of four special events a month permitted under the Conditional Use Permit issued by the City of Los Angeles for the stadium (SAR 3104), and the Los Angeles Marathon, at most the gondola is likely to be used at or near capacity on only 144 days per year. Unless, that is, the Dodger Stadium parking lots are developed as the entertainment, retail, and hospitality district like L.A. Live as Frank McCourt has long envisioned. GO17-49

In 2004, Frank McCourt bought the Los Angeles Dodgers from Newscorp for $430 million. The purchase was financed primarily with loans, with over a third of the purchase price lent directly from Newscorp. At the time of Mr. McCourt's purchase, no specific plans for development of the parking lots surrounding the stadium were made public. However, on April 25, 2008, Mr. McCourt unveiled a sprawling development plan for the stadium itself and the surrounding parking lot areas. Marketed as the "Next 50" plan, the proposed development was slated to include a Dodger museum, a Dodger retail store, office space, and two new parking structures. (SAR 3189-91.) In addition, the project was advertised as a green initiative, including the addition of 2,000 trees in the area around the stadium. The development was expected to cost $500 million, more than McCourt's purchase price for the team. GO17-50

The "Next 50" plan would have turned the stadium into a retail and entertainment venue to attract customers outside of game times and game days, and expanding the use of Chavez Ravine beyond baseball. Photographs

of Mr. McCourt presenting a scale model of development plans at a press conference beside then Mayor of Los Angeles Antonio Villaraigosa showed the proposed changes, including large, terraced plazas lined with trees and new buildings outside of the stadium. Mr. McCourt's planned development was designed to make use of the parking lots surrounding the stadium to increase the economic productivity of the land and turn Chavez Ravine into a year-round destination.

As part of his plans for the "Next 50" development, Mr. McCourt discussed a desire to connect Dodger Stadium to public transit, saying he "hoped local leaders would 'tweak and adjust subway lines' to add a Dodger Stadium stop and provide 'bus access in the interim.'" Then-city- council member Ed Reyes further endorsed connecting the development to new public transit lines, saying that the "renovation 'hopefully can stimulate a whole new transit system that gets us in and out of this great place.'" In developing plans for additions to Dodger Stadium and the surrounding land, Mr. McCourt clearly identified expanded public transit options as increasing potential visitors as well as revenue in new retail and entertainment destinations. This, again, makes his very public development plans for Chavez Ravine reasonably foreseeable if the gondola is built.

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GO17-50

Under Mr. McCourt's ownership the Dodgers fell deep into debt, ultimately filing for bankruptcy on June 27, 2011. In addition to bankruptcy court conflicts with Major League Baseball, Mr. McCourt was ordered to pay $150 million in a divorce settlement. The "Next 50" development never materialized, as Mr. McCourt failed to secure funding.

After several rounds of negotiations, a group led by Magic Johnson and financed by Guggenheim Partners won the bid to purchase the Dodgers for $2 billion. As part of the deal, Guggenheim Partners entered into a venture with a McCourt entity to jointly own the stadium parking lots.

The terms of the parking lot sale and any potential future development of the land around the stadium were filed under court seal as part of the supplement to the Dodger's chapter 11 bankruptcy plan on April 6, 2012 in United States Bankruptcy Court for the District of Delaware, case number 11-12010 (KG). With nine sections totaling 139 pages, the exhibit is titled the "Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine," consisting of 93 pages of terms and agreements relating to the current usage and future development of Chavez Ravine. The exhibit was subsequently recorded by the Los Angeles County Recorder's Office, so it runs

with the land at Dodger Stadium.

The bankruptcy exhibit shows that Guggenheim Partners pays $14 million a year to the McCourt entity Blue Landco LLC to rent the stadium parking lots. The document also details possible future developments that "may include, but are not limited to (i) office buildings, (ii) hotel and exhibition facilities, (iii) residential buildings, (iv) medical buildings, (v) academic buildings, (vi) parking structures, and/or (vii) retail, dining, and entertainment facilities." The document includes a provision stating that Guggenheim Partners agrees "to cooperate with Landco, and to take all steps reasonably requested by Landco, in connection with the general plan of improvement and development of the Landco Parcels," and "not to oppose, or to interfere in any fashion (including, without limitation, by speaking out at public hearings) with any efforts by Landco to complete development of the Landco Parcels."(SAR 3049) The CCRs also state at Article II, section 2.1.1 that "[t]he Parties hereby acknowledge and agree that it is contemplated that portions of the Landco Parcels will be developed for other purposes, including potentially in connection with other sports-related development opportunities." This provision effectively grants Landco the sole discretion to attempt to develop the stadium parking lot lands, including with such projects as the Gondola Project station at Dodger Stadium. ARTT which did not exist at the time of the Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine (CCR's), has no role and no rights in these CCR's.

cont'd
GO17-50

Further, the use of "will be developed", rather than "may be developed" in Article II, section 2.1.1 (as cited above) indicates that this development is more than hypothetical; it is already contemplated and planned for. As *Whitman v. Board of Supervisors* (1979) 88 Cal.App.3d. 397 held concerning a permit for an oil pipeline:

> The record before us reflects that the construction of the pipeline was, from the very beginning, within the contemplation of [the project proponent] should its well prove productive. Although admittedly contingent on the happening of certain occurrences, the pipeline was, nevertheless part of [the] overall plan for the project and could have been discussed in the EIR in at least general terms.

GO17-51

(*Id*. at pp. 414–415.)

Here, the facts clearly show that construction of retail or entertainment facilities at Chavez Ravine was kept as an option for future development. It

was, and is, reasonably foreseeable, and should be analyzed in the EIR.

cont'd GO17-51

An additional section of the CCRs states that "in connection to any Mass Transportation… Landco shall have the right to provide less than the 16,500 Required Parking Spaces." This would allow for developments in the parking lots that could significantly reduce the number of parking spaces if the developments were completed after or concurrent with the addition of a mass transit connection to Dodger Stadium. Under this agreement, construction of the proposed Project, connecting the stadium to the transit hub at Union Station could enable Mr. McCourt's vision for additional development in Chavez Ravine to be realized. In *John R. Lawson Rock & Oil* (21018) 20 Cal.App.5th 77, at 98, the Court of Appeal held that "agency action approving or opening the way for a future development can be part of a project and can trigger CEQA even if the action takes place prior to planning or approval of all the specific features of the planned development." [Citation omitted.] Here, the gondola would open the way for development of Landco's parking lots by satisfying the CCRs' condition that parking requirements could be significantly reduced if mass transit were in place at Dodger Stadium. See, also, *Bozung v. LAFCo*, where our Supreme Court held that the removal of an obstacle to contemplated development – in that case, annexation of land to a city – rendered the development a reasonably foreseeable impact of approval for the annexation of the land. Here, construction of the gondola would remove an obstacle to additional development at Chavez Ravine.

GO17-52

As the facts show, construction of the gondola is intimately connected to the future development at Chavez Ravine and is therefore one unified project. McCourt Global's website at one point trumpeted its ownership interest in the 260-acre Chavez Ravine land as a "*current* real estate project" (emphasis added) during the pendency of Metro's consideration of the gondola proposal. That statement appeared on the website through at least October 2021, although it appears to have been removed from the website once the company began facing significant opposition to its proposed gondola project.

On April 26, 2018, Aerial Rapid Transit Technologies LLC (ARTT) submitted an unsolicited proposal to Metro for an aerial gondola from Union Station to Dodger Stadium that it calls Los Angeles Aerial Rapid Transit or "LA ART." ARTT was founded by Drew McCourt, Frank McCourt's son. The company at one time claimed that the estimated $125 million project, which estimate is now $300 million (https://www.dailynews.com/2023/01/10/controversial-proposed-aerial-

GO17-53

gondola-to-dodger-stadium-wins-a-court-victory/), will be privately funded by Frank McCourt's investment firm and others.

The Gondola Project as proposed seems intended to function a loss-leader for the future development of parking lots at Dodger Stadium. The proposed Project makes no economic sense on its own merits, but it does make sense as a necessary part of a larger development scheme. The economic infeasibility of the gondola as a stand-alone project is highlighted both by the utter failure of ARTT to provide a proforma or other economic data for the proposed Project after the CEQA process would be complete; there is no evidence that the gondola would generate enough revenue to support its own maintenance and operation, let alone to service any debt incurred to finance it. While the original proposal stated that "farebox revenue can finance the Project," no proof was advanced or exists in the current record to show that this is true. Moreover, the current website claims that the Gondola will be free for those attending Dodger games—which further supports the idea that the Gondola is part of a larger project not included in this EIR. We note that in the original gondola proposal, fares were not specified, but "ARTT LLC envisions that a round trip ride on ART will cost less than the average parking costs at the stadium." (MAR 226.) Now, however, ARTT's website states in its FAQ: cont'd GO17-53

> Just like the Dodger Stadium Express [Metro's bus service from Union Station to Dodger Stadium on game days], the aerial gondola will be free to ride for anyone attending a game at Dodger Stadium, which will maximize the air quality benefits from the project and encourage transit ridership.

The FAQ also states:

> In June 2021, LA ART announced that it had proposed to Metro the creation of a Community Access Program for local residents and businesses to use the LA ART system. This encourages daily use of this zero-emission project by local community members, in addition to the event-day periods when ridership will be prioritized for Dodger game attendees. Outside these times, local residents and employees of businesses in the LA ART vicinity could utilize the aerial gondola using an individual Metro fare or their Metro system access pass at no additional cost.

(https://www.laart.la/faq/; last accessed 11/28/22.) GO17-54

These new plans show that the farebox will probably not be a source of significant revenue, since so many, probably most, riders will ride at no additional cost to their Dodger ticket or the usual Metro fare. ARTT's original proposal also made vague suggestions that sale of naming rights and of advertising would provide revenue (MAR 226 ["In-cabin and in-station advertising opportunities are a part of ARTT LLC's business model and may or may not be packaged with an overall system sponsorship agreement"]), but no figures are given or even hinted at. The plain truth is that the gondola has never been shown to be self-supporting. Because the gondola Project did not pencil out on its own economics when proposed, it did not qualify for a sole source determination from Metro. ARTT has produced no substantial evidence in the DEIR to justify the assumption that it will be self-supporting now. The logical conclusion is that the proposed Project's losses will be compensated for by other, future development. In short, it is a loss-leader. Such future development is reasonably foreseeable, even if not actually proposed yet, and must be examined by the DEIR as part of the proposed Project.

cont'd GO17-54

Finally, the DEIR does not appear to examine the impacts of transferring ownership of the ARTT to a non-profit organization. The change of Project sponsor from a for-profit company that claims to have access to private capital that would fund construction of the gondola to a newly-formed non-profit entity, Zero Emission Transit (https://www.climateresolve.org/climate-resolve-launches-new-nonprofit-focused-on-zero-emission-transit-dodger-stadium-aerial-gondola-to-be-first-project/#:~:text=LOS%20ANGELES%20%E2%80%93%20Leading%20environmental%20nonprofit,in%20the%20Los%20Angeles%20region; last accessed 11-28-22) for which no such access to private capital has been shown, radically alters the nature and qualities of the proposed Project and must be fully disclosed and analyzed. For one thing, the transfer of the proposed Project to a non-profit with no track record and unknown resources will materially change the level of deferred mitigation that can be considered feasible for the significant Project impacts. How will a non-profit organization, or whoever takes over the Project from ARTT, pay for the deferred mitigation?

GO17-55

In all the above aspects, the Project Description is inadequate.

GO17-56

2. Land Use/ Anticipated Uses Are Not Disclosed.

GO17-57A

The EIR states the City of Los Angeles will need to enter into a 20 year development agreement pursuant to Government Code sections 65864 through 65869.5 (EIR, p. 2-62.) Such a development agreement may not be approved because it would not be consistent with the City of Los Angeles General Plan. The proposal of the gondola requires far more input from the City of Los Angeles as the brief listing in the anticipated uses section makes clear. cont'd GO17-57A

The DEIR should address the handling of ARTT end-of-life and dismantling. If the project proponent or its successors go bankrupt, which is a real possibility given the history of the funder of the project proponent, the City of Los Angeles and Metro may be saddled with the responsibility for either continuing to operate the gondola system, or dismantling the towers and stations. To guard against this eventuality, a performance bond should be posted by the project proponent, to the benefit of the City of Los Angeles and Metro, which may be used in the event project cleanup or winding down falls on the shoulders of the public. GO17-57B

3. All Reasonably Foreseeable Impacts Of The Project Are Not Analyzed Or Mitigated.

CEQA requires that all reasonably foreseeable impacts of a project must be identified, analyzed, disclosed, and if they are significant, mitigated. (*Laurel Heights*.) Both direct and indirect impacts must be addressed. (Guidelines § Guidelines § 15382.) Here, the Project description has been artificially truncated to limit the potentially significant impacts the DEIR discloses and for which it offers mitigation. GO17-58

4. There Is No Reliable Estimate Of The Gondola's Lifespan.

The truncation begins with an assumption of a 30-year lifespan for the proposed Project, backed with no engineering or commercial data, but seemingly based solely on the South Coast Air Management District (SCAQMD)'s draft threshold for significance on GHG emissions recommendations for amortization of GHG emissions from construction of industrial projects by spreading such emissions over an assumed life of 30 years.10 (DEIR, pp. 1-5, 1-6.) There is no further justification for use of a 30-year lifetime for the gondola in the DEIR. The SCAQMD letter to Metro GO17-59

FN GO17-59 10 SCAQMD's Board did not formally adopt this draft proposal.

responding to the NOP did not specifically recommend use of this lifespan for the proposed Project, nor does TCE believe that such use is justified. The gondola's lifespan was not estimated in the original proposal; there is only a vague statement that "[o]ur goal is for the system to operate for the full useful life of the mechanical system and it will be replaced with a comparable system of the latest state of the art at that time." (MAR [p.41 of RFI.) No information on the "full useful life of the mechanical system" is provided.

The SCAQMD guidance does not explicitly apply to transportation projects, only to industrial, residential, and commercial projects. (See Guidance at p. 3-18. Nor does the DEIR justify using the 30-year project life for the gondola. Since the operational life of the gondola will determine the extent and magnitude of its public benefits and its environmental impacts, the DEIR should provide a fully justified estimate of the gondola's useful life, supported by substantial evidence. As *Pfieffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, at 1561-62 holds: "'The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured that those consequences have been taken into account. [Citation.] For the EIR to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made." The public does not yet have that opportunity here.

cont'd GO17-59

5. The Project Has Adverse Impacts That Cannot Be Mitigated Below the Level of Significance.

The EIR admits that vibration impacts of construction of the project will be significant and unavoidable. The best way to avoid these impacts is to deny the project altogether, and to choose the environmentally superior alternative.

GO17-60

6. Some Impacts That Have Been Understated.

"CEQA is essentially an environmental full disclosure statute, and the DEIR is the method by which this disclosure is made." (*Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) "In many respects the EIR is the heart of CEQA." (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) The purpose of an EIR "is to provide public agencies and *the public*

GO17-61

in general with detailed information about the effect which a proposed project is likely to have on the environment, . . .” (Pub. Resources Code § 21061; emphasis added.) Contrary to these principles, numerous of the impacts that are analyzed in the DEIR are understated. For example, the DEIR dramatically understates the traffic impacts of the Project.

cont'd GO17-61

7. Failure to Analyze Some Impacts.

An EIR must analyze all potentially significant impacts of a proposed project on the environment. (Public Resources Code § 21082.2(a).)

8. Failure to Analyze all Feasible Mitigation Measures to Reduce Acknowledged Impacts.

GO17-62

Many potential mitigation measures are not even considered. For example, the DEIR assumes State Historic Park Impacts will be mitigated by amendment of the Park Masterplan. However, the EIR does not address mitigation by creating additional park space elsewhere or expanding the Park to compensate for lost acreage and usage or other feasible mitigation measures since the EIR incorrectly assumes State Historic Park impacts will be mitigated below a level of significance.

9. Reliance on Vague, Unenforceable, or Deferred Mitigation Measures Violates CEQA.

Mitigation measures must be required in, or incorporated into, a project. (Pub. Resources Code § 21081 (a)(1); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.) Again and again, the DEIR relies upon deferred mitigation and mere compliance with regulations.

GO17-63

The mitigation measures listed in the DEIR for the Project include a multiplicity of plans, for example the following:

> Construction Traffic Management Plan [DEIR, p. ES-14], Construction Monitoring Plan (Built Resources) [DEIR, p. ES-40], Cultural Resources Monitoring and Mitigation Plan (DEIR, p. ES-41], Archeological Testing Plan for Alameda Station (DEIR, p. ES-45],

Archaeological Testing Plan for LAUS Forecourt [DEIR, p. ES-47],
Archaeological Testing Plan for Los Angeles State Historic Park [DEIR, p. ES-48],
Paleontological Resources Mitigation and Monitoring Plan [DEIR p. ES-52],
Soil and Groundwater Management Plan [DEIR, p. ES-53],
Construction Noise Management Plan [DEIR, p. ES-58,
Vibration Monitoring Plan [DEIR, p. ES-67,
Temporary Disaster Route Plan [DEIR, p. ES-76],
Utility Relocation Plan [DEIR, p. ES-79], and a
Fire Protection Plan [DEIR, p. ES-80]. In addition, ARTT will need to prepare a Site-Specific Final Geotechnical Report. (DEIR, p. ES-50.)

cont'd
GO17-63

However, these plans should already be prepared and available for public review now with the EIR, not deferred to a non-public process after project review. The archeological testing plans for the Forecourt, Alameda Station, and the State Historic Park in particular must not be deferred. In 1999, when archeological investigation was conducted on land that would eventually become the State Historic Park, following the City's attempt to claim there would be no archeological impacts, extensive evidence of historic resources was found including bricks from the original Zanja Madre. (See "History Buffs' Find May Threaten Plans for Plan for Site"; https://www.latimes.com/archives/la-xpm-2000-apr-27-me-24078-story.html.)

In 2011, when archeological testing was conducted at La Plaza construction site at Main Street and Republic, near Olvera Street, an entire cemetery was found that had not been known before. (See "Cemetery found under L.A. construction site" https://abc7.com/archive/7890955/.)

GO17-64

Deferring archeological investigation of the Forecourt, the State Historic Park, and the Alameda Station until after Project approval in this context, where prior underground construction activity has nearly destroyed important evidence of history, would be unconscionable and would violate CEQA.

Mitigation measures are ineffective where they rely on the Project proponent to take various steps or ensure measures are carried out. The Project Proponent, ARTT, has committed to funding no more than 3% of the Project budget related to environmental review and permitting. So without funding commitment to implementation of the Project's mitigation measures,

GO17-65

none of them are likely to be carried out or effective. cont'd GO17-65

10. Failure to Consider a Reasonable Range of Alternatives.

The alternatives section has been described as the "core" of the EIR (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564), and an adequate EIR must describe a reasonable range of alternatives. (*Laurel Heights Improvement Association v. Regents of the University of California* (1993) 47 Cal.3d 376.) Unfortunately, the DEIR fails miserably in this regard. The DEIR rejects, without substantial evidence, the feasibility of alternatives such as enhanced bus service or a system of escalators or people movers. This is so, even though the DEIR acknowledges that the enhanced bus service is the environmentally superior option. GO17-66

11. The Project Is Inconsistent with the General Plan and Other Applicable Plans.

A general plan is the "constitution for future development." (*DeVita v. Napa* (1995) 9 Cal.4th 763, 773.) "[T]he requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." (*Debottari v. City of Norco* (1985) 171 Cal.App.3d 1204, 1213.) GO17-67

As discussed in more detail below, the proposed Project impermissibly conflicts with the State Historic Park Master Plan and the LA Union Station Development Plan, and other plans of general applicability. For example, the Project is within the jurisdiction of the Santa Monica Mountains Conservancy, but the applicable plan is not even mentioned or analyzed.

II. MAJOR SUBSTANTIVE CONCERNS: THE EIR IS FAULTY AND DEFICIENT.

The following comments are listed in the order in which the subject appears, rather than the priority given to them by TCE. GO17-68

A. Aesthetic Impacts, Section 3.1 Is Misleading and Uninformative.

The Project will have numerous aesthetic impacts, including impacts to views of the historic SHP and surrounding hills. These impacts must be GO17-69

properly analyzed and all feasible mitigation measures should be imposed or alternatives should be adopted to lessen this significant impact.

"[A]ny substantial, negative effect of a project on view and other features of beauty could constitute a "significant" environmental impact under CEQA." (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.) According to the California Court of Appeal, lay opinions that articulate the basis of the opinion can constitute substantial evidence of a negative aesthetic impact. (*Ocean View Estates Homeowners Assoc., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402.) Expert testimony on the matter is not required because the overall aesthetic impact of a project is a subjective matter for which personal observations are sufficient evidence of the impact. (*Id.; Oro Fine Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882.)

cont'd GO17-69

1. The DEIR Does Not Disclose the Full Extent of the Aesthetic Impacts.

In its discussion of aesthetic impacts, the DEIR focuses faraway simulations. Appendix C does not present a reasonable disclosure of the impacts that will occur and instead provides a document of advocacy attempting to present gondola tower and station impacts in the best light possible.

The DEIR fails as an informational document for using images that seem intended to minimize impacts. Some examples include:

GO17-70

Figure 2-6 (DEIR, p. 2-16), where a background 195-foot tall gondola tower looks modest in height compared to foreground telephone poles and buildings;

Figure 2-7 (DEIR, p. 2-20), where even zooming in the overhead image it is impossible to tell the real impact and conflicts between the project easement and buffer;

Figure 2-8 (DEIR, p. 2-21), where the proposed alignment doesn't differentiate between public right-of-way and LASHP when discussing public and private property, completely minimizing park impacts;

Figure 4-7 (DEIR, p. 4-34), where the image diminishes the nature of the visual impact on LAHSP, but still shows the downtown view is almost completely obscured (note that the LASHP General Plan protects that view).

cont'd GO17-70

The Key Observation Point locations seem to have been chosen in order to minimize visual impacts rather than fully disclose them.

Of course, more troubling are the depictions that were not included. The Aesthetic Impact section fails to address the foreseeable use of gondola cars as mobile and possibly electronic billboards advertising on behalf of any purchasers of such flying billboard space. The foreseeable use of gondola tower and station inside and outside space for advertising signage is not addressed or limited in any way.

GO17-71

2. There Are Mitigation Measures Available for Impacts to Privacy.

As discussed above, when there are available mitigation measures or alternatives that would lessen the impacts of a project. There are several aesthetic impacts the DEIR should be viewed as significant but the EIR does not acknowledge these impacts.

GO17-72

B. Impact 3.3: Air Quality Will Be Significantly, Adversely Impacted by Traffic Drawn by the Gondola Project.

1. Existing Air Quality in Downtown Los Angeles Is Already Degraded.

As a court has noted in connection with a proposed commercial development project in the Central Valley:

> It is well known that air pollution adversely affects human respiratory health. (See, e.g., Bustillo, *Smog Harms Children's Lungs for Life, Study Finds,* L.A. Times (Sept. 9, 2004).) Emergency rooms crowded with wheezing sufferers are sad but common sights in the San Joaquin Valley and elsewhere. Air quality indexes are published daily in local newspapers, schools monitor air quality and restrict outdoor play when it is especially poor and the public is warned to limit their activities on days when air quality is particularly bad.

GO17-73

(*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219.)

The entire air basin surrounding Los Angeles is designated as a federal-level extreme nonattainment area for ozone, meaning that federal ambient air quality standards are not expected to be met for more than 17 years, and as a serious nonattainment area for CO and PM10. The area is also a federal-level nonattainment area for NOx and PM2.5, as designated by the U.S. EPA. The Basin is a state-level extreme nonattainment area for ozone, and is a state-level nonattainment area for PM2.5 and PM10.

In addition to the impacts that unhealthy levels of pollutants will have on the general population, this Project will cause particularly severe damage to the health of sensitive receptors such as children, the sick, and the elderly within a quarter mile from new traffic patterns in the area.

A Health Risk Assessment ("HRA") should be done because of the new traffic that would be attracted to the area of the Chinatown Station and Union Station.

Local CO2 hotspots from localized congestion could be created and must be analyzed.

cont'd GO17-73

2. Construction Emissions Would Be Significant and Must Be Mitigated to a Far Greater Extent than Currently Proposed.

a. More Detailed Disclosure of the Timing of Construction Emissions Is Required.

The DEIR fails to address the significant truck traffic that will be required to haul dirt. It also fails to address the additional noise and pollution that would be associated with that traffic.

GO17-74

There should be a disclosure of the length of the anticipated construction period. The EIR fails to describe mitigations to reduce the concentration of emissions, noise, trash and pollution during construction.

b. Additional Mitigation of Construction Equipment Nitrogen Oxide Emissions is

GO17-75

Required.

Every feasible mitigation measure possible must be taken to reduce construction emissions.

cont'd GO17-75

The DEIR should require use of Best Available Control Technology for the construction phase. Further, measures that should be analyzed and adopted if feasible include:

- Prohibit construction vehicles from idling in excess of five minutes.
- Construction contractors should be required to use alternative clean fuel, such as electric or compressed natural gas-powered construction equipment with oxidation catalysts, instead of gasoline- or diesel-powered engines.
- Where diesel equipment has to be used because there are no practical alternatives, the construction contractors should use low-sulfur diesel, as defined in SCAQMD Rule 431.2, i.e., diesel with a sulfur content of 15 ppm by weight or less. The low-sulfur diesel has the potential to reduce NOx emissions by 50 percent.
- Use aqueous or emulsified diesel fuel for construction equipment. Aqueous diesel fuels have received interim verification by the California Air Resources Board and show a reduction of 16 percent in NOx and 60 percent in PM10 from diesel exhaust.
- Require the use of electricity from power poles instead of temporary diesel- or gasoline-powered generators.
- Require the use of newer, lower-emitting trucks to transport construction workers, equipment and material to and from construction sites.
- Limit the hours of operation of one or more pieces of construction equipment.
- Metro should require the Project proponent to investigate the availability of construction equipment retrofitted with particulate filters and give preference to contractors with relatively modern construction equipment that are or could be retrofitted with diesel particulate filters.

GO17-76

3. Various Air Quality Analysis and Assumptions are Unsupported.

GO17-77

Air Quality experts EAI have reviewed the DEIR and have the following comments. (A copy of the EAI analysis is attached- Enclosure 6).

a. Gondola Movement Assumptions are Overstated.

The Draft EIR indicates that the tramway will move 5,000 people per hour, with 30-40 people per gondola. If that is correct, a total of approximately 143 gondolas per hour would be needed (35 people x 143 gondolas = 5,005 people). To transport that many gondolas, a gondola would need to arrive, load and leave every 20 to 30 seconds. Each time a gondola arrives at Dodger Stadium, it would also have to empty every 20 to 30 seconds. This timing does not allow for the additional time required for children, the elderly or persons with disabilities who may need more time and assistance. Consequently, the numbers stated in the DEIR, are wildly overstated and likely impossible to achieve. These overly aggressive assumptions lead to an overestimate of the number of people that would use the ARTT as an alternative to driving vehicles or using other forms of transportation. Even at this highly unlikely maximum utilization rate, Dodger patrons who leave the game at its conclusion may have to wait as long as an hour or more for their return trip to Union Station—leaving many patrons stranded and possibly calling for an Uber or Lyft rather than waiting for the Gondola—essentially undercutting the "emission-free" claims of the proponents. Compare this to the Hollywood Bowl that has busses waiting in the wings to immediately transport thousands of guests to parking lots throughout the city and county as opposed to just one fixed location.

cont'd GO17-77

b. Air Quality Analysis is Flawed.

i. Baseline Assumptions are Incorrect.

The air quality and GHG emission benefits of the project have been overstated. The mobile emissions take credit for non-Project (regulatory) related emissions reductions for future years. This misrepresents the actual impacts of the proposed Project. It mistakenly credits the proposed Project with emissions reductions that are not created by the proposed Project. Instead, the analysis should have used the same basis (emissions factors) to show the real impacts from the proposed Project, without influence from external sources (e.g., unrelated regulations).

GO17-78

ii. Haul Route Air Quality Impacts Are Inaccurately Analyzed.

The haul trips to move soil during construction activities were based on 20 miles per trip. If any hazardous soil is encountered during the excavation, the mileage could be grossly inadequate since contaminated soil needs to be hauled to a hazardous waste facility, the closest of which is Clean Harbors in Buttonwillow, California approximately 140 miles from Union Station. Further, it is likely that the project construction team would know the distances to the landfills that will be used for clean soil so these should be disclosed. The likely landfills for clean soil in the area are the Azusa (21.7 miles from Union Station), Chiquita Canyon (40 miles from Union Station), and Simi Valley Landfills (42 miles from Union Station). The air quality impacts associated with these construction activities must be revised and updated with accurate assumptions. GO17-79

iii. Gondola Operation Benefits Are Overstated.

Emissions for the gondola operations are shown as a negative number (Table 4-8 of Appendix J), which is disingenuous. It would be understandable to calculate the potential emissions from the electricity use then apply GHG credits for a mitigation measure, but showing the value as a negative number implies the proposed Project is generating the GHG credits, which is false. GO17-80

iv. Battery Backup Should Be a Mitigation Measure.

Emissions for the backup battery system are shown as a negative number (Table 4-10 of Appendix J). The same logic applies. The proposed Project is not generating GHG credits for using backup batteries. Using battery power instead of diesel should be a required mitigation measure. GO17-81

v. The EIR Uses an Outdated AQMP.

The DEIR relies on the 2016 AQMP, which is outdated. The 2022 AQMP has been approved by the SCAQMD Governing Board on December 2, 2022. (Appendix D). GO17-82

c. Energy Usage is Inappropriately Analyzed and GO17-83

Mitigated.

Appendix H Energy Technical Report (page 22). The Draft EIR indicates that electricity will be supplied using the LADWP's Green Power Program, indicating that the primary electricity for the project would come from renewable energy sources. As this is one of the primary ways the project is minimizing increases in GHG emissions, an enforceable mitigation measure must be provided to ensure this project assumption is enforced. cont'd GO17-83

Section 3.0 of the Draft EIR indicates that the environmental setting is the physical conditions in the vicinity of the proposed project at the time of publication of the Notice of Preparation (NOP), which was October 1, 2020. However, data used to calculate baseline conditions varies. For example, 2019 was considered to be the baseline conditions for the energy analysis (see page 3.6-13). The Draft EIR must explain the appropriate environmental setting and why the impact analysis for different resources used different years. Further data regarding the existing fuel consumption was based on 2016 data, which is at least 8 years old (see page 3.6-13) and not consistent with the release of the NOP. GO17-84

The DEIR indicates that construction would result in a demand of approximately 864,544 kWh of electricity. (Page 3.6-15.) Please provide the assumptions used to calculate the electricity use during construction. GO17-85A

The DEIR states that the Project's construction electricity use represents a small percentage of regional estimates for the LADWP. (DEIR page 3.6-15 and Appendix H.) It further states that: "The CEC estimates that energy demand in the LADWP planning area will increase to approximately 27,000 to 28,000 GWh in the 2024 to 2026 timeframe, meaning the proposed "project's demand contribution in that period would be approximately 0.002 percent of the projected demand." (see DEIR page 3.6-15). According to the footnote, the peak demand for LADWP is based on a CEC reference from 2016 and used data from 2015. With the move toward renewables and the problems that the electricity grid had maintaining electricity during peak demand periods in 2022, more recent data should be used. Further, for the same reason, the DEIR should explain whether the LADWP has excess RENEWABLE electricity available for the proposed project. Per the DEIR assumptions, it is assumed that all electricity use associated with the operation on the project will be renewable. A mitigation measure should be developed to enforce this assumption. GO17-85B

Further, the DEIR indicates that the peak demand in the LADWP planning area is expected to reach 6,400 to 6,500 MW in the 2024 to 2026 timeframe. Please note that the LADWP reports that the record peak demand was 6,502 MW on August 31, 2017.[11] Therefore this peak demand has already been reached and the data provided in the DEIR is not valid, likely because the information used for the baseline is outdated. The potential energy impacts are significant as LADWP does not currently have the excess electrical supply capacity to provide electricity to the proposed project. GO17-85C

Further evidence of the use of an inappropriate baseline is the Proclamation of a State of Emergency signed by Governor Gavin Newsom on August 31, 2022. The Proclamation declared that immediate action was required to reduce the strain on the energy infrastructure and increase energy capacity during the Extreme Heat Event (late August through early September, 2022). The California Independent System Operator (CASIO) forecasted high electric demand due to the extreme heat event with peak load projected to exceed 48,000 MW and which would exceed the available electricity.[12] Further, this event was classified as an "emergency event" which allowed existing portable generators (including diesel generators) to operate under emergency conditions, regardless of any permit conditions. GO17-86

The DEIR indicates that the proposed project would result in electricity demand of approximately 6.9 GWh/year and dismisses the impact because the electricity increase would be 0.002 percent of the projected statewide demand in 2026. (Page 3.6-16.) However, currently the electricity production is not sufficient to meet current demands during peak electricity use periods (e.g., hot summer months). The DEIR should compare the proposed project's electricity use with the current electricity generation by LADWP, since LADWP will supply electricity to the project beginning in 2026 first. There is currently not sufficient electricity to power the grid during high or extreme heat periods. The impacts on the electricity system should not only be compared to the projected electricity production in 2042 (which may or may not actually occur). GO17-87

FN GO17-85C [11] LADWP Facts and Figures. https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-power/a-p-factandfigures?_adf.ctrl-state=10n9mool8q_4&_afrLoop=494270252036354

FN GO17-86 12https://www.gov.ca.gov/wp-content/uploads/2022/08/8.31.22-Heat-Proclamation.pdf?emrc=78e3fc

C. Historical and Cultural Resource Impacts (Section 3.5) Must Be Avoided.

The impacts to the State Historic Park, El Pueblo, and Los Angeles Union Station must be avoided. We agree with comments from the California State Parks Rangers Association (CSPRA), the Los Angeles Conservancy, the California State Parks Foundation, and Los Angeles Union Station Historical Society (LAUSHS) on these issues. GO17-88

D. Parks and Recreational Facilities (Section 3.16) Impacts Must Be Avoided.

1. The Permanent Construction of Gondola Facilities Will Negatively Impact the Park Experience.

The State Historic Park serves as a rare refuge in the urban environment for relaxation and recreation. The Gondola associated facilities will physically intrude on this refuge space. No portion of the State Historic Park should be taken for gondola facilities. The gondola lines should not be planned to pass over the State Historic Park airspace. GO17-89

2. Non-Permanent Impacts On The State Historic Park that May Be Significant Are Not Adequately Analyzed In The DEIR.

CEQA requires that every significant environmental impact from a proposed project must be identified, analyzed, reported to the public, and mitigated to the extent feasible. (Pub. Resources Code § 21002, 21081.) The Guidelines make clear that an impact does not have to be permanent to be significant; Guidelines § 15065(d)(1) cites "dust, noise, and traffic of heavy equipment" from construction as potentially significant, and construction is by definition temporary. GO17-90

Here, the DEIR acknowledges that "[c]onstruction of the Chinatown/State Park Station would require the temporary closure of approximately 1.59 acres of the southern entrance to Los Angeles State Historic Park during the approximately 19 months for the construction of the

Chinatown/State Park Station." (DEIR, p. 3.16-16.) The DEIR also admits that "Construction of the Chinatown/State Park Station would temporarily fence off portions of the park, generate dust and noise, and introduce heavy construction equipment into the area, which may potentially discourage people from using certain portions of the park, disrupt events occurring at the park, or increase the use of the open portions of the park." (*Id.*) The DEIR finds such impacts to be less than significant, on grounds that park visitors already experience disruption from special events at the State Historic Park, such as concerts and festivals; also, visitors could still use 30 acres of the Park during construction of the Station, and will only have to put up with the condition for nineteen months. (DEIR, p. 3.16-17.) No mitigation for the loss of park space is proposed or even explored.

cont'd GO17-90

The DEIR's reasoning is flawed and inconsistent with CEQA's requirements. When it suggests that park patrons will just take the loss of Park space in stride, the DEIR effectively places the responsibility for mitigating this impact on the park visitors themselves and their fully justifiable expectations for a park, not on the proposed Project. The DEIR has already found construction noise levels to be significant and unavoidable at the State Historic Park. (DEIR, p. 3.3-18, 3.13-75). It now equates the disruptions of a few days-long festivals each year with *over a year and a half* of partial Park loss. Park visitors who are already suffering significant noise levels should also simply adapt and make do with the Park area that is not lost to them, the DEIR implies. But the Guidelines provide that dust and noise may constitute significant impacts; by analogy, the deprivation of park acreage to the public may also be significant, and the DEIR must analyze and report this impact instead of minimizing and dismissing it.

GO17-91

It is a fundamental principle of CEQA that the significance of an impact may depend upon the setting, that "an activity which may not be significant in an urban area may be significant in a rural area." (Guidelines § 15064(b)(1).) Here, the extended loss of even a part of the State Historical Park, one of the few oases of green and peace in the bustle and pollution of downtown Los Angeles for nineteen months (or more) may be significant, even if losing an equivalent portion of the urban landscape elsewhere in downtown might not be. This is especially true when one considers that this is a private project that the public is being asked to sacrifice public land, resources and airspace for, and now even state park property. The DEIR must analyze this impact and mitigate it at this site, for this impact.

GO17-92

E. Transportation/Traffic Impacts (Section 3.17) Are

GO17-93

Understated and Not Sufficiently Mitigated.

Traffic expert Tom Brohard has examined certain portions of the EIR and made the following observations.

1. Dodger Stadium Access Study For Los Angeles County Transportation Commission

Over 30 years ago in August 1990, the Los Angeles County Transportation Commission, the County transportation agency that preceded Metro, retained Gruen Associates with Gannett Fleming to evaluate alternative connections to move people efficiently to and from Dodger Stadium. The enclosed "Dodger Stadium Access Study" evaluated various technologies including shuttle buses, automated guideway transit, light rail transit, gondola tramways, and walkways and escalators.

Six different characteristics were evaluated and compared for the five different technologies as shown in Table 1 of the Study. Table 3 compared boarding and travel time for the different alternatives, with the gondola tram taking an average of 92 minutes and 60-person shuttle buses taking about 43 minutes per passenger, less than half of the time required per passenger for the Gondola trams. The capacity of the shuttle bus system was estimated at 7,200 passengers per hour, over 2.5 times greater than what the gondola system could provide. The aerial gondola system was found to take more than twice as long as the shuttle buses, and shuttle buses were found to move more than double the number of people.

cont'd GO17-93

Of the different alternatives evaluated, the gondola was found to have the lowest capacity of any of the systems considered and would have the least positive impact on traffic and congestion. The gondola system then and now is more for sightseeing and entertainment and is not an effective way to move people between places that are 1.2 miles apart.

2. Metro Board Executive Management Committee Report

The September 15, 2022 Metro Board Executive Management Committee Informational Report, Los Angeles Aerial Rapid Transit Project Update, discussed various topics including the traffic studies to be prepared for the Proposed Project. Page 4 states "A separate Project Access, Circulation and Construction Transportation Study will be prepared in accordance with the non-

GO17-94

CEQA analysis required by the City of Los Angeles Transportation Assessment Guidelines. This separate technical report will evaluate the Project's potential effects on the intersection level of service."

This study was to be prepared as required and in accordance with the LADOT Transportation Assessment Guidelines issued in August 2022, including potential impacts on intersection level of service. The contents of the analysis are found in Section 3.3, Project Access Safety and Circulation Evaluation. This report was not included in the Draft EIR or Appendix N. Furthermore, this analysis has not been shared with the public. It should have been made available for review and comment.

cont'd GO17-94

3. Draft Environmental Impact Report - Executive Summary

The Project Purpose on Page ES-1 states "The proposed project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit service connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and the surrounding communities via three new transit stations… The Proposed Project is needed to alleviate existing congestion and associated air pollution… as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways…"

GO17-95

Both of these statements, as well as many others throughout the Draft EIR, are made without foundation and/or documentation to support them in the Draft EIR or in the technical Appendices. They exaggerate even a best-case scenario that could most optimistically occur.

Access to State Historic Park: Such access is already available via Metro's Gold line which is just one stop from Union station on an already existing line—so the Gondola does not provide any additional benefits, in fact, Metro riders will have to leave the station (instead of just transferring within the station) walk to the Gondola station, potentially pay an added fare (note Metro would have to negotiate this with the private owners of the Gondola) to get to the State Historic Park which they can already reach via Metro or by walking.

GO17-96

Access to Elysian Park: The proposed Gondola Stop is at the furthest end of the Dodger Stadium parking lot which is far from Elysian Park. Families seeking to picnic at the park will not likely be taking their chairs, equipment and coolers on the Gondola to the park. As with most of the rest of this project,

the claim that the Gondola will serve park goers is a red herring to deflect from the sole purpose of the Gondola which is to benefit Mr. McCourt's plans for the development of Dodger Stadium as previously discussed. cont'd GO17-96

Page ES-16 provides a listing of comments from various public agencies. Interestingly enough, no comments are listed as being from the City of Los Angeles Department of Transportation. This lack of response from LADOT is unique in my extensive experience in peer reviews of transportation aspects of various projects in the City of Los Angeles over the last several decades.

With direction from LADOT and as outlined in the LADOT Transportation Assessment Guidelines, a detailed Memorandum of Understanding outlining the methodology and approach to the transportation analysis is typically developed by the Draft EIR transportation consultant. This document is then reviewed, approved, and signed off by both LADOT and the Draft EIR transportation consultant before the transportation analysis begins. There is no evidence that such a Memorandum of Understanding was ever developed, reviewed and approved by both LADOT and by the Draft EIR transportation consultant. GO17-97

Transportation Mitigation Measure TRA-A on Page ES-72 recommends "visibility enhancements for the Alameda Tower and Chinatown/State Park Station" but then states "visibility enhancement features could include high visibility crosswalk treatments, advance crossing warning signs, flashing beacons, upgraded lighting, and new or upgraded traffic controls such as traffic signals and all-way stops and right turn on red restrictions and channelization of pedestrians to marked crosswalks via fencing. The mitigation measure would be implemented during the construction phase and would be completed prior to proposed Project operations." GO17-98

The laundry list provided gives many different possible mitigation measures, but no study or analysis has been conducted to determine which may be appropriate or inappropriate. For example, it is not possible to install traffic signals and all-way stops at the same intersection. The possible mitigation measures must be analyzed now to determine what is needed and warranted. Waiting until some future time to decide what will or will not be done constitutes deferred mitigation, and any such mitigation will not be timely or effective. Deferred mitigation is contrary to professional traffic engineering and transportation planning principles as well as CEQA, the California Environmental Quality Act.

Transportation Mitigation Measure TRA-B on Pages ES-73 to Page ES-76 provides more of the same deferred analyses in its discussion. The Construction Traffic Management Plan offers several possible measures but then defers to City of Los Angeles approvals before implementation. The City of Los Angeles always requires a Construction Traffic Management Plan and there is nothing special or unique here.

As one of several examples, "Existing yellow crossings… shall be evaluated in coordination with LADOT to determine if crossing guards should be assigned on days/times when detours are active, the proposed Project shall fund crossing guards during morning school arrival and afternoon school departure periods… If school crossings along detour routes are unsignalized, temporary traffic signals will be evaluated in coordination with LADOT and would be implemented by the proposed Project if deemed necessary." Once again, possible mitigation measures are proposed but no measures are actually studied or planned. TCE will be particularly affected by construction—as stated in TCE's NOP comment letter in Appendix A of the EIR. TCE provides free public conference meeting space to non-profit and governmental organization throughout the County. This Project would seriously and severely disrupt TCE's operations as well as those of tenants in the building and visitors. GO17-99

The Draft EIR must analyze potential mitigation measures now and determine which are needed and warranted rather than publish yet another laundry list of possible measures which have not been studied or evaluated.

4. Draft Environmental Impact Report - Chapter 2 – Project Description

The Purpose and Need Section beginning on Page 2-10 states the Dodger Stadium Express buses carry approximately 1,850 riders on average per game. Page 2-12 states "Within two hours prior to the start and after a game or event at Dodger Stadium, more than 10,000 people could be transported to the stadium by the Proposed Project. The average attendance at a Dodger game was approximately 49,000 for the 2019 season. Given the capacity of the system, approximately 20 percent of the fans could take aerial transit connected to Metro's regional transit system." GO17-100

This statement is theoretical at best for conditions after a game since very few fans will be willing to wait more than one hour with other transportation options available including Dodger Express Bus as well as Uber/Lyft/Taxi. The UCLA Mobility Lab Study discussed further below found that the Proposed

Gondola Project would carry only about 2,200 passengers at most and would transport only 1,380 people after a baseball game. cont'd GO17-100

The loading and unloading of gondola cars are briefly discussed on Page 2-17. However, there is no description or illustration of how passengers would access the gondola cars from the Metro L Line (Gold), how passengers would access the gondolas from ground level, or how passengers would cross Spring Street. Each of these omissions raises significant traffic safety concerns for pedestrians trying to reach and use the proposed gondola system. GO17-101

Figure 2-27 on Page 2-54 illustrates the location of the proposed gondola support tower within the Alameda Triangle just south of Alhambra Avenue. From that illustration, it does not appear to be possible to provide adequate stopping sight distance through the tower supports for the westbound dedicated left turn lane and the westbound left turn/right turn lane. The Draft EIR must describe how potentially conflicting motorists will be able to see each other through the solid tower support framework. GO17-102

Page 2-61 does not indicate the requirements to coordinate with and obtain approval from LADOT during construction as well as during operation of the proposed project. The City of Los Angeles has jurisdiction over the roadways that will be impacted, and the Proposed Project must work closely with the City's Department of Transportation by obtaining all required permits and following each of the permit requirements. GO17-103

5. Draft Environmental Impact Report - Chapter 3.17 – Transportation

Page 7 repeats that the City of Los Angeles Transportation Assessment Guidelines as noted in the Board memo would be followed. The current edition of the LADOT TAG was issued in August 2022. However, the required level of service analysis and comparisons were not included in either the Draft EIR or Appendix N, and this study has not been made available for public review and comment. GO17-104

The estimates of neighborhood riders and walkers on Page 26 do not appear to consider the topography vertical rise of 200 to 300 feet up to Dodger Stadium in the walkable and bikeable forecasts. The steep slopes of the streets and pathways discourage walking and biking. The estimates of neighborhood GO17-105

riders of the gondola are significantly overstated and must be reduced to account for the steep topography. cont'd GO17-105

Page 27 states that the vehicle miles traveled (VMT) calculations are based on data collected in Year 2019, but there is no evidence or cross-checking to support that these values are "current" or correct. GO17-106

Page 32 indicates the Proposed Project will result in only one change to intersection geometrics by shortening the northbound left turn lane from Alameda Street to Cesar Chavez Avenue by 150'. Shortening of this left turn lane by almost half, from 320 feet to 170 feet, which will result in traffic waiting to turn left backing out of the shorter left turn lane, stopping in the through lane, and significantly increasing the potential for rear end collisions. This left turn lane is also signed as a primary route to reach Dodger Stadium. The capacity of this left turn lane will be cut in half, creating the need for other mitigation to accommodate the high northbound left turn demand. GO17-107

Page 40 incorrectly states that the 35 MPH posted speed limit on Alameda Street equates to 250 feet of stopping sight distance at the marked crosswalk at Alameda Station.

The 7th Edition of "A Policy on Geometric Design of Highways and Streets 2018 The Green Book" published by the American Association of State Highway and Transportation Officials (AASHTO) is the definitive resource of stopping sight distance. This publication is used by Caltrans as well as all local jurisdictions in California. Traffic engineers and transportation planners understand that stopping sight distance is based upon the design speed of the roadway under review, a speed which is typically 10 MPH higher than the posted speed limit. Stopping sight distance for a 45 MPH design speed is 360 feet, not 250 feet, as shown in Table 3-1 on Page 3-4, Stopping Sight Distance on Level Roadways. Other measures to provide 360 feet of stopping sight distance are required. GO17-108

All other discussions of stopping sight distance must be modified to reflect the use of the design speed which is typically 10 MPH higher than the posted speed limit and that requires additional stopping sight distance accordingly.

Page 41 recommends prohibiting right turns on red at the Alameda Tower as a mitigation measure. "No Right Turn On Red" is not an effective mitigation measure as it does not guarantee safety for pedestrian crossings as vehicles may GO17-109

violate the posted right turn on red prohibition and they are then faced with a condition involving inadequate stopping sight distance. cont'd GO17-109

Page 67 states that Mitigation Measures TRA-A will provide visibility enhancements at Alameda Tower and Chinatown Station but does not discuss what mitigation measures are recommended at these locations. The discussion should be expanded to describe the mitigation measure as has been done for Mitigation Measure TRA-B immediately following. GO17-110

Other mitigation measures are deferred and may not be timely as required. To be effective and complete, potential mitigation measures identified on the various laundry lists must be studied and evaluated in the Draft EIR, with specific mitigation measures identified. GO17-111

6. FEHR & Peers Ridership Modeling (Appendix N of Draft EIR)

Table 5 on Page 21 of Ridership Modeling in Appendix N of the Draft EIR estimates 6,000 game attendees would ride the gondola in 2026. Daily tourist riders on the gondola are estimated to be 1,270 per day on game days and 2,575 per day on non-game days. These forecasts are significantly higher than those presented in the other reports such as the Dodger Stadium Access Study discussed earlier in this letter and in the UCLA Mobility Lab Study discussed later in this letter. GO17-112

7. FEHR & Peers Draft Parking Study September 2022

Page 1 states "Detailed analysis of traffic associated with the proposed project are separately being evaluated in a non-CEQA transportation assessment in accordance with the City of Los Angeles Transportation Assessment Guidelines. This would involve calculation of level of service and delay at intersections (pre VMT), but these calculations and results are not found in the Draft EIR or in Appendix N. GO17-113

Pages 2 and 3 indicate that the Chinatown/State Park Station "could" include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge." Specific improvements need to be identified now (see Page 42 of Chapter 3.17) and included within the mitigation measures proposed in the Draft EIR. GO17-114

Page 10 states that a parking management plan will be developed before operation of the Proposed Project. Doing this at some future time rather than during the Draft EIR constitutes deferred mitigation by stating "Parking management strategies and specific implementation steps will be further detailed in a parking management plan prepared in the future in collaboration with the City of Los Angeles, who would be the implementor of any on-street parking management strategies... However, because the detailed parking management implementation plan will be reliant on completion of construction documents and the final operating plan, it will follow the completion of the environmental process for the proposed project." Parking management is critical to understanding the impacts of this project, the failure to clearly articulate how Mr. McCourt and ARTT intends to manage the displacement of cars from Dodger Stadium to the Chinatown community must be clearly articulated and a mitigation plan provided for comment. This is a matter of environmental justice as stated previously. The fact that no plan for parking mitigation was presented is yet another reason why this Project may not go forward. GO17-115

8. UCLA Mobility Lab – October 24, 2022 Study

A study using current modeling techniques recently completed by two UCLA researchers found that the gondola system could slightly reduce traffic on major roads around Dodger Stadium on the night of a sold-out baseball game, but that impact would likely be very limited. The study found that the gondola would likely take only around 608 cars off the road and that minor change would be unlikely to significantly reduce greenhouse gas emissions and traffic overall. GO17-116

Other findings of the UCLA Mobility Lab Study are as follows: GO17-117

a) Contrary to the Draft EIR, the gondola system would not significantly reduce traffic or greenhouse gas emissions around Dodger Stadium.

b) The gondola system would carry fewer passengers than the Draft EIR claims. About 4,690 passengers would take public transportation on game days. Of these, the model predicted 2,500 would use the Dodger Stadium Express buses, meaning that only 2,190 new passengers would take the gondola system. Doubling the number of buses would more than accommodate passengers that could be expected to ride the gondola. GO17-118

c) Fewer people would take the gondola after the game resulting in more traffic and emissions. The model disclosed about 2,500 passengers switching from the free Dodger Stadium Express buses to the gondola to the stadium, and about 1,000 fans switched back to the shuttle buses after the game. Only about 1,380 fans were forecast to use the gondola after the game as they would have to wait in long lines to use the gondola. GO17-119

d) Very few people were predicted to use the gondola for transportation other than getting to or from the games. Only 60 people, about one gondola carload, were forecast to travel to Dodger Stadium during the day, and only about 140 passengers would travel from Dodger Stadium to Chinatown or Union Station during the day. GO17-120

9. Shuttle Busses and the Coachella Festival Illustrate Better Alternatives Are Feasible.

Many large destination venues choose to use shuttle buses because of the flexibility of expanding or contracting according to need. The fixed catenary system is limited both as to capacity and to location. As City Transportation Engineer for the City of Indio for 15 years, Tom Brohard was deeply involved in getting patrons to and from the Coachella Festival over two weekends in April each year. Shuttle buses from across California and adjoining states were contracted to travel various pre-planned routes throughout the Coachella Valley to and from the festival grounds each of the three days. Coachella successfully used shuttle busses to transport one-third of 250,000 festival attendees—with pre-planned routes and dedicated lanes on festival days—such a public system could also be developed for Dodger stadium games and events. GO17-121

The successful transportation program developed by the festival promoter, Goldenvoice, split the attendees into three separate but approximately equal groups. These included those who arrived the day before and camped at the site until the day after the festival ended, those who commuted daily to and from the site using Uber/Lyft/taxi, and those who rode Festival provided shuttle buses from hotels to and from the venue each day.

About one-third of the 250,000 daily festival attendees used the shuttle buses, with separated priority lanes on City streets for the shuttle buses near

the festival site leading to a designated area within the festival site for shuttle bus loading and unloading. This system involved rapid turnover within the Festival shuttle bus lot with buses quickly filling empty bus parking stalls, loading/unloading passengers, and departing. cont'd GO17-121

10. Summary and Conclusion

When it was evaluated over 30 years ago, the gondola finished last in comparison with five other transportation alternatives to serve Dodger Stadium. Such a comparison today ends up with similar results. GO17-122

The proposed Gondola is better suited for sightseeing rather than being an effective transportation measure to move large volumes of people in short periods of time. Shuttle buses together with Uber/Lyft/taxi services now serve Dodger Stadium well at a fraction of the cost. An expansion of the shuttle bus operation between Dodger Stadium Express in lieu of the proposed gondola system would efficiently meet the demand to transport people in a cost-effective manner on game days and on special event days. GO17-123

The omissions and errors summarized and detailed throughout this letter require that each of these issues and items be reanalyzed and reevaluated through additional study before the Proposed Project is considered further by Metro. GO17-124

F. Impact 3.13: Noise and Groundbourne Vibration Impacts Will Be Significant and Must Be Further Mitigated.

1. Construction Noise is Identified as Significant and Unavoidable.

The EIR identifies the fact that construction equipment noise impacts on sensitive receptors will be significant and unavoidable. (EIR, p. 3.13-31). Such impacts can be avoided by disapproving the Project.

It is not sufficient for purposes of CEQA that the DEIR merely acknowledge the significant impacts. Rather, the DEIR must propose meaningful mitigation measures and alternatives that would avoid or reduce the impact as much as possible. GO17-125

The construction of noise barriers is one mitigation measure that should be considered and incorporated as appropriate. Other possible noise abatement measures include traffic management measures, creating buffer

zones, planting vegetation, and installing noise insulation in buildings.

Insulating buildings can greatly reduce construction noise, especially when windows are sealed and cracks and other openings are filled. Such measures must be adopted to reduce impacts on adjacent buildings.

cont'd GO17-125

2. Groundborne Vibration Impacts Will be Significant.

The DEIR states that groundborne vibration impacts are significant and unavoidable. (EIR, p. 3.13-62.)

The EIR proposes to require non-vibrating equipment or hand tools if operations occur within 26 feet of the Avila Adobe, El Grito Mural, or The Old Winery structure. (EIR, p. 3.13-73) There is no showing these measures are feasible or would effectively reduce the vibration impacts.

GO17-126

The DEIR thus fails to propose effective mitigation measures for noise and vibration impacts.

Metro must seek to approve a Statement of Overriding Considerations to accept these impacts but cannot do so when there are feasible mitigation measures that have not been adopted and an environmentally superior alternative (enhanced Dodger Express Buses) that is feasible. With regard to noise, Homeboy Industries is identified as NSR-7 in your analysis. Projected noise levels would be 80.3 dBA during construction, 10.5 dBA higher than current ambient noise levels. The EIR notes that even 75 dBA is "clearly unacceptable," even for office use, and that 65 dBA is "normally unacceptable" (page 3.13-48).

GO17-127

In the analyses of potential vibration impacts, Homeboy is VSR-11, but is not called out as a Measurement Location. Therefore, no specific information about the impacts of drilling (or driving) 120-foot deep (sic) piles is provided. Nonetheless, the DEIR concludes that Homeboy would experience significant "annoyance" from vibration, even with mitigation, during construction (EIR, page 3.13-63). TCE, whose property is less than 100 feet from the proposed Alameda triangle tower, would also be affected by noise and vibration but is not even identified in the table of sensitive receptors. (EIR, p. 3.13-20.) The Alameda Triangle parcel would be less than 100 feet from TCE's compound but TCE is not recognized at all. This omission must be rectified. Calling such significant impacts mere "annoyance" impacts understates the severity of such impacts. A more

GO17-128

detailed and site-specific analysis of the vibration impact on these buildings and operations is required.

cont'd GO17-128

3. Effects of Noise Pollution on Health Are Extensive.

"[T]hrough CEQA, the public has a statutorily protected interest in quieter noise environments." (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1380.) ***Despite this clear mandate to analyze noise impacts, the DEIR omits a discussion of the extensive health impacts of noise exposure***, as required by CEQA (Cf. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 521).

Excess noise pollution can cause hearing damage and loss. Loud noise, either experienced as a single event or continuously over time, can damage cells in the inner ear that detect sound and help transmit information on sound to the brain. (https://www.cdc.gov/nceh/hearing_loss/how_does_loud_noise_cause_hearing_loss.html, incorporated by reference.) Damage to these receptor cells is permanent and cannot be repaired. (*Ibid.*) Such damage can make it difficult to hear, including causing difficulties in understanding speech. (*Ibid.*)

GO17-129

Sound level is measured in dBA. (https://www.nonoise.org/library/suter/suter.htm#physical, incorporated by reference.) In 1974 the EPA recommended that the equivalent A-weighted sound level over 24 hours ($L_{eq(24)}$) be no greater than 70 dBA to ensure an adequate margin of safety to prevent hearing loss and damage. (https://nonoise.org/library/levels74/levels74.htm, incorporated by reference.) To prevent interference with activities and annoyance, the EPA recommended a day-night average sound level no greater than 45 dBA for indoors and 55 dBA for outdoors.

The DEIR must relate these health impacts of excessive noise exposure to the Project's significant noise impacts.

4. The DEIR Must Evaluate Sleep Disturbance.

Excessive sound level can have a profound health impact by disturbing sleep. Sleep disturbance is considered "the most deleterious non-auditory effect of environmental noise exposure . . . because undisturbed sleep of a sufficient length is needed for daytime alertness and performance, quality of

GO17-130

life, and health." (Basner et al., *Auditory and Non-Auditory Effects of Noise on Health* (2014) 383 Lancet 1325, 1329.) Repeated sleep disturbance can change sleep structure, including "delayed sleep onset and early awakenings, reduced deep (slow-wave) and rapid eye movement sleep, and an increase in time spent awake and in superficial sleep stages." (*Id.* at 1330.) The short-term effects of sleep disturbance include "impaired mood, subjectively and objectively increased daytime sleepiness, and impaired cognitive performance." (*Ibid.*) Exposure to noise during sleep "may increase blood pressure, heart rate, and finger pulse amplitude as well as body movements." (Stansfeld and Matheson, *Noise Pollution: Non-Auditory Effects on Health* (2003) 68 Brit. Med. Bull. 243, 244.) In 1974, the EPA observed that a nighttime portion of a day-night average sound level of approximately 32 dB should protect against sleep interference. (https://nonoise.org/library/levels74/levels74.htm, p. 28.)

cont'd GO17-130

Despite the potential for these harmful impacts, the DEIR fails to sufficiently analyze sleep disturbance and disclose the Project's risks of sleep disturbance to the public and decisionmakers. The DEIR is required to analyze and disclose "the nature and the magnitude" of the Project's potential impact on sleep disturbance and must connect the potential health impacts of sleep disturbance to the noise impacts from the Project. (*Friant Ranch, supra*, 6 Cal.5th 502, 519–21.) The Project will be running for sporting events that will run as late as midnight or later, and with spectators filing out afterwards, may not clear out until much later. The DEIR provides no analysis of single event nighttime noise levels to evaluate these impacts. (*Berkeley Keep Jets, supra*, 91 Cal.App.4th 1344, 1372-82 [EIR that failed to study impacts of single event noise levels was inadequate].)

5. The DEIR Fails to Disclose Conflicts with the Los Angeles Municipal Code Noise Regulations.

Section 111.00 of the Los Angeles Municipal Code states, "[i]t is hereby declared to be the policy of the City to ***prohibit*** unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests ***shall be systematically proscribed.***" (Emphasis added.) Despite this strong policy, the Project will have significant impacts related to construction noise. If Metro were to approve the Project without mitigating these noise impacts, the Project would certainly run counter to this policy.

GO17-131

6. The DEIR Fails to Implement All Feasible

GO17-132

Mitigation for Construction Impacts.

The DEIR is required to consider and adopt all feasible mitigation measures. (*King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 852, 866, 869.) The following mitigation measures must be considered:

- Locating or parking all stationary construction equipment as far from sensitive receptors as possible, and directing emitted noise away from sensitive receptors.

- Verifying that construction equipment has properly operating and maintained mufflers.

- Limiting operation hours to daytime hours on weekdays.

- Replacing gas- and diesel-powered equipment with electric equipment to reduce the noise impacts associated with operation of that equipment.

cont'd GO17-132

G. The Potential for Blight Is Not Sufficiently Analyzed.

The DEIR was required to analyze the potential for the creation of blight. In reviewing the sufficiency of two EIRs for shopping center projects in Bakersfield, a court stated:

> [E]xperts are now warning about land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake. . . . . We . . . agree that CEQA requires analysis of the shopping centers' individual and cumulative potential to indirectly cause urban decay.

GO17-133

(*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204.)

ARTT has committed only to funding the environmental review portion of the gondola project.

What happens if the gondola is constructed but there is insufficient funding for operations and maintenance of the gondola?

The possibility that the gondola would be left standing idle, thus contributing to blight must be addressed. For example, a bond should be required to be posted for removal of gondola equipment in the same way mine operators are required to post cleanup bonds to ensure their operations are not abandoned and thrown upon the public to be cleaned up.

cont'd GO17-133

H. Land Use and Planning Impacts (Section 3.11) Will Be Significant But are Not Acknowledged.

1. City of Los Angeles General Plan Conflicts.

The City of Los Angeles will not be able to approve requested entitlements because they conflict with various policies of the City of Los Angeles General Plan. The EIR identifies the Los Angeles General Plan (EIR, p. 3.11-5) but fails to identify the conflicts with this plan. The proposed Project impermissibly conflicts with General Plan policies. State law requires that, because a general plan is the "constitution" for the City's future development, any decision affecting land use and development must be consistent with the General Plan. (*Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at 570-71 ["[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements."].) As the "'constitution for future development' . . . [the General Plan is] 'located at the top of 'the hierarchy of local government law regulating land use' . . ." (*DeVita v. Napa* (1995) 9 Cal.4th 763, 773.) A General Plan is more than an "exhortation", it is a "commandment." (*Debottari v. City of Norco* (1985) 171 Cal.App.3d 1204, 1211.) "[T]he requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." (*Id*. at 1213.)

GO17-134

The Project would also be built on or cross over land that is within the Alameda District Specific Plan, the Central City North Community Plan, the DTLA Community Plan (current or updated), the Central City North Specific Plan, the Silver Lake-Echo Park-Elysian Valley Community Plan, and the Chinatown Redevelopment Plan (DEIR, pp. 3.11-8 through 3.11-1313), and

GO17-135

[13] See, particularly, the map at DEIR, p.3.11-8, showing only some of the varied plans and requirements to which the Project would be subject. Metro does not have the authority and expertise to evaluate and balance the requirements of all these plans, and the other plans described above, with

FN GO17-135

the City of Los Angeles will be responsible for ensuring compliance by the Project with each such plan. For example, the City would have to waive provisions of the River Implementation Overlay District to allow the construction and operation of the Alameda and Alpine Towers and waive provisions of the Cornfield/Arroyo Seco Specific Plan to allow construction and operation of the Chinatown Station. (DEIR, p. 2-62.) However, there is no indication that the City would be amenable to such waivers. Therefore, these conflicts must be identified as significant and avoided.

cont'd GO17-135

While CEQA permits a responsible agency to rely on a lead agency's CEQA document, the City of Los Angeles and other responsible agencies must comply with CEQA "by considering the EIR or negative declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved." (14 CCR § 15096(a).) The City of Los Angeles will retain responsibility for mitigating or avoiding the direct or indirect environmental impacts of the portions of the project that it approves. (14 CCR § 15096(g)(1).)

GO17-136

The EIR may not assume that the City of Los Angeles will waive these conflicts or override these policies. Therefore, the EIR must analyze these as significant impacts within the jurisdiction of another agency.

2. The Surplus Land Act Requires Primary Consideration of Affordable Housing, Education, and Recreation Before Private Development.

Metro and the City of Los Angeles must comply with the Surplus Lands Act (SLA) in any potential disposition of publicly owned land. The Department of Housing and Community Development (HCD) has stated the SLA (Government Code sections 54220-54234) "is a 'right of first refusal' law that requires all local agencies to offer surplus land for sale or lease to affordable home developers and certain other entities before selling or leasing the land to any other individual or entity…. Any time a local agency disposes of land, it must follow the SLA unless the land qualifies as exempt surplus land. Dispositions include both sales and leases." All dispositions of surplus land must be approved by HCD before the sale or lease can be finalized. (Gov. Code, § 54230.5, subd. (b)(1).)

GO17-137

HCD is not listed among agencies where approval is required, but it

FN GO17-135 respect to the Project. The City does.

should be. It should have been consulted as a Responsible Agency. cont'd GO17-137

3. Use of the Union Station Forecourt Would Conflict with the Union Station Master Plan.

The EIR Land Use section (Section 3.11) completely fails to identify the Los Angeles Union Station Master Plan. See https://www.laconservancy.org/issues/union-station-master-plan. This Master Plan "encompasses approximately 38 acres, including the 161,000 square-foot terminal building, outdoor patios, and railroad tracks. In 1996, the approved Alameda District Specific Plan established development rights that now allow Metro to build up to 5.9 million square feet of new construction." (Ibid.) "In 2018, Metro released its Final Environmental Impact Report and its Final Environmental Impact Statement in 2020 for the Union Station Master Plan. Construction of the future high-speed rail concourse, planned to begin at the end of the decade, will occur at the rear of the property without significant adverse impacts to the historic train station. The Los Angeles Conservancy has advocated for preserving Union Station's integrity since 1995 and was involved with the current Master Plan process." GO17-138

As identified in the Los Angeles Union Station Historical Society letter sent to Metro on November 22, 2022, which we incorporate by reference, ARTT's "proposed 'futuristic-style' Union Station Terminal on Alameda Street and LA Metro's supporting 'Esplanade' project will blight the historic and architecturally significant west façade of Union Station…"

4. The Discussion of the Conditional Use Permit Modification for Dodger Stadium is Uninformative.

The CUP for Dodger Stadium will have to modified. GO17-139
The EIR mentions the CUP, but no copy is provided nor sufficient information about its current baseline requirements, such as how many parking spaces are required to be provided, is given.

5. The Park Preservation Act Requires Replacement Land.

The Park Preservation Act- which is not mentioned in the EIR- GO17-140
requires the replacement of land that is taken from park use. Any land used by the Project that is part of the State Historic Park must be replaced with parkland elsewhere.

6. Metro's Identification of Possible Federal and State Funding Makes Federal Requirements Relevant and Applicable, but the EIR Fails to Discuss Them.

Metro has placed the gondola project on its comprehensive list of projects to consider for state and federal funding for the Olympics. (http://metro.legistar1.com/metro/attachments/b8e94467-6e56-4687-b2bc-3d0bb08fb2fa.pdf, page 5).) If federal funding is sought for the gondola, Metro must comply with federal requirements, many of which are relevant and would prevent approval of the Project.

Furthermore, federal funding requires compliance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, including requirements for section 106 consultation for impacts to historic resources, and compliance with section 4(f) of the Department of Transportation Act, which prohibits usage of historic property or park land for transportation projects. Metro must also comply with the Civil Rights Act, which prohibits approval of projects that have discriminatory impacts. Metro must also comply with California's Government Code section 11135.[14] GO17-141

Section 4(f) of the Department of Transportation (DOT) Act is one of the most stringent federal environmental and historic preservation statutes ever enacted by Congress. The statute explicitly prohibits the Secretary of Transportation from approving any project that requires the "use" of historic

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14 Government Code section 11135 provides:

> "(a) No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state."

The gondola Project would disparately impact the communities along the gondola route so its unavoidable impacts may not be overridden and approved without violating section 11135.

sites, unless (1) there is no "prudent and feasible" alternative to the use of the sites, and (2) "all possible planning" has been taken to minimize harm to the sites. (28 U.S.C. § 138; 49 U.S.C. § 303(c).) Section 4(f) imposes a substantive constraint on the exercise of agency discretion. Section 4(f) operates as a "plain and explicit bar to the use of federal funds" for transportation projects that would use historic sites or parkland; "only the most unusual situations are exempted." (*Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 411 (1972).) Indeed, the language of Section 4(f) shows that Congress intended the protection of historic sites and parkland to be given "paramount importance" in the planning of transportation projects. (*Id*. at 412-13.)

cont'd GO17-141

Metro should prepare a combined EIR/EIS to satisfy both state and federal environmental review requirements. Such and EIR/EIS could potentially be used for federal approvals that are or become necessary such as a federal conformity determination by EPA (the Project must be consistent with the Regional Transportation Plan), an approval of non-interference with airport traffic by FAA (the LAUSHS has asserted the Project is within close proximity of a heliport which is considered an airport for purposes of FAA review), or a determination of absence of impacts to historic/cultural properties of federal significance.

GO17-142

Additionally, stakeholders in the National Historic Preservation Act section 106 process such as the Los Angeles Union Station Historic Society (LAUSHS) must be identified and coordinated with to avoid section 106 impacts.

Under the National Historic Preservation Act, a project may not be approved if feasible alternatives will avoid historic resource impacts.

GO17-143

The National Historic Preservation Act (NHPA) states the policy of the United States is to "provide leadership in the preservation of the historic property of the United States." (54 U.S.C.A. § 300101.) Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The four-step Section 106 review process set forth in the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800) outlines a four step process that ensures that the federal agency considers effects, including: (1) establishing the undertaking, (2) identifying and evaluating historic properties, (3) assessing effects, and (4) resolving any adverse effects. These steps are to be carried out sequentially and ensure that consulting parties

GO17-144

consider alternatives to avoid adverse effects on historic properties. Consultation with all consulting parties is necessary to develop avoidance alternatives.

cont'd GO17-144

Section 4(f) of the Department of Transportation (DOT) Act is one of the most stringent federal environmental and historic preservation statutes ever enacted by Congress. The statute explicitly prohibits the Secretary of Transportation from approving any project that requires the "use" of historic sites, *unless* (1) there is no "prudent and feasible" alternative to the use of the sites, and (2) "all possible planning" has been taken to minimize harm to the sites. (28 U.S.C. § 138; 49 U.S.C. § 303(c).) Section 4(f) imposes a substantive constraint on the exercise of agency discretion. Section 4(f) operates as a "plain and explicit bar to the use of federal funds" for transportation projects that would use historic sites; "only the most unusual situations are exempted." (*Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 411 (1972).) Indeed, the language of Section 4(f) shows that Congress intended the protection of historic sites to be given "paramount importance" in the planning of transportation projects. (*Id*. at 412-13.)

The circumstances under which an avoidance alternative can be rejected as not "feasible and prudent" have been very narrowly defined by the Supreme Court in the *Overton Park* case. The Secretary is not permitted to "engage in a wide-ranging balancing of competing interests." (*Id*. at 413.) An avoidance alternative is "infeasible" only if it cannot be built "as a matter of sound engineering." (*Id*. at 411.) And in order to find an avoidance alternative "not prudent" under Section 4(f), the Secretary must find that "truly unusual factors" are present, or that "alternative routes present unique problems," or that the "cost or community disruption" resulting from the avoidance alternative would reach "extraordinary magnitudes." (*Id*.) Without such a showing, even the asserted "need" for the project cannot suffice to rule out alternatives that would avoid using protected sites. (See *Stop H-3 Ass'n v. Dole*, 740 F.2d 1442, 1450-58 (9th Cir. 1984), *cert. denied,* 471 U.S. 1108 (1985).)

GO17-145

Code of Federal Regulations Title 23 section §774.3 regarding Section 4(f) approvals states:

> The Administration may not approve the use, as defined in §774.17, of Section 4(f) property unless a determination is made under paragraph (a) or (b) of this section.
>
> (a) The Administration determines that:

> (1) There is no feasible and prudent avoidance alternative, as defined in §774.17, to the use of land from the property; and
> (2) The action includes all possible planning, as defined in §774.17, to minimize harm to the property resulting from such use;
> (23 C.F.R. §774.3.)

As courts have explained the historic review process created by NHPA and its implementing regulations:

> Under NHPA, a federal agency must make a reasonable and good faith effort to identify historic properties, 36 C.F.R. § 800.4(b); determine whether identified properties are eligible for listing on the National Register based on criteria in 36 C.F.R. § 60.4; assess the effects of the undertaking on any eligible historic properties found, 36 C.F .R. §§ 800.4(c), 800.5, 800.9(a); determine whether the effect will be adverse, 36 C.F.R. §§ 800.5(c), 800.9(b); and avoid or mitigate any adverse effects, 36 C.F.R. §§ 800.8(e), 800.9(c).

(*Muckleshoot Indian Tribe v. U.S. Forest Service* (9th Cir. 1999) 177 F.3d 800, 805.)

Therefore, prioritizing *avoidance* of impacts to historic properties is not only a regulatory requirement but a statutory requirement of NHPA and Section 4(f).

cont'd GO17-145

7. Approval from the PUC is Needed.

ARTT has apparently taken the position that PUC approval is not needed. The gondola project crosses over the Gold Line in two places- near the Alpine Tower and near the State Historic Park. The Public Utilities Commission (PUC) would be a responsible agency because the Project would cross over and above railroad tracks. Thus, PUC review and approvals are required, with proper public notice and full public hearing processes must be provided.

GO17-146

I. Geology and Soils (Section 3.7) is Inadequate in its Analysis.

The EIR states that the project and stations and towers "would be in an area mapped as potentially subject to liquefaction. " (EIR, p. 3.7-17.) The

GO17-147

mitigation for this is adherence to emergency plan protocols but that is inadequate in an earthquake zone.

This is important to TCE as portions of the Project, with its multi-ton gondola cars suspended on wires on a proposed tower the Alameda triangle adjacent to TCE, could buckle during an earthquake—placing the lives of passengers and TCE office staff, grantees, and visitors in danger.

cont'd GO17-147

J. The Analysis of Alternatives (Section 4.0) is Grossly Inadequate.

The EIR admits that the environmentally superior alternative is the Transportation Systems Management Alternative. (EIR, p. 4-75 to 4-76.) However, the EIR than asserts that it would create more Vehicle Miles Traveled and not provide the same level of benefits. (EIR, p. 4-75.) The Transportation Systems Management Alternative can be augmented to reduce Vehicle Miles Traveled and to provide the benefits that would allegedly be lost. The Dodger Express bus fleet could be expanded and converted to electric buses with more pickup and dropoff locations throughout the County and near the Stadium such as at the Los Angeles Zoo.

GO17-148

1. The Project Cannot be Approved if There Are Feasible Alternatives that Would Reduce Adverse Impacts.

CEQA prohibits approval of projects with adverse environmental impacts if there are feasible alternatives. (Pub. Resources Code § 21002; Guidelines § 15021(a)(2).) The CEQA Guidelines require an agency to "Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved." In order to implement this policy, the Guidelines specify that:

GO17-149

> A public agency may approve a project even though the project would cause a significant effect on the environment *if* the agency makes a fully informed and *publicly disclosed decision* that:
>
> > (a) There is no feasible way to lessen or avoid the significant effect..."

(Guidelines § 15043, emphasis added.) More specifically, the Guidelines provide:

> If the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR.

(Guidelines § 15126.6(f)(2)(B).)

cont'd GO17-149

2. A Reasonable Range of Alternatives Must Be Considered, and Was Not.

Metro has a duty under CEQA to evaluate a reasonable range of alternatives to the Project. (*Laurel Heights I*, *supra*, 47 Cal.3d at 400.) As the California Supreme Court has stated:

> Under CEQA, the public agency bears the burden of *affirmatively demonstrating* that . . . the agency's *approval* of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.

(*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.) As the Court has said, while an EIR is "the heart of CEQA" the "core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley v. Bd. Of Supervisors* (1990) 52 Cal.3d 553, 564 ("*Goleta II*").) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA's substantive mandate to Aprevent significant avoidable damage to the environment when alternatives or mitigation measures are feasible. (Guidelines § 15002(a)(3).)

GO17-150

3. Alternatives Proposed in the LACTC Study Were Summarily Rejected Without Valid Evidence.

Alternatives were raised in the Los Angeles County Transportation Commission (LACTC) study but are rejected as infeasible or not studied at all (EIR, p. 4-9), without substantial evidence to support those conclusions. Other alternatives are rejected for failing to meet the unduly specific and narrow Project objectives. When the public offers reasonable alternatives to the proposed Project, Metro should provide a meaningful analysis of them. (Pub. Res. Code § 21091(d)(2)(B); Guidelines § 15088(c); *Berkeley Jets, supra*, 91 Cal.App.4th at 1367.)

GO17-151

An EIR cannot define the Project objectives in a manner that essentially is limited to the proposed Project. Further, with the exception of the mandatory "no project" objective, the alternatives that are considered appear designed to be rejected.

While "An EIR need not consider every conceivable alternative to a project, 'it must consider 'a reasonable range of *potentially* feasible alternatives...'" (Guidelines § 15126.6(a), emphasis added.) "The range of feasible alternatives [for an EIR] shall be selected and discussed in a manner to foster meaningful public participation and informed decision making." (Guidelines ' 15126.6 (f).) "[T]he discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines § 15126.6(b).)

cont'd GO17-151

4. The Environmentally Superior Alternative of Expanded Dodger Express Bus Usage is Feasible.

The EIR attempts to argue that most project objectives cannot be met through expanding Dodger Express bus service because of alleged difficulties with expanding bus service. (EIR, pp. 4-60 to 4-62.) This view is unsupportable. Alleged difficulties with expanding bus service can be overcome with flexible alternative locations rather than relying entirely on locations such as using Division 13 maintenance facility (p. 4-61) or Patsaouras Plaza and the West Portal (p. 4-60). Other sites for possible bus service connections should be identified and utilized. The Dodger Express bus already transports game attendees directly from the South Bay. Other service lines can be added.

GO17-152

III. CONCLUSION.

Metro should reject the Project to focus resources on true public transportation such as electric bus service. If the Project is pursued it should be transferred to the City of Los Angeles for review.

GO17-153

The DEIR is so deficient that Metro must prepare a new DEIR and recirculate it for public and public agency comments if it wants to proceed

with consideration of the Project.

Please notify us of any hearing or the issuance of any findings or permits related to this matter. We also ask that you preserve all records and communications related to development of any property related to the Project in accordance with the requirements of *Golden Door Properties, LLC v. County of San Diego*, (2020) 50 Cal.App.5th 467.

cont'd
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Thank you for your consideration.

Sincerely,

Douglas P. Carstens

Enclosures:

1. Transcript of Relevant Portions of Sep. 15, 2022 Metro Executive Committee hearing
2. Unintended Consequences Motion of Metro, 2021.
3. Copies of articles related to Chavez Ravine land seizures and other eminent domain actions.
4. Civil Rights complaint related to State Historic Park property.
5. Letter of Tom Brohard date January 11, 2023 including attachments: LACTC 1990 Study and UCLA Mobility Lab Study
6. Letter of EAI Air Quality Consultants
7. Excerpts of CCRs for Dodger Stadium Parking Lots
8. Thumb Drive: Metro Administrative Record and Supplemental Administrative Record, briefs, and requests for judicial notice for TCE v. Metro, Los Angeles Superior Court case no. 22STCP01030; these briefs and other material are incorporated herein by reference.
9. Newspaper Articles Regarding Dodger Stadium and Parking Lots
10. Johnson Fain Architects Website and information.
11. Dodger Stadium CUP.

12. El Pueblo Plans and Documents

ENCLOSURE 1

TRANSCRIPT OF VIDEOTAPE PROCEEDINGS

Executive Management Committee

Los Angeles, California

Thursday, September 15, 2022

Transcribed by: Madiha Dudley

Kathryn Barger: Thank you. Thank you, Mayor.

Ara Najarian: Very good. Thank you, Directors. And now, the time you've all been waiting for, let's take public comment.

UNKNOWN MALE 1: As a reminder, if you would like to make a comment, please press pound two to raise your hand.

UNKNOWN FEMALE 1: First caller, please.

UNKNOWN MALE 1: Moving onto our first caller in queue. Caller, and again, 8677, please state your name. You have one minute to state your comment.

Eunisses Hernandez: Hi, good morning. My name is Eunisses Hernandez. I'm the Councilmember Elect for LA City Council's 1st District. And just like to add, we knocked on thousands of doors in Chinatown and Solano neighborhoods. I really want to just thank you all for the opportunity to speak today. I have some concerns about the Frank McCourt project, the LA ART project, and LA's Metro proposal that looks like it'll cost about $300 million dollars. Um, there hasn't been enough community input and I'm glad that you all are talking about having forums. I hope that it's more than two. I hope that it's also out of the holidays because a lot of the folks who have been here have been motivated through work by community outreach. That doesn't happen a lot during the holidays and I hope there's appropriate language translation. Um, Metro and LA ART should allow every community member an opportunity to engage and to be a part of the process with some transparency. I would also like assurance from the Metro that this project will not use any taxpayer dollars in the future. The recent gift of this project to a nonprofit does give me pause that tax dollars will be utilized to pay for a project that is mostly a tourist attraction. For every public dollar should be used – Uh, every public dollar should be used for projects that decrease traffic and make it easier for working class people to travel around our vast city, including the bus shuttle that takes people from Supervisor Hahn's district all the way up to Dodger Stadium. To that end, I would like to see plans that address potential cost overruns and a project budget. I would like to ensure that

there's a robust financial fiscal management, uh, robust fiscal management to ensure that taxpayer dollars are used wisely and judiciously. I was elected to represent the interests of the people of the district who will be most impacted by this project. And let me be perfectly clear, when I take office I will demand transparency and accountability from governmental agencies and developers who want to build in the First District because we've been impacted by gentrification severely. I will insist that projects have a demonstrable benefit and are informed by communities that are most directly impacted. There are legitimate questions and concerns about this gondola project that require answers. And I will use every tool at my disposal to protect the best interest of the residents of the First District. Thank you.

Ara Najarian: Thank you.

UNKNOWN MALE 1: All right, moving onto our next caller.

TRANSCRIPT OF VIDEOTAPE PROCEEDINGS

Executive Management Committee

Los Angeles, California

Thursday, September 15, 2022

Transcribed by: Madiha Dudley

Ara J. Najarian: Director Solis.

Hilda Solis: Yes, thank you, Mr. Chairman. And thank you to Holly Rockwell for her presentation. I think we have come a long way since these discussions started almost two or three years ago. And I realize this took place under a different CEO. And obviously we were always looking to see how we could improve services and ridership, people getting out of their cars and what have you. And it sounds very lucrative that the owners of this project want to make it successful and are willing to pay for just about everything. But I will have to say that this is a project that I do have concerns about and it does impact my district most immediate. And I do believe that because we are a governmental agency it's a bit different because we are the ones that are going to have to vote on the final project itself. So, while a private entity is undertaking this, we will be the ones that will be making a public decision. And one of the concerns that I've had is with respect to public transparency and the fact that I do want to see that there are more public hearings before the EIR. And I don't think that's setting a precedent because we've done so with the BRT that we just approved a couple of months back and that was – That took a long time and I know our Chair was very much involved, I was, and many of us were. And I think that we did the right thing. And sometimes it's about making sure that you are accessible, transparent, and you're allowing for public comment. And sometimes we win, sometimes we lose but I think for us on the board, it's very important to be transparent. And I'm very, I'm still very concerned that I've heard from residents repeatedly, especially in Chinatown, and I'm talking about residents as well as in the Solano Canyon community who have not been made fully aware of what the impacts are going to be, including some of the small businesses. I think that people are understanding that there may be benefits. And of course, there may be, that's speculative, but in fact what we do know what's happening there in the area is that there is a large number of people who are being displaced already in this area. There's a lot of gentrification. We know that the property values will go up once this project, if it is approved, goes into place. That will also impact those mom and pop businesses, many that are immigrant and many people, as you know, that have been impacted because of the pandemic and are just living paycheck to paycheck. That is one of my concerns. The other is that parking and the fact that we are undertaking major restorative care village opportunities which is to build housing for the unhoused, both interim and permanent

around this area, we know that we have partners right now, the City of LA, as well as Homeboys, as well as the California Endowment. They're preparing, we're preparing to build out more housing because we don't want people to have to be displaced. And so, I believe this may have a disruption in terms of what our plans are moving forward and will have implications, I believe, even for Metro because Metro owns property around the village that currently exists there now. So, I do want to ask, if at all possible, and I would strongly encourage our staff to do this, that we look at providing for more hearings before the EIR is presented to us and that we do – And that we wait until December. I'm not saying postpone any vote on this but I'm saying, can we at least slow it down to allow for more public comment? I think that we are going to have, as a result of November, some elections. We may see a change and we are going to see a change in the councilman representative that represents the district and I don't believe that it's fair to just allow for a project to move forward that's going to impact her district so dramatically without having her have a full purview of what is going on and hearing from all sides and understanding the project herself. Having said that, I just want to remind the board that we have undertaken extensive outreach for other projects. Again, outlining the North Hollywood BRT as well as the Gold Line extension and asking that we continue to make available any public comment. I think it would be irresponsible for the ART team to release the EIR without additional community engagement. So, I just want to say that and hope that the board will also support that notion. It's more about making sure that we continue the momentum of having public comment. Thank you, Mr. Chair and look forward to hearing from the audience. Thank you.

Aja Najarian: Thank you.

ENCLOSURE 2

Metro

MINUTES

Thursday, June 24, 2021

10:00 AM

Board of Directors - Regular Board Meeting

DIRECTORS PRESENT:
Eric Garcetti, Chair
Hilda L. Solis, 1st Vice Chair
Ara Najarian, 2nd Vice Chair
Kathryn Barger
Mike Bonin
James Butts
Jacquelyn Dupont-Walker
Fernando Dutra
Janice Hahn
Paul Krekorian
Sheila Kuehl
Holly Mitchell
Tim Sandoval
Gloria Roberts, non-voting member

Stephanie Wiggins, Chief Executive Officer

CALLED TO ORDER: 10:12 A.M.

(Item 49 – continued from previous page)

C. For the Lower LA River Bike Path, Metro shall act as the funding agency administering Measure M and coordinating and pursuing additional funds, and shall provide resources to perform the environmental clearance to LACDPW.

50. SUBJECT: FARELESS SYSTEMS INITIATIVE NEXT STEPS 2021-0452

RECEIVED AND FILED a status report in response to Board Motion 45 by Directors Garcetti, Mitchell, Krekorian, Hahn, Bonin, and Solis at the May 2021 Board Meeting.

TS	HM	FD	JDW	MB	EG	HS	AN	KB	JB	PK	JH	SK
P	P	P	P	P	P	P	P	P	P	P	P	P

51. SUBJECT: LA AERIAL RAPID TRANSIT PROJECT 2021-0456

APPROVED Motion by Directors Solis, Kuehl, Mitchell, Butts, Sandoval, and Garcetti that the Board of Directors direct the Chief Executive Officer to report back in July 2021 with an update via Board Box and again in August 2021 with a final report that includes the following:

A. Analysis of Metro's duties and available authority to impose conditions when acting as the lead agency for non-Metro projects with regards to environmental clearance;

B. Recommendations for community benefits developed in collaboration with the project owner to be included as part of the project scope. Recommendations should consider, but not be limited to:

- Mitigations for potential parking impacts
- Local job creation
- Workforce training
- Small business support and partnerships
- Affordable housing, and
- Housing/business preservation.

C. Any completed studies that can be made publicly available as part of the LA ART Project, including any preliminary traffic analyses and demand modeling that estimate how many car trips will be taken off the street as a result of the Project; and

D. List of all public agencies that must provide approvals for the LA ART Project as well as a map detailing right-of-way needs and properties owned by public agencies.

TS	HM	FD	JDW	MB	EG	HS	AN	KB	JB	PK	JH	SK
Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

ENCLOSURE 3

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LA HISTORY

The Ugly, Violent Clearing Of Chavez Ravine Before It Was Home To The Dodgers

By Elina Shatkin

Published Oct 17, 2018 11:00 AM



May 8, 1959: "Several Chavez Ravine residents fought eviction, including Aurora Vargas, who vowed that, 'they'll have to carry me [out].' L.A. County Sheriffs forcibly remove Vargas from her home. Bulldozers then knocked over the few remaining dwellings. Four months later, ground-breaking for Dodger Stadium began."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

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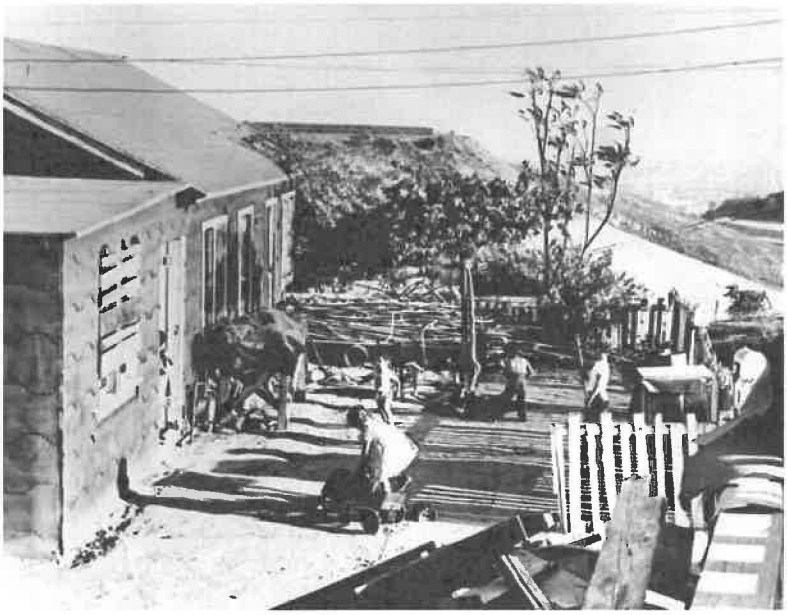
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As the Dodgers gear up for Game 5 of the National League Championship Series — once again, on their home turf — it's worth remembering that before Dodger Stadium was a legendary baseball venue, it was known as Chavez Ravine.

The area was home to generations of families, most of them Mexican American.



"View of children playing in a fenced yard of a very dilapidated house."

After the Dodgers made the deal to ditch Brooklyn, Los Angeles officials used eminent domain and other political machinations to wrest that land away from its owners.

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(Security Pacific National Bank Collection/Los Angeles Public Library Collection)

It was ugly. It was violent. It remains the sort of living history that Los Angeles residents don't like to remember.



May 9, 1959: "Los Angeles County Sheriffs forcibly evict Mrs. Aurora Vargas, 36, from her home at 1771 Malvina Avenue in Chavez Ravine. Media representatives record the event. The family put up a fight and reported they had only received a written eviction notice, causing criticism of the government's methods."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

Chavez Ravine was named after Julian Chavez, a rancher who served as assistant mayor, city councilman and, eventually, as one of L.A. County's first supervisors. In 1844, he started buying up land in what was known as the Stone Quarry Hills, an area

with several separate ravines. Chavez died of a heart attack in 1879, at the age of 69.



"A group of children play on hills above the ravine, with a smoggy downtown skyline visible in the background."

(Don Normak/Housing Authority Collection/Los Angeles Public Library Collection)

By the early 1900s, semi-rural communities had sprung up on the steep terrain, mostly on the ridges between the neighboring Sulfur and Cemetery ravines.



"Two young and happy residents of Chavez Ravine."

(Leonard Nadel/Housing Authority Collection/Los Angeles Public Library Collection)



(Shades of L.A.: Mexican American Community/Los Angeles Public Library Collection)

What eventually came to be called Chavez Ravine encompassed about 315 acres and had three main neighborhoods — Palo Verde, La Loma and Bishop.



1948: "Panoramic view of the housing in Chavez Ravine. Mostly Mexican American families lived in this area. Children are at play in the foreground."

(Housing Authority Collection/Los Angeles Public Library Collection)

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It had a grocery store, a church and an elementary school. Many residents grew their own food and raised animals such as pigs, goats and turkeys.



1949: "An older woman carrying a bucket crosses an unpaved road with a small child and a dog. Buildings in the background are quite run-down. Chavez Ravine is towards the left of photo."

(Housing Authority Collection/Los Angeles Public Library Collection)

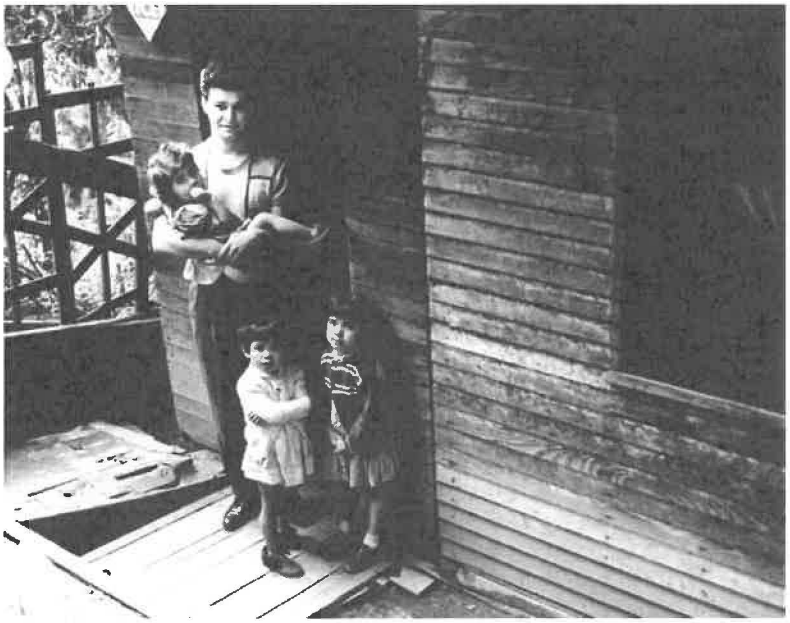
Many Mexican American families, red-lined and prevented from moving into other neighborhoods, established themselves in Chavez Ravine.



1951: "The Navarro family pose at their Chavez Ravine home before their relocation to the William Mead Homes Housing Project. Blasito Navarro (divorced) lived with her 3 children in this 5 room house, which rented for $25 per month."

(Housing Authority Collection/Los Angeles Public Library Collection)

Residents of the tight-knit community often left their doors unlocked.



"Veteran William Nickolas and three of his children stand in the door of the home in the rear of his father-in-law's house at 942-1/2 Yola Drive, Chavez Ravine, Los Angeles. The home had two rooms for sleeping quarters and toilet, no bathing facilities, no gas or hot water. The family is to move into Basilone Homes Housing Project. The wife is Emily Nickolas. There are six children in the family, ages 8, 6, 5, 4, 3, and 3 months."

(Leonard Nadel/Housing Authority Collection/Los Angeles Public Library Collection)

Outsiders often saw the neighborhood as a slum. City officials decided that Chavez Ravine was ripe for redevelopment, kicking off a decade-long battle over the land.



1950: "View of the hillside in the Chavez Ravine area in Elysian Park Heights depicts a country-like setting. The housing in the foreground is fenced and has several animal cages."

(Housing Authority Collection/Los Angeles Public Library Collection)

They labeled it "blighted" and came up with a plan for a massive public housing project, known as Elysian Park Heights.

Designed by architects Robert E. Alexander and Richard Neutra and funded in part by federal money, the project was supposed to include more than 1,000 units — two dozen 13-story buildings and 160 two-story townhouses — as well as several new schools and playgrounds.



May 11, 1959: "Cruz Cabral, 39, ex-Marine war hero of World War II, gives moral support to relatives evicted from their house in Chavez Ravine. His aunt, Mrs. Abrana Arechiga, 72, shows his medals. He was wounded four times in South Pacific battles. She reared him on this site."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

In the early 1950s, the city began trying to convince Chavez Ravine homeowners to sell. Despite intense pressure, many residents resisted.

Developers offered immediate cash payments to residents for their property. They offered remaining homeowners less money so residents feared that if they held out, they wouldn't get a fair price.

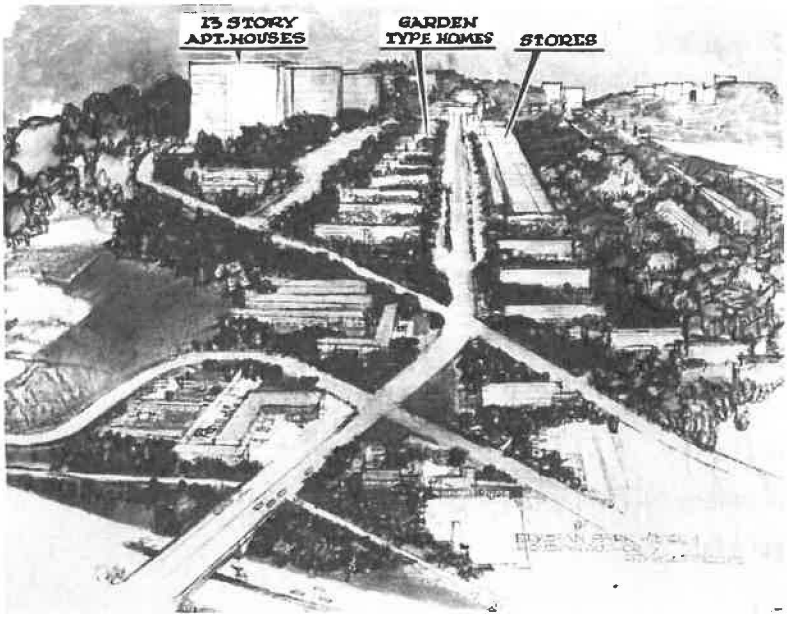
In other cases, officials used the power of eminent domain to acquire plots of land and force residents out of their homes. When they did, they typically lowballed homeowners, offering them far less money than their land was worth.



July 20, 1953: "Home owners from Chavez Ravine, Rose Hills and Pacoima tell Mayor Norris Poulson (left) to fight on for abandonment of housing projects."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

Chavez Ravine residents were also told that the land would be used for public housing and those who were displaced could return to live in the housing projects.



Circa 1952: "Artist's sketch of Chavez Ravine, one of the three proposed projects in Elysian Park that the mayor is expected to ask to be abandoned."

(Leonard Nadel/Herald-Examiner Collection/Los Angeles Public Library Collection)

One way or another, by choice or by force, most residents of the three neighborhoods had left Chavez Ravine by 1953, when the Elysian Park Heights project fell apart.



May 14, 1951: "New projected housing project is forcing many oldtimers like Julian, on wagon, to move from Chavez Ravine to new quarters. Later the area became part of the baseball stadium of the Los Angeles Dodgers instead."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

Norris Poulson, the new mayor of Los Angeles, opposed public housing as "un-American," as did many business leaders who wanted the land for private development.

The city bought back the land, at a much lower price, from the Federal Housing Authority — with the agreement that the city would use it for a public purpose.



1951: "400 sign-waving residents of Chavez Ravine, protesting a proposed housing project that would take the sites of their homes, appeared April 26, 1951, at the City Planning Commission's final hearing on the matter. Sporadic booing and hissing swept over the crowd when a speaker suggested immediate approval of the project."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

By 1957, the area had become a ghost town. Only 20 families, holdouts who had fought the city's offers to buy their land, were still living in Chavez Ravine.

In June of 1958, voters approved (by a slim, 3% margin) a referendum to trade 352 acres of land at Chavez Ravine to the owner of the Brooklyn Dodgers, Walter O'Malley.

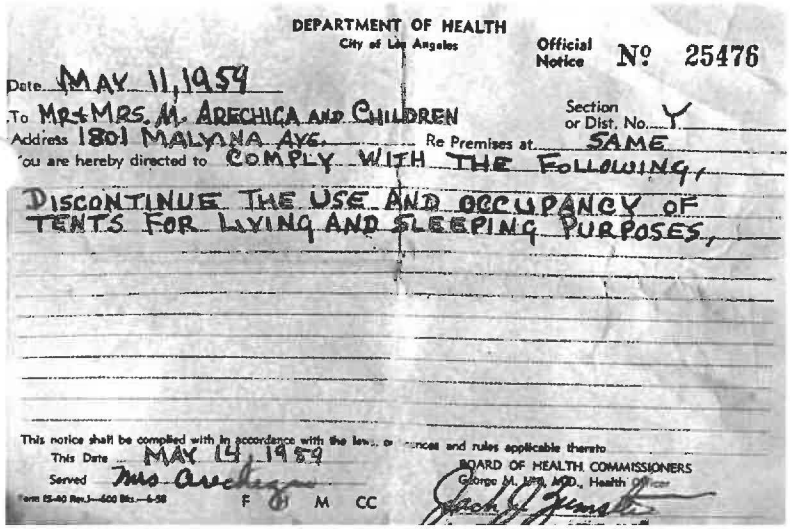


May 1959: "Some, ready to move out of Chavez Ravine, and others not, members of the Manuel Arechiga family listen to the advice of attorney Phil Silver (left) as new developments transpire in the Chavez controversy."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

The following year, the city began clearing the land for the stadium.

On Friday, May 9, 1959, bulldozers and sheriff's deputies showed up to forcibly evict the last few families in Chavez Ravine. Residents of the area called it Black Friday.



DEPARTMENT OF HEALTH
City of Los Angeles
Official Notice No. 25476

Date MAY 11, 1959
To MR & MRS. M. ARECHIGA AND CHILDREN
Address 1801 MALVINA AVE. Re Premises at SAME
Section or Dist. No. Y
You are hereby directed to COMPLY WITH THE FOLLOWING:
DISCONTINUE THE USE AND OCCUPANCY OF TENTS FOR LIVING AND SLEEPING PURPOSES.

This notice shall be complied with in accordance with the laws, ordinances and rules applicable thereto
This Date MAY 14, 1959
Served Mrs. Arechiga
BOARD OF HEALTH COMMISSIONERS
George M. Uhl, M.D., Health Officer
Form 65-40 Rev.3—600 Blks.—6-58 F M CC

Sheriff's deputies kicked down the door of the Arechiga family's home. Movers hauled out the family's furniture. The residents were forcibly escorted out. Aurora Vargas, 36, was carried, kicking and screaming, from her home at 1771 Malvina Ave. by four deputies. Minutes later, her home was bulldozed.

Crews eventually knocked down the ridge separating the Sulfur and Cemetery ravines and filled them in, burying Palo Verde Elementary School in the process.



May 14, 1959: "Mrs. Abrana Arechiga (left) and her daughter, Mrs. Vicki Augustain, look at the ruins of one of their Chavez Ravine homes, which were destroyed by bulldozers during the controversial eviction last Friday, an action which now has erupted into a sensational city-wide furor. After eviction day, the Arechiga family lived in a tent and, later, in a loaned trailer. Now it is revealed they own 11 homes in the Los Angeles area."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

The Arechiga family, led by 66-year-old matriarch Avrana Arechiga, camped amid the rubble for the next week before

finally giving up.



May 16, 1959: "All was quiet on the Chavez Ravine battlefront. Avrana and Manuel Arechiga are the only remaining eviction warriors there. He's sweeping the dirt off the 'front porch' of their tent. Protest signs are posted nearby."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

Crews broke ground for Dodger Stadium four months later, on September 17, 1959. While it was being built, the Dodgers played games at the Los Angeles Memorial Coliseum.



February 16, 1961: Ramparts rise at top speed as work is ahead of schedule at Dodger Stadium, built on the site of Chavez Ravine.

(Herald-Examiner Collection/Los Angeles Public Library Collection)

The 56,000-seat Dodger Stadium opened on April 10, 1962, on a site that thousands of people had once called home.



"Balloons are released at possibly opening ceremonies at Dodger Stadium."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

It is currently the third oldest major league ballpark still in use, after Fenway Park and Wrigley Field.



March 11, 1962: Dodgers owner Walter O'Malley stands in Dodger Stadium. "Built for $23 million, it is the first privately financed Major League Baseball stadium since Yankee Stadium was built in the 1920s."

(Herald-Examiner Collection/Los Angeles Public Library Collection)

UPDATED APRIL 28, 2021 AT 10:09 AM PDT

This story originally ran on our sister website KPCC.org on October 17, 2017.

CORRECTED OCTOBER 17, 2018 AT 2:05 PM PDT

A previous version of this story had an inaccurate headline. LAist regrets the error.

Los Angeles Times

BOOKS

'Stealing Home' revisits Dodger Stadium's nefarious origins



A family is evicted from its Chavez Ravine home on May 8, 1959. (Regional History Center)

BY NATE ROGERS

MARCH 31, 2020 6:45 AM PT

In Chavez Ravine, this would normally be a time for baseball. Barring the 1995 MLB season, which was shortened due to a strike, this is the first time since 1961, the year before Dodger Stadium opened, that the arrival of spring in Los Angeles hasn't been heralded by the roar of 56,000 fans, some of them gleefully playing hooky. For now, the stadium remains gated and eerily quiet. It's as if it's not even there.

The author Eric Nusbaum has been imagining a world with no Dodger Stadium since he was a junior at Culver City High School in 2002. That was when an older man named Frank Wilkinson showed up to give a guest lecture to Nusbaum's history class and said, "Dodger Stadium should not exist."

"I remember at the time being blown away," says Nusbaum. He is taking a video call in a closet, his "little sanctuary of book promotion," as he waits out the COVID-19 pandemic at home with his wife and children in Tacoma, Wash. "I was the kind of kid who read the sports page every day. Maybe because I was such a big Dodger fan, I had willfully ignored it." What he means is the dark history of the land where the stadium sits, the subject of his new book, "Stealing Home: Los Angeles, the Dodgers, and the Lives Caught in Between."

ADVERTISING





DODGERS

Book excerpt: The grassroots war over Dodger Stadium that captivated a nation

March 29, 2020

The story has roots in Wilkinson's tenure as a public-housing official in the early 1950s. He was one of the central players in the bureaucratic nightmare that was Elysian Park Heights, a failed housing project initiated in Chavez Ravine.

Eminent domain was used to serve evictions, offering measly compensation, across three largely Mexican American neighborhoods in the hills above Echo Park — Palo Verde, La Loma and Bishop. After Wilkinson was fired for Communist associations during the Red Scare, the project went down with him. The mostly cleared-out land sat in limbo for years before an all-American solution was found: Walter O'Malley and his Dodgers needed a new home.



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Igniting the power and promise of youth.

By Big Brothers Big Sisters of Greater

Our mentoring programs advance the development of children and youth through professionally supported relationships with adult mentors.



A bulldozer razes the Aréchigas' family home on May 8, 1959. (Los Angeles Times Archive / UCLA)

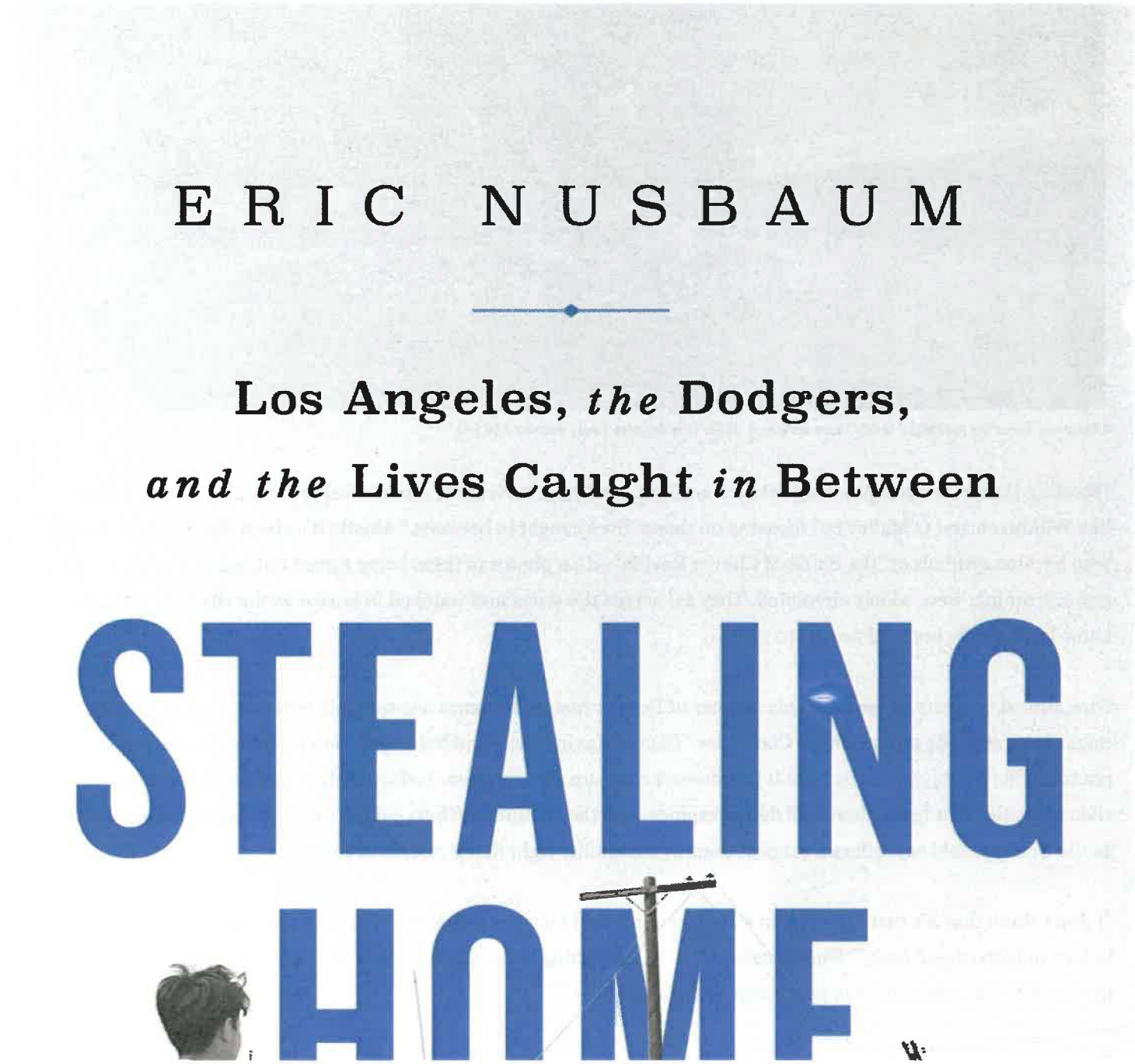
"Stealing Home" is a scrupulously detailed account, written in novelistic, economical prose and featuring people like Wilkinson and O'Malley but focusing on those "lives caught in between." Mostly it's about the Aréchiga family, who became symbols of "the Battle of Chavez Ravine" when photos of them being forced out, some literally kicking and screaming, were widely circulated. They sat across the street and watched in horror as the city bulldozed their hand-built family home of nearly 40 years.

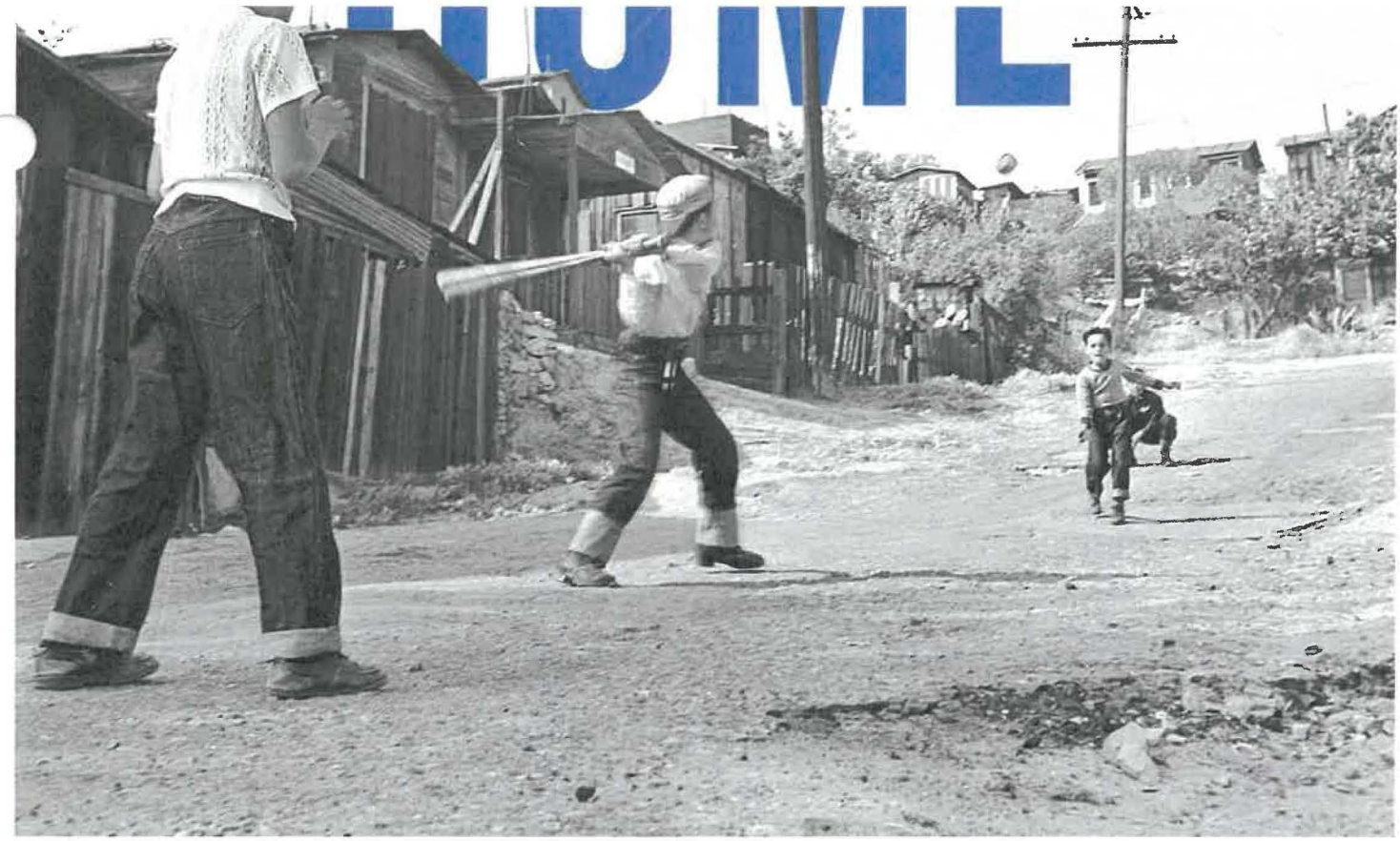
Now almost 60 years in the past, this chapter of Dodger history becomes less tangible every season. Angelenos might have seen the 2003 Culture Clash play "Chavez Ravine" or stumbled across Don Normark's 1999 book of photos, "Chavez Ravine: 1949," but it just doesn't come up all that often. Today, Dodger fandom is one of the few civic identities that unify almost all demographics, and the stadium, with its cotton-candy sky good enough to eat, as Vin Scully would say, offers a magical oasis of tranquility right in the middle of the city.

"I don't think that it's that fun to go to a Dodger game and tap your neighbor on the shoulder and say, 'There used to be a neighborhood here,'" Nusbaum says. "It's a hard thing to be able to hold both the joy of Dodger baseball and the tragedy that preceded it in your heart at the same time."

Nusbaum and I had planned to tour points of interest related to the book. But after his press trip to L.A. was canceled he provided an annotated driving tour instead: a stretch of homes on North Boylston Street, by the stadium's Scott Avenue entrance; the Police Academy; the Elysian Park Recreation Center; the Historic Mission San Conrado.

On Boylston sits a tiny residential patch that was spared from development, which makes it possible to imagine what the other communities might look like today. Winding up away from the stadium toward Academy Road, these few holdouts vary from modest starter homes to upscale bohemian playgrounds, not too different from contemporary Echo Park. By the Police Academy is a vestigial half-block of Malvina Avenue, the Aréchigas' old street. (Their home would've been somewhere near the northern edge of the stadium parking lot.) Envisioning sprawling, vibrant neighborhoods in these spots is an almost brutal what-if exercise.





(PublicAffairs)

But Nusbaum's history is more than just a nostalgic paean or a jeremiad; the history of public housing and so-called "slum clearance" is too tangled for that. Nusbaum is mindful of the fact that it was the city, not the team, that kicked the families out. And the city's initial intentions were ostensibly noble.

"It is the conundrum," says Jan Breidenbach, a professor at Occidental College who teaches the episode of Chavez Ravine and knew Wilkinson before his death in 2006. "Do we leave people to live in slums? Or do we do something to build housing for people who need it? I fall on the side that shelter is a public good, and it's a public responsibility. ... But I cannot tell you how upset I would be if they took my house."

Some have taken issue with the idea that these neighborhoods *were* slums. It is true that the neighborhoods weren't well equipped with proper plumbing and paved roads, but that was largely a result of the city's own neglect. And the legacy of housing projects initiated back then is mixed at best; by most accounts, more units were torn down than built.

In any event, Nusbaum keeps the book's focus personal. "Ultimately, [the Aréchigas] were real people who did a lot of really difficult and amazing things to make a life for themselves and for their family," Nusbaum says. "What happened is that the government took their home, sold it to a private enterprise, and then kicked them out of it. ... And the fact that they were immigrants is probably a big part of why that happened to them."

In 2000 Bob Graziano, then-president of the Dodgers, extended literal olive branches to members of the three neighborhoods and their descendants, whom he praised for "not forgetting the past, but forgiving the past." Since

that time, however, the team hasn't made continuing efforts to acknowledge that past. On the "stadium history" section of the Dodgers' website, history simply begins with the park being "carved as it is into the hillside of Chavez Ravine." (The Dodgers did not respond to several requests for comment regarding this story.)



The Dodger Stadium groundbreaking at Chavez Ravine. (Vinnell Constructors)

"I think the Dodgers should apologize," says Nusbaum. "I think the city should apologize. I think the county should apologize. I think all three entities should work with members of those communities and their descendants on some sort of formal way to make amends."

One such descendant, Edward Santillan, has found a way to move on. His father, Lou, was born in Chavez Ravine (Lou claimed that his umbilical cord was buried beneath third base), and never forgave the team. But Edward didn't let that stop him from becoming a fan. He's also worked for the city for decades, supervising a parking garage at City Hall. (Nusbaum included City Hall in his driving tour.)

"I can't see myself rooting for the San Francisco Giants or whatever," Santillan says. "It's gonna be my home team."

Before his death in 2014, Lou Santillan organized an annual reunion for Los Desterrados — "The Uprooted" — at the Elysian Park Recreation Center. Edward has since taken an active role in maintaining the event.

"It's the newer generations that have sparked an interest in Chavez Ravine," Santillan points out. He says younger people have started attending the reunions, interested in learning more about what Palo Verde, La Loma and Bishop were like. "But at the same time the Dodger blue tradition continues. It's a mixed feeling."

Santillan has two young daughters and he takes them to games, where he tells them the story about his father and grandparents and the umbilical cord beneath third base. "You get older," Santillan says. "Things start coming into perspective. It all makes a full circle."

Rogers is a writer and editor in Los Angeles.

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September 21, 2000

Honorable Andrew Cuomo
Secretary, Department of Housing and Urban Development
451 7th Ave., S.W.
Washington D.C. 20410

Honorable Norman Y. Mineta
Secretary, United States Department of Commerce
Room 5854
14th & Constitution Ave. NW
Washington, DC 20230

Bill Lann Lee
Assistant Attorney General
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Main Justice
Room 5643
Washington, D.C. 20530

Re: Chinatown Cornfield Administrative Complaint

Dear Secretary Cuomo, Secretary Minetta, and Assistant Attorney General Lee:

We submit the attached administrative complaint on behalf of Friends of the Los Angeles River, the Chinese Consolidated Benevolent Association of Los Angeles, Concerned Citizens of South Central Los Angeles, Environmental Defense, Latino Urban Forum, Natural Resources Defense Council and Northeast Renaissance Corporation, and on behalf of their members and other similarly situated persons in the City of Los Angeles, challenging the decision by the City of Los Angeles (the "City"), Majestic Realty, and Union Pacific (collectively, "Respondents") to build 32 acres of warehouses and industrial development in the Chinatown Cornfield using federal funds from the United States Department Housing and Urban Development ("HUD") and the United States Department of Commerce

("Commerce"). The warehouse project violates civil rights, environmental justice, environmental quality and historic preservation laws.

Very truly yours,

September 21, 2000

Robert García
Counsel for Environmental Defense

Jan Chatten-Brown
Attorney for Complainants

Joel Reynolds
Senior Attorney
Director Urban Program
Natural Resources Defense Council

Lew Hollman
Executive Director
Center for Law in the Public Interest

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I. Introduction

We file this administrative charge on behalf of Friends of the Los Angeles River, the Chinese Consolidated Benevolent Association of Los Angeles, Concerned Citizens of South Central Los Angeles, Environmental Defense, Latino Urban Forum, Natural Resources Defense Council and Northeast Renaissance Corporation, and on behalf of their members and other similarly situated persons in the City of Los Angeles, challenging the decision by the City of Los Angeles (the "City"), Majestic Realty, and Union Pacific to build 32 acres of warehouses and industrial development in the Chinatown Cornfield using federal funds from the United States Department Housing and Urban Development ("HUD") and the United States Department of Commerce ("Commerce"). The Cornfield, a vacant, 47 acre rail yard between Chinatown and the Los Angeles River, is the last vast open space in downtown Los Angeles. The Cornfield offers a once-in-a-century opportunity to create a compatible mixed used project including a world-class park, playground, open space, school, affordable housing, jobs and other mixed use alternatives. The Cornfield is surrounded by working class communities: Chinatown to the west, the William Mead Homes--L.A.'s oldest and largest housing project--to the east, and disproportionately Hispanic Lincoln Heights and Solano Canyon to the north. The children of the Cornfield communities are deprived of the simple joys of playing in the park as a result of the discriminatory policies and practices of the City, Majestic and Union Pacific. No one would build the Warehouse Project in disproportionately White, relatively wealthy parts of Los Angeles, and certainly would not go forward without full environmental review and without full and fair public participation in the decisionmaking process. The Warehouse Project should not go forward in the Cornfield communities.

The Warehouse Project is intentionally discriminatory and has an unjustified adverse disparate impact against communities of color and low income communities, has not been the subject of full environmental review to analyze impacts and alternatives, has not been developed with full and fair public participation to decide the future of the Cornfield, and would cause further environmental degradation and the destruction of cultural and historical resources. These actions violate the environmental justice and environmental quality laws of the United States, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States; 42 U.S.C. § 1983; Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d; the implementing Title VI regulations codified by HUD, 24 CFR § 1.7, and Commerce, 15 C.F.R. § 8.4; section 109 of Title I of the Housing and Community Development Act of 1974, 42 U.S.C. § 5309 and its regulations, 24 C.F.R. § 6.2; HUD's Consolidated Plan regulations, 24 C.F.R. § 91.105; the National Environmental Policy Act and its regulations; the National Historic Preservation Act, 16 U.S.C. § 470-470w-6 and its regulations; the President's Executive Order on Environmental Justice, Executive Order 12,898; HUD's Hope VI Project, and other laws.

The relief we seek is to stop federal funding for the Warehouse Project unless respondents demonstrate that the challenged action is justified by business necessity and that no less discriminatory exists; to require full environmental review of the Warehouse Project through an environmental impact statement to assess impacts and alternatives; to insure a participatory public process to determine the future of the Cornfield consistent with the needs and desires of the surrounding communities; and to develop the Cornfield as compatible mixed parkland. We also seek an expedited investigation.

The complainants seek to stop the Warehouse Project to secure equal justice, democracy and livability in the following respects at a minimum:

(1) create a park, playground, school, affordable housing and compatible mixed uses in a City and neighborhood that are park poor;

(2) create quality jobs, promote tourism, increase property values, and promote economic vitality through the parkland proposal;

(3) clean up contamination in the Cornfield;

(4) mitigate the negative air quality impacts of hundreds of diesel truck trips per day in the vicinity of the Ann Street School from the Warehouses Project;

(5) mitigate the traffic safety and congestion impacts of increased traffic from the Warehouse Project;

(6) preserve the Zanja Madre, or "Mother Ditch," that was built in 1781 to bring water from the Los Angeles River to Olvera Street, the birthplace of El Pueblo de Los Angeles; develop the Juan de Batista Millenium Trail; and preserve the historical and cultural interests of Native American, Spanish, Mexican and Chinese communities in the Cornfield;

(7) eliminate the negative aesthetic impacts associated with the construction and operation of a nearly 1 million square foot, 40-foot high industrial and warehouse facility;

(8) promote affordable housing and other sustainable land use and development in and around Chinatown, Solano Canyon, Lincoln Heights, William Mead Homes, and surrounding areas, including the Los Angeles River Parkway, in a manner consistent

with various proposed community and regional plans, including the General Plan, the Downtown Strategic Plan, the Greater Downtown Plan, and the Central City North Community Plan;

(9) mitigate flood hazards for the area, which lies within a flood hazard zone;

(10) eliminate negative water quality and storm water runoff impacts – the single largest source of water pollution in Southern California -- that would result from the impermeable surfaces of the Warehouse Project;

(11) provide a central place for people to congregate in the event of a disaster or emergency;

(12) require an environmental impact statement or report to assess the impacts of the Warehouse Project, and to assess alternatives to the Warehouse Project.

(13) require the City to gather, analyze and publish information about the impact of the Warehouse Project on all communities;

(14) insure full and fair public participation in deciding the future of the Cornfield; and

(15) promote equal access to parks and recreation by eliminating intentional discrimination and adverse disparate impacts for which there are less discriminatory alternatives.

II. The Parties

A. Complainants

The complainants advocate park and compatible mixed uses in the Cornfield and

oppose the Warehouse Project on environmental quality and environmental justice grounds. The activities of each of the complainants will be adversely affected by the Warehouse Project. The claims of the complainants are representative of the claims of the members of the Chinatown Yard Alliance which opposes the Warehouse Project in favor of compatible mixed parkland uses. The Alliance Members are listed in Tab 11 and below.1

Friends of the Los Angeles River ("FOLAR") is a California non-profit, tax-exempt, public benefit corporation. FOLAR was organized in 1986 to protect and restore the natural and historic heritage of the Los Angeles River ("River") and its riparian communities. FOLAR's goals include: improving flood control with detention basins and groundwater recharge; increasing conservation and clean-up of storm water; restoring the natural riparian habitat along the river and its tributaries; and creating recreational and educational opportunities for all the residents of the Basin along and near the River. FOLAR's purposes and activities include (1) working to create a park in the Cornfield, (2) working to create a 51-mile Los Angeles River Parkway, and (3) obtaining equity in access to parks and recreation in

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[1] The Chinatown Yards Alliance includes Chinatown-Alpine Hill Neighborhood Association, Chinese-American Citizen's Alliance, Chinese Consolidated Benevolent Association, Citizens Committee To Save Elysian Park, Coalition L.A. 1st District Organizing Committee, Coalition of Essential Schools, Coalition For Clean Air, Concerned Citizens of South Central Los Angeles, Constance L. Rice and The Advancement Project, Echo Park Community Coordinating Council, Elysian Heights Residents Association, Environmental Defense, Friends of Castelar School, Friends of the Los Angeles River, Heal The Bay, Latino Urban Forum, Lincoln Heights Neighborhood Preservation Association, Los Angeles Alliance For A New Economy, Los Angeles County Bicycle Coalition, William Mead Homes Residents Association, Maria Elena Durazo, Mothers of East Los Angeles Santa Isabel, Natural Resources Defense Council, Northeast Renaissance Corp, Northeast Trees, People For Parks, Sierra Club, Southern California Council on Environment and Development, The Ad Hoc Committee for Safe Children, and Treepeople.

Los Angeles without respect to race, color, national origin, disability, gender or income. FOLAR helped obtain over $83 million to create the Parkway in the state budget. Members of FOLAR who live in the Cornfield vicinity will be adversely affected by the challenged actions.

The Chinese Consolidated Benevolent Association of Los Angeles represents the Chinese American community in seeking to improve the quality of life for Chinese Americans throughout Southern California whose purposes and activities include (1) working to create a park in the Cornfield, and (2) obtaining equity in access to parks and recreation without respect to race, color, national origin, disability, gender or income. Chinese, low income and other members of the Association who live in the Cornfield vicinity will be adversely affected by the challenged actions.

Concerned Citizens of South Central Los Angeles ("CCSCLA") is a non-profit public benefit community based organization whose mission is to work for social justice and economic and environmental change within the South Central community. CCSCLA works on issues impacting its community such as parks, recreation and open space, planning and land use, affordable housing, and recycling. CCSCLA's purposes and activities include (1) working to create a park in the Cornfield, and (2) obtaining equity in access to parks and recreation in Los Angeles without respect to race, color, national origin, disability, gender or income. CCSCLA is one of the first African American environmental organizations in the country. Low income, minority and other members of CCSCLA who live in the Cornfield vicinity will be adversely affected by the challenged actions.

Environmental Defense (formerly Environmental Defense Fund) is dedicated to

protecting the environmental rights of all people, including the right to clean air, clean water, healthy food and flourishing ecosystems. Guided by thorough scientific evaluation of environmental problems, Environmental Defense works to create practical solutions that win lasting political, economic and social support because they are non-partisan, cost-effective and fair. Environmental Defense is a national not for profit environmental organization with headquarters in New York and a project office in Los Angeles. Environmental Defense's purposes and activities include (1) working to create a park in the Cornfield, (2) working to create a 51-mile Los Angeles River Parkway, and (3) obtaining equity in access to parks and recreation in Los Angeles without respect to race, color, national origin, disability, gender or income. Environmental Defense helped obtain over $83 million to create the Parkway in the state budget. Members of Environmental Defense who live in the Cornfield vicinity will be adversely affected by the challenged actions.

Latino Urban Forum is a grassroots organization dedicated to improving the quality of life through the built environment in Latino communities. Latino Urban Forum's purposes and activities include (1) working to create a park in the Chinatown Cornfield, and (2) obtaining equity in access to parks and recreation without respect to race, color, national origin, disability, gender or income. Low income, minority and other members of Latino Urban Forum who live in the Cornfield vicinity will be adversely affected by the challenged actions.

Natural Resources Defense Council ("NRDC") is a national non-profit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. NRDC's Los Angeles office focuses on the unique environmental challenges

facing the greater Los Angeles area, including environmental justice and the preservation of open space. NRDC's purposes and activities include (1) working to create a park in the Chinatown Cornfield, (2) working to create a 51-mile Los Angeles River Parkway, and (3) obtaining equity in access to parks and recreation in Los Angeles without respect to race, color, national origin, disability, gender or income. NRDC helped obtain over $83 million to create the Parkway in the state budget. Members of NRDC who live in the Cornfield vicinity will be adversely affected by the challenged actions.

Northeast Renaissance Corporation is a Community Development Corporation organized in 1999 to improve the quality of life in Lincoln Heights whose purposes and activities include working to create a park in the Cornfield, and (2) obtaining equity in access to parks and recreation without respect to race, color, national origin, disability, gender or income. Low income, minority and other constituents of Northeast Renaissance Corporation who live in the Cornfield vicinity will be adversely affected by the challenged actions.

B. Respondents

Respondent City of Los Angeles ("City") is a duly incorporated charter City and a political subdivision of the State of California. The City approved the Warehouse Project on the basis of a mitigated negative declaration instead of a full environmental impact report ("EIR"), submitted the application for federal funding to HUD and Commerce, and provides limited parks, recreation facilitates, affordable housing, and other basic needs of life to the people of Los Angeles. The City receives significant federal financial assistance on an annual basis.

Repondent Majestic Realty Company ("Majestic") is a closely held California

corporation with its headquarters in the City of Industry. It is in escrow to buy 32 of the 47 acres of the Cornfield site from Union Pacific Corporation, where Majestic proposes to build the Warehouse Project. Defendant Majestic Reality Corporation is one of the largest real estate developers in Southern California and is owned by Ed Roski, one of the wealthiest men in the United States. Majestic seeks to develop the Warehouse Project with significant financial assistance from federal taxpayers, HUD and Commerce.

Respondent Union Pacific Corporation is a Utah Corporation doing business in California. For many years its predecessor company operated a railroad at the site. It asserts that it owns the Cornfield property. Union Pacific seeks to receive significant financial benefits from federal taxpayers, HUD and Commerce through the Warehouse Project. Union Pacific's largest shareholder is Phil Anschutz, one of the wealthiest men in the world. Roski and Anschutz developed the Staples Center in downtown Los Angeles.

III. The Cornfield Community and the Warehouse Project

A. The Cornfield And The Surrounding Communities

The Cornfield is a 47-acre former rail yard that has been vacant for approximately ten years in the northern portion of downtown Los Angeles. The surrounding communities are among the most culturally and ethnically diverse and historical communities in Los Angeles, with extensive residential, tourist, and retail development, as well as churches, schools, and community buildings.

Immediately to the west of the Cornfield is Chinatown, which is the heart of the Chinese community in Los Angeles. Chinatown has a variety of residential, restaurant and retail uses on the west side of Broadway, and some restaurants and retail uses contiguous to the

the Warehouse Project on the east side of Broadway. Chinatown has no park and no middle or high school. Within walking distance of the Cornfield is Union Station. The City and the railroads forcibly relocated the Chinatown community to its present location to build Union Station in the 1930's.

To the northwest of the Cornfield is Solano Canyon, a historic residential area in the hills between Broadway and the 110 Freeway, and to the north is Lincoln Heights, an ethnically diverse neighborhood.

The William Mead Homes, the first and largest public housing project in Los Angeles, is located directly to the east of the Cornfield. If the Warehouse Project goes forward, the William Mead Homes will be isolated between the Men's Central Jail and the 32 acre Warehouse Project.

Serving the William Mead Homes and the surrounding community is the Ann Street Elementary School, which is located to the east of the Cornfield. This school has 240 children attending in grades K through 5. Ann Street is one of the two entrances to the Project site for all diesel trucks and other traffic associated with the Project.

To the southeast of the Cornfield is Olvera Street. Olvera Street is the oldest part of the City of Los Angeles, otherwise known as El Pueblo Historic Monument and the site of the 18th century El Pueblo de Los Angeles. Several historic buildings line the street including the Avila Adobe, built around 1818 by a former mayor, Francisco Alveoli; the Pelanconi House, the oldest brick house in Los Angeles, dating from 1855; and the Sepulveda House, built in 1887. Converted to a colorful Mexican style market place in 1930, it is also the setting for holiday celebrations and Mexican culture, dancing and music.

Recently discovered on and around the Cornfield are remnants of the historic Zanja Madre that first brought water from the Los Angeles River to the birthplace of Los Angeles in 1781.

The restoration of the Juan Bautista de Anza National Historic Trail, now designated a National Millennium Trail, is proposed through or near the Project site. As a September 30, 1999, letter from the National Park Service to the City urging preparation of an EIR stated: "This nationally significant trail is particularly influential in the history of Los Angeles since materials, livestock, and settlers to found the *El Pueblo de la Reina de Los Angeles* in 1781 used the trail established by Anza."

The Cornfield site is located close to, and in view of, the Los Angeles River ("River"). The 51-mile River has recently been designated by the State to become the Los Angeles River Parkway, with over $83 million already designated for River park projects. For approximately the last eight years, the River has been the focus of significant planning efforts by the National Park Service and various local governments. The County and the City of Los Angeles both have plans calling for construction of a bikeway along the length of the River. Many jurisdictions and public leaders, as well as environmental groups, see revitalization of the River corridor as a key to the economic and environmental enhancement of Los Angeles, and a thread that could provide Los Angeles with a greater sense of community. The Cornfield site is a critical part of those planning efforts.

The City has recognized the significance of the Cornfield to the surrounding area. In 1989, the City undertook a community planning process involving a series of workshops and extensive public participation. During this process the Design Action Planning Team, an

advisory council, recommended that the site be used for a park and school. In 1996, the Los Angeles Planning Commission approved an amendment to the Central City North Community Plan, recognizing the potential of the site to accommodate significant commercial and residential development. The Plan stated:

> The site, although currently planned and zoned for industrial uses, has the potential to accommodate significant commercial development or the blending of commercial and residential uses. Another potential scenario would be a combination of lower density office, retail, and residential uses. Any future use for the site should be carefully studied and shared with the adjacent Chinatown community to the west of the site. *Due to the size of this property and its location adjacent to Downtown Los Angeles and Union Station, the development of this property could have a significant impact on land development within the broader Central City North community.*

Proposed Central City North Community Plan, p. III-9 (emphasis added.)

The potential impact of the Cornfield on the surrounding community and the whole of Los Angeles is even greater today than in 1996. The City's General Plan states that "recreational use should be considered for available open space and unused or underused land" and "High priority will be given to areas of the city which have the fewest recreational services and the greatest numbers of potential users." *Public Recreation Plan, Section 1, p. 3.* Additionally, a Blue Line rail station is scheduled to be completed at College Street and Spring Street, just south of the site, thereby helping to link the Cornfield to the greater Los Angeles community.

B. The Warehouse Project

The Warehouse Project calls for the construction of 909,200 square feet of industrial

space in four buildings containing *at least 50% warehouses*, with no more than 50% manufacturing (and possibly substantially less). Each building would be as high as 40 feet tall and approximately 600 feet long, within 15 feet of the property line. In addition to the buildings, there will be 1,090 parking spaces on site. The warehouses would operate 24 hours a day, seven days a week. The Project would generate nearly four thousand vehicle trips per day, including approximately 550 truck trips per day, or 200,000 truck trips per year in and around the Project site. Construction of the Warehouse Project will result in almost 32 acres of impervious surface, with water that is not retained on site flowing to the Los Angeles River.

IV. Respondents Have Tried to Railroad the Warehouse Project through the Planning Process

On July 12, 1999, Majestic Realty filed an application for the Warehouse Project, with a request for a variance from the City's setback requirement.

After the MND was issued for the Majestic Warehouse Project, on August 8, 1999, FOLAR, Chinese Consolidated Benevolent Association, and others submitted extensive comments on the MND, and called for preparation of an EIR.

Numerous public agencies and public officials also called for preparation of an EIR, including the National Park Service, State Senator Richard Polanco, Senate Resource Committee Chair Tom Hayden, Assembly Speaker Emeritus Antonio Villaraigosa, and Los Angeles County Supervisor Gloria Molina.

On or about November 15, 1999, complainants Friends of the Los Angeles River and Environmental Defense submitted a letter to HUD Secretary Andrew Cuomo challenging the

Warehouse Project under Title VI and its regulations, NEPA, and the National Historic Preservation Act. To date, Respondents have not responded to that complaint, despite two directives from HUD that they do so on or about December 9, 1999, and July 13, 2000. Friends of the Los Angeles River and Environmental Defense submitted additional challenges to letters to HUD challenging the Warehouse Project on or about February 1, 2000, April 4, 2000, and May 8, 2000. *Tabs 1, 2, 3, 7, 30, 46..*

On February 10, 2000, the City denied the variance application.

On March 14, 2000, Majestic Realty submitted a new application for Site Plan Review. The revised Project application was based on the same MND, but with the Project redesigned to include a setback.

On or about March 16, 2000, without any notification that a new application had been submitted, the City circulated a document entitled "Responses to Comments," dated February 2000.

On or about March 28, 2000, the City sent notice that a site plan review hearing was set for April 12, 2000. FOLAR, Chinese Consolidated Benevolent Association, Chinese American Citizens Alliance, Friends of Castelar Elementary School, Environmental Defense, Greater Los Angeles AARP, Latino Urban Forum, Los Angeles County Bicycle Coalition, Montecito Heights Community, Northeast Renaissance Corporation, Northeast Trees, Sierra Club, William Mead Homes Residents Association, Worldwide Vietnamese Cambodian Association, and others appeared at this hearing, objected to the Warehouse Project, detailed the deficiencies in the MND, and requested preparation of an EIR.

The City released a fifteen-page revised MND ("Revised MND") on April 25, 2000,

approximately two weeks after the site plan review hearing. There were no further hearings conducted on the Revised MND.

Over the numerous public objections to the failure to prepare an EIR, the City Planning Department approved the Site Plan for the Warehouse Project and the MND on May 23, 2000.

On July 7, 2000, members of the Chinatown Yard Alliance briefed HUD officials on their opposition to the Warehouse Project in Los Angeles. On or about July 13, 2000, HUD for the second time directed the City to respond to the November 15, 2000, complaint by Friends of the Los Angeles River and Environmental Defense. To date, the City has failed and refused to do so. On August 4, 2000, HUD officials met with Respondents regarding the Warehouse Project.

The Chinatown Yards Alliance appealed the approval of the site plan to the Central Area Planning Commission ("Commission"), arguing among other things that the original MND and the Revised MND did not adequately discuss a number of environmental quality and environmental justice impacts, including but not limited to air pollution impacts, traffic impacts, impacts on historic resources, land use conflicts, noise, socioeconomic impacts, flood hazards, aesthetic impacts and impacts on water quality. Furthermore, because an MND rather than an EIR was prepared, there was no consideration of alternatives. Nor was there any detailed analysis of mitigation measures other than those submitted by the applicant or recommended by City staff.

A hearing was held before the Commission on July 25, 2000. The hearing was attended by over 100 persons, most in opposition to the Majestic Warehouse Project. Many speakers

speakers wished to, but were not allowed to speak on the issue, because the total time for the hearing on the appeal was limited to 1.5 hours. The Commission voted to deny the appeal, with one "No" vote from a commissioner who expressed a desire to have additional time to be able to review the submitted documentation.

A request for reconsideration by the Central Area Planning Commission was filed but the request was effectively denied on August 8, 2000, because no action was taken on it.

Petitioners filed an appeal with the Los Angeles City Council ("City Council") on August 14, 2000. However, a hearing on the Project already had been scheduled before the City Council at the request of one councilmember. After a ten minute hearing on August 15, 2000, the City Council approved the Project with additional minor mitigation on a vote of 9 to 2. A Notice of Determination was filed with the County Clerk on August 7, 2000.

Complainants here filed a petition under the California Environmental Quality Act to require an environmental impact report on or about September 6, 2000.

VI. The Warehouse Project Violates Title VI and its Regulations

Communities of color and low-income communities bear a disproportionate share of environmental degradation in the Cornfield area, their health and environment would further be adversely impacted by the Warehouse Project, they would not receive an equitable share of the benefits of the Project, and they have been excluded from the decision making processes that affect their lives and the future of the Cornfield.

A. Title VI and its Regulations Prohibit Discrimination

Title VI of the Civil Rights of 1964 and its implementing regulations prohibit both intentional discrimination based on race, color or national origin, and unjustified adverse

disparate impacts for which there are less discriminatory alternatives by applicants for or recipients of federal funds such as Respondents.

Title VI provides: "No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 42 U.S.C. § 2000d. The Fourteenth Amendment and 42 U.S.C. § 1983 also prohibit discrimination.

An important purpose of the Title VI remedial scheme is to assure that recipients of federal funds not maintain policies or practices that result in racial discrimination. President Kennedy's June 19, 1963, message to Congress, proposing Title VI, declared: "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." *Lau v. Nichols, 414 U.S. 563, 569 (1974).*

The regulations enacted pursuant to Title VI bar criteria or methods of administration by applicants or recipients of federal funds which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin. *See generally 24 C.F.R. § 1.4(b)(2)(i), §§ 1.1-.10 (HUD), 15 C.F.R. §8.4(b)(2), §§ 8.4.1-.15 (Commerce).*

In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose or effect of subjecting individuals to discrimination. *24 C.F.R. §1.4(b)(3) (HUD); 15 C.F.R. § 8.4(b)(3) (Commerce).*

In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination. *24 C.F.R. §1.4(b)(6)(i) (HUD); 15 C.F.R. § 8.4(b)(6)(i) (Commerce).* The applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage. *24 C.F.R. §1.4(b)(6)(HUD).*

Recipients must keep records and submit timely, complete, and accurate compliance reports, and should provide racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. *24 C.F.R. §1.6(b) (HUD); 15 C.F.R. § 8.7(b) (Commerce).*

On July 14, 1994, the 30th anniversary of the passage of Title VI, Attorney General Janet Reno issued a memorandum to the heads of departments and agencies that provide federal financial assistance to local government agencies reiterating that "administrative regulations implementing Title VI apply not only to intentional discrimination but also to policies and practices that have a discriminatory effect." According to the Attorney General:

> Individuals continue to be denied, on the basis of their race, color, or national origin, the full and equal opportunity to participate in or receive the benefits of programs from policies and practices that are neutral on their face but have the effect of discriminating. Those policies and practices must be eliminated unless they are shown to be necessary to the program's operation and there is no less discriminatory alternative.

Memorandum from Attorney General Janet Reno to Heads of Departments and Agencies that Provide Federal Financial Assistance, Use of the Disparate Impact Standard in Administrative Regulations Under Title VI of the Civil Rights Act of 1964 (July 14, 1994). The Attorney

The Attorney General leads and coordinates the federal government's Title VI enforcement efforts. The Attorney General's interpretation of the Title VI disparate impact standard is binding on federal agencies. *Executive Order 12250, 45 Fed. Reg. 72995 (Nov. 2, 1980).*

Title VI and its regulations apply to block grant programs such as HUD's community development block grant and HUD's section 108 loan guarantee program.[2] *Memorandum from Bill Lann Lee, Acting Assistant Attorney General, Civil Rights Division, to Executive Agency Civil Rights Directors (Jan. 28, 1999). See also HUD's July 13 Letter at 2 n.1.*

Every application for federal financial assistance must, "as a condition to its approval and the extension of any Federal financial assistance," contain assurances that the program will comply with Title VI and with all requirements imposed pursuant to the executive regulations issued under Title VI. *Guardians Ass'n v. Civil Service Commission, 463 U.S. 582, 629 (1983) (Justice Marshall, concurring in part and dissenting in part).* The HUD and Commerce regulations include this requirement. *24 C.F.R. § 1.5 (HUD); 15 C.F.R. § 8.4(b)(5) (Commerce).* The City here has failed and refused to disclose adequate assurances or certification of compliance with Title VI and its regulations for the Warehouse Project, despite formal document requests. *See Tab 17, requests 1, 65-68.*

B. The Warehouse Project Causes Unjustified Adverse Disparate Impacts for which There Are Less Discriminatory Alternatives

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[2] "Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) program. Section 108 provides communities with a source of financing for economic development, housing rehabilitation, public facilities and large scale physical development projects." *Economic Development: Brownfields Economic Development Initiative (BEDI), HUD website, www.hud.gov:80/cpd/econdev/bedihome.html.* "Brownfields Economic Development Initiative (BEDI) grants enhance the security or improve the viability of a project financed with new Section 108 guaranteed loan authority." *Id.*

A valid disparate impact claim under the Title VI regulations has three components. (1) An action by an applicant or recipient of federal funding has a disparate adverse impact based on race, ethnicity or national origin. (2) The applicant or recipient bears the burden of proving that any action that has such an adverse disparate impact is justified by business necessity. (3) Even if the action would otherwise be justified by business necessity, the action is prohibited if there are less discriminatory alternatives to accomplish the same objective. *Larry P. v. Riles, 793 F.2d 969, 983 (9th Cir. 1984).* "Proof of discriminatory motive . . . is not required under a disparate impact theory." *International Brotherhood of Teamsters v. United States, 431 U.S. 324, 335 n.15 (1977).* A valid civil rights complaint exists here.

1. The Adverse Disparate Impacts

a. The Cornfield Communities Are Disproportionately Low Income People of Color

The following chart shows that the census tract and zip code closest to the Cornfield are disproportionately people of color compared to city-wide demographics.[3]

Race or Ethnicity	**Census Tract 2071**	**Zip Code 90012**	**City Wide**
Asian/Pacific Islander	81%	40%	15%
Hispanic	15%	28%	44%
Black	2%	18%	10%
White	3%	14%	31%

Source: Cornfield of Dreams: A Resource Guide of Facts, Issues & Principles 79 (2000), 1990 census data, census updates and projections.

The Cornfield communities have disproportionately lower education levels, income and

[3] Some rounding errors.

and wealth, and access to cars compared to the City as a whole. *Cornfield of Dreams, supra, at 82-84.* The following chart shows the educational attainment for persons over 25 in the Cornfield communities (1990 data).

	Tract 2071	**Zip Code 90012**
Less than 9th Grade	54%	27%
9th to 12th Grade, No Diploma	15%	20%
High School Graduate	14%	20%
Some College, No Degree	8%	15%
Associates Degree	4%	5%
Bachelors Degree	3%	7%
Graduate or Professional Degree	2%	5%

Source: Cornfield of Dreams, supra, at 82-84

b. Disparate Access to Parks, Playgrounds and Schools

The siting of the Warehouse Project causes an adverse disparate impact by perpetuating the history and pattern of unequal access by people of color and low-income communities to parks and recreation programs, playgrounds, and schools in the Cornfield area, in City Council District 1, and throughout Los Angeles.

Los Angeles is park poor, with fewer acres of parks per thousand residents compared to any major city in the country. Los Angeles does not come close to its goal of four acres of parkland per 1,000 people, or to the national standard of 10 acres. The City Council District where the Cornfield is located has .9 acres per thousand residents, compared to 1.7 acres in wealthier white areas in Los Angeles. *Jocelyn Stewart, Officials Resort to Creativity to Meet Need for Parks, L.A. Times, June 15, 1998, attached as Tab 42; graph showing relationship between parks, city council districts, and race or ethnicity, attached as Tab 33.*

There are no parks in Chinatown, and no middle school or high school. The children of Chinatown are bused 45 minutes to school each way every day. This disrupts their lives, takes them away from their families, and tears apart the fabric of the community. The William Mead Homes, the first and largest housing project in Los Angeles, would be sandwiched between the men's jail and the proposed warehouses. The playground in the William Mead Homes has been closed because of contamination. The children in these neighborhoods do not have adequate access to cars or to a decent transit system that would enable them to reach parks in other neighborhoods.

The continuing disparities in access to parks and recreation programs are a result of the City's funding formulas which were adopted in the wake of Prop 13, which cut off local funds for parks and schools in 1978, coupled with the ongoing pattern and history of discrimination in urban planning in Los Angeles as discussed below. According to Mayor Richard Riordan, poorer communities in the inner city have been historically short changed by City funding formulas for parks and recreation programs. Money is not invested throughout the City based on need but is distributed equally among the 15 City Council Districts regardless of need, according to the Mayor. *Shirley Leung, Riordan Seeks More Funds for Urban Core, Wall Street Journal, April 28, 1999, Tab 22.*

The City's Recreation and Parks Department has long recognized the inequities in park funding. "It's a pattern we all understand," according to Dallan Zamrzla, director of planning and development for the Recreation and Parks Department. "The urban areas of Los Angeles have less park facilities than the new areas or outer lying areas, where ordinances require that parks be developed when housing developments go in." *Jocelyn Stewart, Officials Resort to*

Creativity to Meet Need for Parks, L.A. Times, June 15, 1998, attached as Tab 42. Because there has been little new construction in poorer neighborhoods, those areas benefit little from the state Quimby Act, which requires developers to put money into parks near their projects. Many of the urban parks are more heavily used and require more staff. These criteria and methods of administration have an adverse disparate impact because they fail to take into account for the needs of the poorest neighborhoods, which are disproportionately communities of color. *Id.*

The poverty of parks is aggravated by the disappearance of schoolyards at alarming rates, due to the epic overcrowding at public schools in Los Angeles and the concomitant use of portable classrooms. Almost 4,500 of LAUSD's classrooms – housing over 100,000 students – are portables that deprive children of playground space. Children are forced to share cramped play areas that significantly curtail physical education activity. Many campuses are literally covered with portable classrooms. On many campuses, over one in four classrooms are temporary portables. Portables devour playground space. Even at schools that still have playgrounds, children are locked out of the school yards after school and on weekends. Climbing the fence for a place to play can be met with a police escort off campus. Inner city children are disproportionately relegated to second-class schools without playgrounds. These disparities are the result of inequitable funding formulas for allocating public school construction funds which distribute funds on the basis of speed not need, to the detriment of Los Angeles. *Doug Smith, Judge Orders Revision of School Bond Distribution, L.A. Times (Aug. 25, 2000).*

Parks, playgrounds and schools that provide green space and a healthy environment can

help alleviate the worst conditions of the urban core. For instance, local law enforcement in Los Angeles has long recognized the role that park and recreation programs play in preventing gang violence. A 1992 study by the Los Angeles County District Attorney concluded that young people join gangs for obvious reasons, including the fact that they "have been excluded by distance and discrimination from adult-supervised park programs." *Gangs, Crime and Violence in Los Angeles: Findings and Proposals from the District Attorney's Office (1992).* The study recommends that "alternative activities like recreation" should be part of every gang prevention strategy. Organized sports like youth soccer leagues "fill those idle hours that seduce adolescent boys into trouble . . . . At the least, they can keep older gang members busy during prime-time-crime hours . . . . At the most, they can keep marginal boys too busy for gangs, or give them an excuse not to join." *Id.* A recent survey of more than 14,000 teenagers has found that those who took part in team sport were less likely to use drugs, smoke, have sex, carry weapons or have unhealthy eating habits. *N.Y. Times, Study Links Team Sports and Healthful Behavior, Sept. 15, 2000, citing Archives of Pediatrics and Adolescent Medicine, published by the American Medical Association.*

The joint use of parks, playgrounds and schools as community learning centers is one way to use scarce open space in ways that are equitable, enhance human health and the environment, and promote economic vitality to benefit all the people of Los Angeles. The classic Olmsted Report emphasized the need for the joint use of parks, playgrounds and schools. "[P]ractically the identical considerations . . . should control the placing of local recreation centers [as control the placing of schools] for children of elementary school age. And the considerations controlling location of high schools and junior high schools are

substantially those that might control the placing of recreation facilities for adults. This practical identity of policy strongly counsels associating school playgrounds . . . with other local recreation grounds in combined neighborhood units." *Id. at 47.* The vision of the joint use of schools and parks is echoed more recently by New Schools/Better Neighborhoods. *See What If? New Schools/Better Neighborhoods/More Livable Communities (1999).*

c. Air Pollution and Human Health Impacts

The Warehouse Project will adversely impact air quality and human health from an estimated increase in 1.4 million vehicle trips per year to and from the Warehouse Project, including an additional 200,000 truck trips per year. Virtually all of the truck trips are likely to run on diesel fuel. Diesel exhaust has been listed since 1990 as a "chemical known to the state [of California] to cause cancer" under Proposition 65 and contains over 40 chemicals--including diesel particulates--that individually are listed by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment as "toxic air contaminants." *Health & Saf. Code § 39655.* The Project will generate emissions from diesel trucks on and around the site and will cause the regional emissions of nitrous oxides to exceed the South Coast Air Quality Management District's ("SCAQMD") emission thresholds. In fact, SCAQMD's CEQA *Air Quality Handbook* provides that light industrial land use projects over 276,000 square feet have a potentially "significant" impact on air quality. *SCAQMD, CEQA Air Quality Handbook, Table 6-2 (April 1993).* The Warehouse Project, which will cover almost one million square feet, far surpasses that threshold. Impacts on students at the Ann Street

students at the Ann Street School are particularly significant because children are more sensitive to exposure to airborne toxics than adults because of their respiratory systems.

d. Traffic Safety and Congestion Impacts

The siting of the Warehouse Project will cause adverse disparate impacts on public safety from increased traffic congestion in and around the site. The children at the Ann Street Elementary School adjacent to the William Mead Homes in particular would face additional traffic safety risks associated with hundreds of truck trips to and from the Warehouse Project during the day at the site entrance adjacent to the school. As the City's Zoning Administrator stated in denying a variance for the Warehouse Project on February 10, 2000: "Large trucks exiting the property, even at signalized intersections, and the volume of truck and car activity attendant to site of this size is potentially detrimental to the public welfare." *Zoning Administrator Decision, February 10, 2000, at 9, emphasis added.* The Warehouse Project will also adversely affect the students of the Ann Street School and the residents of the William Mead Homes, including by cutting off access by those residents to the neighboring Chinatown community and vice versa.

e. Impact on Historic and Cultural Values

The City's Cultural Heritage Department decided that the Cornfield historically has been used as a railyard and there is no historical or cultural value worth preserving on the Site. This decision reflects dominant Anglo industrial values and marginalizes

the history and culture of the Native American, Spanish, Mexican and Chinese communities that have been centered in the Cornfield vicinity.

The Warehouse Project would destroy not only the last physical vestiges but also the cultural, historical and religious space and value of the Zanja Madre, originally constructed in 1781 by the Spaniards, the Catholic missionaries and the Gabrielino Indians to bring water from the Los Angeles River to El Pueblo de Los Angeles. The National Park Service has also called for a full environmental impact report because of the significant threat to the siting of the Juan Bautista de Anza National Historic Trail, which the Spaniards and the Catholic missionaries blazed to explore California. The main Gabrielino population center lay near the Cornfield at the confluence of several trials. The Trail was designated as a historic trail by Congress and was recently recognized as a National Millennium Trail. The Warehouse Project would destroy these historic, cultural and religious values for the surrounding communities of Chinatown, Solano Canyon, and Lincoln Heights -- some of the most historic and culturally diverse communities in the City – as well as for all the people of Los Angeles, for California, and for the nation.

f. Impacts on Aesthetic Values

The Warehouse Project is an eyesore to say the least. The construction and operation of nearly 1 million square feet of warehouses with 40-foot high tilt up walls would adversely impact the aesthetic experience of the residents of and visitors to

Chinatown, Solano Canyon, Lincoln Heights and William Mead. They will have to view 32 acres of warehouses, trucks, cars and parking lots. The warehouses will also be a visible to all passengers that use the Blue Line station planned for Spring Street.

g. Housing Impacts

There is a desperate need for affordable housing in the Central City North Community Planning Area which includes the Cornfield communities, but space is limited and new housing development stagnant. Although the lack of housing has repeatedly been identified as a pressing issue over the last decade in City planning documents, the housing growth in the area is less than half that recommended by the Community Redevelopment Agency. *Cornfield of Dreams, supra, at 113- 32.* The Warehouse Project would exacerbate rather than relieve the need for housing.

h. Land Use Impacts

The Warehouse Project would have adverse land uses and development impacts on Chinatown, Solano Canyon, Lincoln Heights, the William Mead Homes, and surrounding areas, including the Los Angeles River Parkway, in light of inconsistencies between the Project and various community and regional plans, including the Downtown Strategic Plan, the Greater Downtown Plan, and the Central City North Community Plan. The latter specifically addresses the significance of the Cornfield site relative to development of the surrounding area, stating: "Due to the size of this property and its location adjacent to Downtown Los Angeles and Union Station, the

the development of this property *could have a significant impact on land development* within the broader Central City North community." *1996 proposed Central City North Community Plan, p. III-9, emphasis added.* These impacts will further degrade the physical environment of already disparately impacted communities that have been the victims of a continuing history and pattern of discrimination.

i. Flood Risks

The Warehouse Project would exacerbate and not relieve flood hazards as shown by flood maps prepared by the Army Corps of Engineers (ACOE) for the area, which shows the Project site within a flood hazard zone.

j. Storm Water and Pollution Impacts

The siting and design of the Warehouse Project, which will cover virtually all of the Cornfield with impermeable asphalt or roofing surfaces, will increase the amount of storm water runoff, and send run-off directly into the Los Angeles River. Although research has repeatedly demonstrated that storm water run-off is the largest single source of water pollution in Southern California, these concerns have not been appropriately addressed through full environmental review or otherwise. *Tab 45.*

k. Toxic Exposure During Construction

Toxic exposure to the public from the removal of surface contamination during decontamination and construction of the Project has not been adequately assessed through full environmental review. Construction may cause materials to become

airborne and adversely impact, in particular, students at the Ann Street School, residents at the William Mead Homes, and nearby workers. Impacts on the residents at the William Mead Homes are particularly significant because the soil around the William Mead Homes is already contaminated. Construction activities and potential industrial activities and materials on site will also adversely impact human health and the environment. *Tab 45.*

I. Adverse Impacts on Cleaning Up the Cornfield

Majestic Realty Vice President John Hunter testified in a materially false and misleading manner at the site plan review in this matter on April 12, 2000, when he claimed that the Cornfield "can become clean to industrial standards, but cannot be cleaned to residential or school standards, or park standards." According to the California Department of Toxics and Substance Control ("DTSC"), based on Majestic's own Phase I and Phase II studies, *"it does appear that the site could be utilized as a park, once remediation activities were performed."* *Letter from Edwin F. Lowry, Director, DTSC, to Chatten-Brown & Associates (June 6, 2000) (emphasis added), attached as Tab 29.*

Respondents seek to pave over the contamination on the site and leave it for future generations to clean up when the warehouses come down. Contaminated brownfields are disproportionately located in communities of color and low income communities. These communities have the right to have the Cornfield cleaned up now to the highest standards. The public has the right to know the truth about any claimed contamination, how much it will cost to clean up and how long it will take. In addition,

addition, Union Pacific should clean up the site instead of relying on federal taxpayers' dollars. The Cornfield was a rail yard for 100 years before Union Pacific abandoned it to disrepair about ten years ago. Before that the site was a cornfield. The railroad spilled the milk. Let them clean it up.[4]

2. No Business Necessity Justifies the Warehouse Project

The burden is on Respondents to prove the Warehouse Project is justified by business necessity. Respondents have failed to do so. The City has failed even to respond to the complaints and comments of the Chinatown Yards Alliance, as the July 13 HUD Letter makes clear. There is no business necessity for railroading the Warehouse Project through the approval process without full environmental quality and environmental justice review, and without full and fair pubic participation.

Respondents attempt to justify the Warehouse Project on the grounds of job creation.

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[4] Significant questions about the ownership of the property involved in this proposal have not been addressed. Although the Warehouse Project will require a property exchange between the City and Majestic, the details of this exchange have not been made clear despite requests for clarification. It is unclear whether or not the City owns a large portion of the land underlying the proposed Warehouse Project. The 1876 deed by which the City received the land states that it would be held in fee by the City is attached with a typed version added for clarity. *Tab 43.*

It is our understanding that Union Pacific and Southern Pacific Railroad acquired a franchise to portions of the property, but that this franchise was effective only as long as the land was used for railroad purposes. Additionally, a vacation of Baker Street is apparently required for the Warehouse Project, but this vacation has not been analyzed in the environmental review documents for this project. Before any approval is granted, these issues must be investigated and the results of that investigation shared with the public. We have requested information from the City about this issue but have received no adequate response. *Tab 44.*

Respondents are drawing a false dichotomy between economic development and protection of human health and the environment. There are other locations besides the last vast open space in downtown Los Angeles to create warehouse jobs. There is no alternative 47-acre mixed-use park site in Los Angeles.

Respondents make a speculative and exagerated proposal for a few low wage dead end jobs – only between 189 and 1,000 jobs at an average salary of $20,000 year per job, according to the City's testimony before the City Planning Department. This is well below the basic family budget for Los Angeles of $30,624 with one parent working or $44,700 with two parents working.5 The average wage is particularly inadequate when one considers that some high level, high pay jobs would distort the average upwards. If the Project is at least 50% warehouses, then the Project would create *"up to"* 1,000 jobs. If there is no federal funding and the Project is all warehouses, as respondents threatened at the August 4, 2000, meeting with HUD officials, then the Project would create only 189 jobs. Mayor Riordan has explicitly and repeatedly told the Alliance that his administration does not support warehouses because they do not create quality jobs -- but this message has not penetrated the backers of the Warehouse Project. The Cornfield communities need not sacrifice green and clean parks, playgrounds and schools; clean air; clean water; their historical, cultural and national heritage; affordable housing; livable communities and their quality of life for the sake of 189 to 1,000

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[5] *Los Angeles Alliance for a New Economy, The Other Los Angeles: The Working Poor in the City of the 21st Century at 7 (2000).* A basic family budget uses actual consumption costs for a broad variety of categories – such as housing, food, transportation and childcare -- to determine an adequate income level for different types of families using local data to provide a more accurate picture of the actual cost of living than the federal poverty level. *Id.*

low wage jobs.

In any event, the claims of job creation are speculative and exaggerated. The City has not backed up its claim of job creation with hard facts. The City has failed and refused to provide the information necessary to evaluate the claims of job creation. *See Tabs 7, 17.* There is every reason for the public to doubt the claims of new job creation. According to a recent UCLA report, for example, the Los Angeles Business Team in the Mayor's Office for Economic Development – which is behind the Warehouse Project -- has not targeted the most disadvantaged areas of Los Angeles, and the quality of jobs has not been a criterion in selecting businesses to assist. The Business Team has assisted a significant number of low-wage firms and provided assistance to retail firms that provide mainly low-wage, part-time jobs. The Business Team has vastly overstated its effectiveness in their public reports. The process of land use decision-making lacks public accountability, input from the City Council, and participation by community groups. The Business Teams' economic development efforts have failed to properly target specific industries, instead functioning in a largely ad hoc fashion that is unlikely to bring robust economic benefits to City residents. Respondents must demonstrate how their strategies create good jobs. *See generally Los Angeles Alliance for a New Economy, Taking Care of Business? An Evaluation of the Los Angeles Business Team, UCLA Center for Labor Research and Education, School of Public Policy and Social Research (Oct. 1999).*

Similarly, despite a long-standing promise to train and hire low-income people, officials of the City's $2.4-billion Alameda Corridor project have disclosed that they are far short of their goals to recruit workers from the cities along the route of the new rail link. The

shortfalls prompted members of the Alameda Corridor Transportation Authority board to criticize the effectiveness of the project's hiring efforts and its claimed $10-million program to provide job training to 1,000 underprivileged people over the next two years. *Dan Weikel, Alameda Rail Project Lags On Hiring Goals; Jobs: Officials Say They Are Falling Short In Recruiting Low-Income Workers For The $2.4-Billion Transportation Corridor, Los Angeles Times, Feb. 11, 2000. Accord, Dan Weikel, Board Orders Review Of Alameda Project's Hiring Of Blacks; Jobs: Activists Complain That Few Workers Are African American. Officials Say The Issue Will Be Resolved Before Major Work Begins, Los Angeles Times, Nov. 19, 1999.*

The mixed use parkland alternative would raise property values, increase tourism to what used to be the second largest Chinatown in the United States, promote the economic revitalization of neighboring communities and create more and better jobs compared to the Warehouse Project. When cities create greenways in or near downtown areas, property values rise and the number of businesses and jobs grows. The following examples illustrate a nation trend on the beneficial economic impacts of parks on communities:

- After Chattanooga, Tennessee, replaced abandoned warehouses with an eight-mile greenway, the number of full-time jobs and businesses more than doubled, and property values increased by 127%.
- After Oakland, California, created a three-mile greenbelt surrounding Lake Merritt near the city center, surrounding property values increased by $41 million.
- After the revitalization of Meridian Hill Park in Washington, D.C., visits to the park

tripled, and many park visitors use local businesses. Occupancy rates in surrounding apartment buildings dramatically increased.

- After expansion and restoration of the Martin Luther King, Jr. National Historic Site, Atlanta, Georgia's African-American "Sweet Auburn" neighborhood experienced a revitalization, with dozens of new homes, 500,000 annual visitors boosting local business, and a decrease in crime.
- After citizens prevented San Antonio, Texas, from burying the San Antonio River, the resulting river park has become the most popular attraction in the city's $3.5 billion tourist industry.
- After the Pinellas Trail was built through Dunedin, Florida, store vacancy rates went from 35% to 0%.

See, e.g., Steve Lerner & William Poole, The Economic Benefits of Parks and Open Spaces 12, 13, 17, 20, 26 (1999).

Although the City focuses exclusively on job creation in the Warehouse Project, local economic development is not only about job creation; it is about improving the quality of life for local residents. Effective economic development must build on local resources and satisfy community needs in order to be sustainable. A development project should be evaluated based on its contribution to achieving a local economic strategy formulated on *the locality's comparative advantage* and the *desires of the local community.*

The locality's comparative advantage takes into account the business base of the locality. The business base of Chinatown consists of retail, restaurants, medical/dental offices and service businesses. The major business districts near the site include entertainment and

tourist designations, professional services, and companies specializing in wholesale and retail trade. Food production, retail and wholesale trade, and manufacturing are all growing sectors in the area.

Both Chinatown businesses and the City have identified tourism as a prime industry cluster to target for economic development efforts, but the proposed warehouses are unlikely to bring in tourists to the area. A 1995 economic survey of Chinatown business owners found that they overwhelmingly saw tourism as an important sector of the local economy and expressed that Chinatown would again become a popular tourist destination. Moreover, tourism and entertainment was identified as one of three key regional industrial clusters for the City of Los Angeles. *UCLA Industry Cluster Initiative Project, Cluster Specific Presentation Series, UCLA School of Public Policy and Social Research/Advanced Policy Institute (1998).* Unlike the proposed warehouses, the alternative of developing a world-class park and mixed-use development on the site would attract tourists and regional visitors to the area.

3. The Park Proposal Is a Liveable and Less Discriminatory Alternative

Even if there were a business necessity that would justify developing the last vast open space in downtown Los Angeles as a warehouse/industrial site – and Respondents have demonstrated none – the park proposal is a less discriminatory alternatives that would promote economic vitality, enhance human health and the environment, and promote equitable land use planning. The park project promotes job creation and economic vitality while mitigating or eliminating park, school and housing disparities, air and water pollution, historical, cultural and aesthetic destruction, and the other environmental degradation discussed above.

discussed above.

Majestic Realty vice-president John Hunter attempted to dismiss the need for clean air, clean water, national and cultural heritage, green and clean parks, playgrounds and schools, and livable communities as an "elitist environmental agenda" at the April 12, 2000, site plan review hearing in this case: "We feel the real travesty, or the real prejudice, or the real detriment to the community is by having the opponents of this project stand up and oppose us and oppose the City of Los Angeles in the creation of genesis sites, empowerment zone and enterprise zones for their own selfish, elitist, environmental agendas when in fact Chinatown is the one that's suffering from the lack of economic development."

The unprecedented multicultural coalition in the Alliance includes community-based organizations, grass roots groups, environmental justice advocates who are anything but "elitist." In addition, the surrounding communities of the William Mead Homes, Solano Canyon, Lincoln Heights and the inner city are disproportionately Latino. Los Angeles County Latino voters in a recent survey view the environment as a key issue, with more than four out of five rating it as a very important concern. They express a strong preference that brownfields be cleaned up to the highest possible standards, rather than to the minimum standard for safe use. The most popular reuse of brownfields is to build schools (68% strongly support) and parks (53% support). Only 43% strongly support industrial development to creates jobs. Fifty percent say air pollution is the most important problem facing the community, while an additional 17 percent name water related concerns. Two out of three Latino voters surveyed call themselves environmentalists. *California League of Conservation Voters Education Fund, Environmental Attitudes Among Latino Voters in Los Angeles County, Report of Survey Results*

Angeles County, Report of Survey Results (May 2000).

C. The Warehouse Project Perpetuates the Continuing Pattern and History of Intentional Discrimination

To evaluate an intentional discrimination claim under Title VI, courts consider the following kinds of evidence: (1) the impact of the action, whether it bears more heavily on one race than another; (2) the historical background of the action, particularly if a series of official actions was taken for invidious purposes; (3) any departures from procedural norms; (4) any departures from substantive norms, particularly if the factors usually considered important by the decision maker strongly favor a decision contrary to the one reached; (5) the decision maker's knowledge of the harm its decision caused and would continue to cause; (6) a pattern or practice of discrimination. *See Village of Arlington Heights v. Metropolitan Housing Dev. Corp., 429 U.S. 252, 265 (1977); United States Department of Justice, Civil Rights Division, Title VI Legal Manual (Sept. 1998) at 49-53 and authorities cited.*

1. The Warehouse Project Adversely Impacts Communities of Color and Low Income Communities

The Warehouse Project would perpetuate the history and pattern of unequal access by people of color and low-income communities to parks and recreation programs in the Cornfield area, in City Council District 1, and throughout Los Angeles, as discussed above.

2. Respondents Have Engaged in a Continuing Pattern and History of Discrimination Against Communities of Color and Low Income Communities

There is a history and a pattern of discriminatory treatment against communities of color by the City and by Union Pacific in the Cornfield area, and by joining in the Warehouse Project Majestic Realty perpetuates this history and pattern. It is necessary to connect the

historical dots to understand how and why the people in the community came to live in the urban blight of the Cornfield area without adequate parks, playgrounds, schools housing. By the 1920's most of Los Angeles housing stock was off limits to blacks, Asians and Mexicans as a result of the actions of homeowners' associations and restrictive covenants enforceable in state courts, which were later declared unconstitutional by the United States Supreme Court. In the 1930's and '40's segregated housing was institutionalized in the real estate business and in federal housing policies that restricted mortgages to racially and ethnically homogenous neighborhoods. The segregated housing and urban planning patterns in Los Angeles are a direct result of state action by local, state and federal authorities acting in collusion with private developers.

a. Discrimination Against the Chinatown Community

The Chinese first came to California driven by dreams of opportunity during the 1849 Gold Rush. Barred from the most lucrative gold mining work, they turned to the Union Pacific and other railroads for a livelihood. They were dehumanized, discriminated against, and denied a decent livelihood. They were not allowed to go to public school, they were denied citizenship, they could not vote, and they could not testify in court. Chinese men were treated like another subordinate group, women. They could find work as domestics laundrymen, housekeepers, cooks, gardeners, errand boys and so on. *Stephen E. Ambrose, Nothing Like It in the World: The Men Who Built the Transcontinental Railroad 1863-1869 at 150-51 (2000).* The Chinese were subjected to prejudice, economic discrimination, political disenfranchisement, physical violence, immigration exclusion, social segregation and incarceration. *Sucheng Chan, Asian Americans: An Interpretive History at 45 (1991), cited in*

Michelle Armond, Legal Dimensions of the Chinese Experience in Los Angeles, 1860-1880 (2000). Anti-miscegenation attitudes and laws prohibited sexual relations and marriage between Chinese and others. *Armond at 68.*

Dominant attitudes towards the Chinese is illustrated by phrase books on file at the Bancroft Library of the University of California. An English to Chinese phrase book from 1867 taught English speakers how to say "Can you get me a good boy? He wants $8.00 per month? He ought to be satisfied with $6.00. I think he is very stupid. Come at seven every morning. Go home at eight every night. Light the fire. Sweep the rooms. Wash the clothes. Wash the windows. Wash the floor. Sweep the stairs. Trim the lamps. I want to cut his wages." Two phrases that never appear in the English to Chinese book are "How are you?" and "Thank you." The Chinese could learn to say in English to employers "You must not strike me." To authorities: "He does not intend to pay my wages. He claimed my mine. He tries to extort money from me. He took it from me by violence. He assaulted me. The man struck the Chinese boy on the head. He came to his death by homicide. . . . He was flogged publicly in the streets." *Ambrose, supra, at 151.*

Los Angeles first came to national and international attention with the Chinatown Massacre of 1871, which took place within walking distance of the Cornfield and the present Union Station. A mob including police officers committed the generally random lynching murders of nineteen or twenty Chinese residents, including a 14 year old boy, out of a total Chinese population of 200. Five of the victims had multiple types of violence or extensive bullet wounds throughout their bodies. The Mayor of Los Angeles, a City Council member, the Chief of Police, and a railroad employee were directly implicated in the Massacre. *Armond*

Armond at 16, 20, 88, 90.. In its earliest years, the Los Angeles Police Department was known for extreme aggression toward the Chinese population, the largest non-White group in the City. *Allen J. Scott & Edward W. Soja, The City at 4, 323-24 (1996)*

Racial discrimination and fears that Chinese would lower property values sequestered the Chinese in a small geographic area. The Chinese were allowed to settle only in questionable areas away from Anglo settlements on the far side of the Plaza towards the Los Angeles River. *Armond, supra, at 12.* By the end of the nineteenth century, the Chinese population had been systematically squeezed into a small Chinatown through discriminatory enforcement of health regulations, arson, violence and the destruction of buildings by the Board of Public Works. *The City, supra, at 4; Armond, supra, at 57, 59.*

In the 1920's and 1930's, Union Pacific, Southern Pacific, and the Atchison, Topeka & Santa Fe railroads planned to construct a terminal downtown. Chinatown was relocated to its present location to make room for Union Station. Some residents refused to move out even when the utilities ceased to exist and when the pavement was uprooted. Demolition commenced on December 22, 1933. The first building razed was a children's school. Soon the remnants of the vegetable market were destroyed. Chinese residents plucked the last vegetables from their disappearing gardens while others slowly plodded away from their quickly wrecked homes with their cooking utensils and their few other belongings in shopping bags. In 1934, a dove fluttered skyway from a child's hands in a ceremony marking the demise of Los Angeles's ancient Chinatown, once the second largest Chinatown in the United States. Some residents scattered to other enclaves while others lingered for years watching their community crumble around them. The City Municipal Housing Commission did not even

even approve a plan to relocate Chinatown until weeks after the demolition started.

The current Chinatown was built on vacant Santa Fe railroad land west of Broadway. The new Chinatown did not open for nearly two full years after the ancient Chinatown was destroyed for the sake of the Union Pacific and the other railroads. Union Station opened in 1939 to service Union Pacific, Southern Pacific and Atchison, Topeka & Santa Fe trains. More than 500,000 cubic yards of fill were brought in to bury the old Chinatown as much as 17 feet below ground. Ironically, the remains of old Chinatown were disinterred briefly when MTA construction crews recently built tunnels for the Metro rail transit system.

In the post-war era, the Chinese are on the one hand held up as a "model minority" while on the other hand they continue to confront a legacy of discrimination. For example, the December 1966 U.S. News and World Report reported: "Visit 'Chinatown U.S.A.' and you find an important racial minority pulling itself up from hardship and discrimination to become a model of self-respect and achievement in today's America." Yet in 1967 the Kerner Commission concluded that White society was deeply implicated in the causes of the riots and rebellions across the country. "Although the investigation was chiefly directed into the situation of the blacks, its conclusions can be equally applied to that of the Chinese and other minorities." *William L. Tung, The Chinese in America, 1820-1973 at 42 (1974).* Other recent evidence of continuing anti-Chinese sentiment in the dominant society includes the suspected racial profiling of Dr. Wen Ho Lee at the Los Alamos Laboratories. "There is opportunity here, but justice? Equality before the law? No, not for the model minority, it appears. We are sick and tired of being seen as not quite American, of being viewed, generation after generation, as guests to be welcomed--or not." *Gish Jen, For Wen Ho Lee, a Tarnished*

Freedom, N.Y. Times, Sept. 15, 2000.

The dominant society today remains deeply implicated in the environmental degradation that adversely impacts Chinatown, and in the systematic exclusion of the Chinatown community from determining the future of the Cornfield, as demonstrated by the Warehouse Project. According to Chinatown activist Chi Mui, "We don't need more warehouses in that area. The warehouse proposal will be the death knell for Chinatown." *L.A. Times, Oct. 2, 1999, p. B1.* "Chinatown should not become 32 acres of industrial wasteland," according to Collin Lai, president of the Los Angeles chapter of the Chinese American Citizen's Alliance. *Id.* Many Chinatown businesses oppose the warehouse site and have previously expressed interest in developing parks, schools, and other community needs. Indeed, over 70 Chinatown businesses have signed a petition in opposition to the Warehouse Project. *Chinatown Economic Survey, Asian American Economic Development Enterprises, Inc. 1995.*

b. Discrimination Against the Latino Community in Chavez Ravine

The Olmsted Report recommended that Elysian Park be extended by acquiring all of Chavez Ravine so that "the entire ravine can be devoted to recreation and made a part of the park." *Olmsted Report at 128-29.* The Report also appears to recommend that space in the vicinity of the Cornfield be made into a park: "The bottom of Chavez Ravine near the easterly end is easily accessible from the city and would make an ideal place for athletic fields of large size to serve large crowds." *Id.*

Instead, the Latino community in Chavez Ravine was forcibly relocated in the 1940's and 1950's. The City forcibly relocated the disproportionately Mexican-American community

living there over the 1940s and 1950s. They were promised they would have priority to return to move into a new federally financed housing project to be built there. After they were moved out, the City broke its promises and sold the land to the Dodgers who buried the community and major portions of Elysian Park in a sea of asphalt parking lots. *See generally Don Normark, Chavez Ravine, 1949: A Los Angeles Story 18-21 (1999).*

In 1946, the City of Los Angeles Planning Commission began work on a housing plan for the City's "blighted areas." Eleven areas, including Chavez Ravine, were designated as blighted. Chavez Ravine was cited for improper use of land, poor street patterns, a high proportion of substandard housing, poor sanitation, juvenile delinquency, and the presence of tuberculosis.

A letter dated July 24, 1950, from the Housing Authority of the City of Los Angeles was addressed "To the families of Chavez Ravine areas." The letter read in part: "This letter is to inform you that a public housing development will be built on this location for families of low-income. . . . The house you are living in is included... You will be visited by representatives of the Housing Authority who will . . . inspect your house in order to estimate its value. . . . . Later you will have the first chance to move back into the new Elysian Park Heights development."

Elysian Park Heights was considered a special plum. Near the City center, with only 40 percent of its land occupied, Chavez Ravine seemed to offer planners and designers an ideal opportunity to improve the lives of low-income residents. The area was charming, and the residents seemed happy and well adjusted, with an intense feeling of pride in and identity with their communities.

In 1951, foes of public housing began to attack this "creeping Socialism." In December, the City Council canceled the City's contract for redevelopment. The City Council ordered a referendum election for June 1952, on whether to continue with or abandon the public housing projects. In April 1952 the California Supreme Court ruled that the City Council could not cancel its contract with the housing authority, and that the referendum would have no legal effect on the contract. Despite this ruling, the City held the referendum election. People voted three to two against public housing. The United States Supreme Court affirmed the California Supreme Court's ruling that cancellation of the housing contract was illegal.

By this time most of the people living in Chavez Ravine had simply done as they were told they must, and had sold their homes to the City and moved out. Some of the empty dwellings were set ablaze by the fire department. Others were auctioned off to be stripped of their valuable components: doors, windows, hardware, bricks. The few individuals who defied the eviction notices were compelled in part by a determination to get what they considered a fair price for their property, and in part by a deep reluctance to abandon the neighborhoods that had so long been theirs.

In June 1953, Norris Poulson became mayor of Los Angeles running an anti-housing election campaign. Once in office he renegotiated the contract with the weakened Housing Authority so that the two largest projects, including Chavez Ravine, were abandoned. In early 1957, Mayor Poulson and other City and county officials met with Brooklyn Dodger owner Walter O'Malley to offer him a stadium site. In late 1957, the City Council approved a resolution to transfer Chavez Ravine to the Dodgers. In December 1958, a referendum to block

block this private takeover of public land was put to the vote. The Dodgers won by a margin of less than 2 percent.

In May of 1959, using the power of eminent domain, the police force, and finally, bulldozers, the City evicted those few families that had still refused to leave their homes. On September 11, 1961, construction began on Dodger Stadium. Today Los Desenterrados – those who lost their land, their homes and their community – still lament the destruction of Chavez ravine at the hands of City officials.

c. Respondents Must Take Necessary Steps To Overcome Past Discrimination

In light of the history and pattern of discrimination in parks and housing directly caused by the City, Union Pacific, and federal housing policy, Respondents must take any necessary steps to use federal funds to overcome the effects of the prior discrimination. *See 24 C.F.R. §1.4(b)(6)(i) (HUD Title VI regulations); 15 C.F.R. § 8.4(b)(6)(i) (Commerce Title VI regulations); 24 C.F.R. §6.4(a)(3)(i) (HUD § 109 regulations).* The Warehouse Project perpetuates rather than overcomes the effects of over a century of discrimination against communities of color and low income communities in the Cornfield vicinity.

3. Respondents Have Not Allowed Full and Fair Public Participation Required by Procedural and Substantive Norms

The July 13 HUD Letter demonstrates that Respondents have attempted to railroad the Warehouse Project through the planning and approval process without full and fair public participation as required by controlling procedural and substantive norms. *See Tab 46, discussed below.* The City has failed properly to assess the environmental impacts of the Warehouse Project and to consider alternatives through an environmental impact report or

statement. The City has failed to disclose the information that is necessary for the public to understand the impact of the Warehouse Project on all communities. The City has failed and refused even to respond to the repeated requests for full environmental review, full disclosure of information, and full and fair public participation by the Chinatown Yards Alliance, elected officials, the Los Angeles Times, the National Park Service, and other members of the community. The City has failed to consider air quality impacts, water quality impacts, historical and cultural impacts, land use impacts, contamination issues, and economic and social justice impacts, or a park alternative, as discussed above. *See Tabs 1, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 18, 19, 25, 27, 30, 31, 32, 41, 45, 46, 47.*

Despite repeated requests for notice of any site plan review, the City failed and refused to provide adequate notice of meetings. *Tabs 4, 5, 6, 14.* On February 10, 2000, the City denied a variance application filed by Majestic. On March 14, 2000, Majestic submitted a new application for Site Plan Review. Despite the fact that attorneys for members of the Alliance had requested in writing on February 23, 2000 to be notified of any new application for site plan review, the City failed to notify them.

The revised Project application was based on the same Mitigated Negative Declaration ("MND") as was initially prepared, but with the Project redesigned to include a setback. On or about March 16, 2000, without any notification that a new application had been submitted, the City circulated a document entitled "Responses to Comments," dated February 2000. These responses were addressed to comments made about the first project application, which had been denied on February 10, 2000. On or about March 28, 2000, the City sent notice that a site plan review hearing was set for April 12, 2000.

Approximately two weeks after the April 12, 2000 site plan review hearing, the City released a fifteen-page revised MND ("Revised MND") on April 25, 2000. There were no further hearings conducted on the Revised MND. Instead, the City approved site plan review on May 23, 2000. The Alliance appealed this decision to the Central Area Planning Commission.

The Alliance received notice of the July 25, 2000 Central Area Planning Commission hearing on July 6, but the notice stated written materials were to be submitted 10 working days before the hearing (by July 11), and the City did not make the files available until July 13, two days after our submissions were due.

The Alliance raised a continuing objection to the timing of hearings on the appeal from the approval of the site plan for the Majestic project to the City's Area Planning Commission because of serious issues concerning due process, adequate notice, the opportunity to be heard, the right to obtain and present evidence, and fundamental fairness. Tab 41, 45. The City Attorney agreed to seek a two week extension of time on the day of the hearing for the area planning commission to review the appeal, but then failed to do so without cause or justification. When the Area Planning Commission heard Alliance's appeal, a total of 40 minutes was set aside for public testimony, despite the fact over 100 people appeared in opposition to the project, and most were not allowed to speak. Similarly, when the matter was heard before the Los Angeles City Council, the time for hearing from the public and the applicant was limited to ten minutes, thus frustrating public participation.

Finally, the City has been less than candid or forthcoming with the Department of Commerce. In its application to Commerce for funding for the Warehouse Project, the City

claimed their were no environmental justice concerns. Even though it was subsequently made abundantly clear that there were major objections to the project on environmental justice grounds, the information provided to the Department of Commerce has never been corrected.

The Alliance requested information regarding property issues pursuant to the Public Records Act in a letter dated June 26, 2000. *Tab 44*. There has been no response to this letter, although one was legally required. *Gov. Code section 6250 et seq.*

4. The Warehouse Project Violates Substantive Norms

The Warehouse Project violates substantive norms under the National Environmental Policy Act, the National Historic Preservation Act, section 109 of the Community Housing and Development Act, HUD's Consolidated Plan regulations, and California environmental quality laws and related laws, as detailed below.

Despite the City-wide shortage of parks and the availability of hundreds of millions of dollars for urban parks in Los Angeles, the City has made no sustained effort to secure park bond funds from Propositions 12 and 13 in the Cornfield or otherwise.

5. The City Knows the Discriminatory Impact on Communities of Color and Low-income Communities

The City knows that its actions perpetuate the pattern and history of unequal access to parks and recreation programs. For example, Mayor Riordan and the director of planning and development at the City Recreation and Parks Department have explicitly acknowledged the adverse impact of City funding formulas on communities of color and low-income communities in the Wall Street Journal and in the Los Angeles Times. *Tabs 22, 42.*

6. The Warehouse Project Perpetuates A Pattern and Practice of Discrimination

All of the preceding evidence demonstrates a pattern and practice of discrimination by the City against communities of color and low-income communities in the Cornfield area.

VII. The Warehouse Project Violates Section 109 of the Housing and Community Development Act of 1974 and Its Regulations Prohibiting Discrimination

The Warehouse Project violates the Housing and Community Development Act of 1974 for the reasons stated above. Section 109 of the Act provides that no person shall on the ground of race, color, national origin, religion or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds under Title I of the Act, including the Community Development Block Grants and Section 108 loan guarantees at stake here. *42 U.S.C. § 5309; 24 C.F.R. § 6.2(a).*

The regulations implementing section 109 contain disparate impact provisions that parallel the regulations implementing Title VI discussed above. The section 109 regulations bar criteria or methods of administration that have the effect of subjecting persons to discrimination, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to persons of a particular race, color, national origin, religion or sex. *24 C.F.R. § 6.4(a)(1)(ix).* In determining the site or location of facilities, a recipient may not make selections that have the effect of subjecting persons to discrimination. *24 C.F.R. §6.4(a)(2).* In administering a program in which, as here, the recipient has discriminated on the ground of race, color, national origin, religion or sex, the recipient must take any necessary steps to overcome the effects of prior discrimination. *24 C.F.R. §6.4(a)(3)(i).* Recipients must keep appropriate records to demonstrate compliance. *See, e.g.,*

See, e.g., 24 C.F.R. §6.6.

VIII. The Warehouse Project Violates HUD's Consolidated Plan Regulations

The Warehouse Project violates public participation requirements under HUD's Consolidated Plan regulations, as HUD ruled in its July 13 Letter. *Tab 46.* Friends of the Los Angeles River and Environmental Defense submitted a letter to HUD complaining of the environmental justice and environmental quality violations caused by the Warehouse Project under the federal civil rights laws, historic preservation and environmental laws on or about November 15, 1999. HUD officials directed the City to respond to these allegations by December 24, 1999. To date, the City has failed and refused to do so.

On or about July 13, 2000, HUD explicitly chastised the City for its failure to comply with HUD's Consolidated Plan regulations: "The City provided a response to HUD on January 24, 2000, indicating that it was premature to address FOLAR's concerns because the NEPA process was still pending. Unfortunately, this response did not comply with HUD regulations. . . . Please provide your substantive response to the complainants as quickly as possible." *Tab 46.* To date, City has failed and refused to do so.

Respondents' utter defiance and failure to comply with two HUD directives ordering them to respond to our complaints violates the public participation requirements of the Consolidated Plan regulations. The Consolidated Plan regulations require that a CDBG and/or section 108 applicant or recipient have a citizen participation plan which at a minimum must provide for a substantive written response to every written citizen complaint within 15 days. *HUD's July 13 Letter at 2 n.1, 24 C.F.R. § 91.105(j).* Respondents have failed to comply.

Moreover, the regulations require Respondents to "provide for and encourage citizens to participate in the development of the consolidated plan, *any substantial amendments to the consolidated plan*, and the performance report." *24 CRF § 91.105(a)(2)(i) (emphasis added).* Respondents violated this provision by amending the 1998/99 Consolidated Plan to include the funding for the Warehouse Project without adequate notice or public participation. *See City General Manager Parker Anderson to William Barth, Director, HUD Community Planning and Development (Oct. 27, 1999).* The City held a single Citizens Unit Participation (CUP) hearing and a City Council meeting noticed in an obscure newspaper of limited circulation. The notice was in English and there is no indication of notice given in Chinese (for the Chinatown community) or Spanish (for Solano Canyon, Lincoln Heights and William Mean residents). Nor did the City engage in any specific outreach to those communities or any other area residents for input. The two paragraph of minutes from the CUP hearing show there was a brief presentation in support of the Warehouse Project, but no one in opposition was present, having not received notice of the meeting. Subsequent discussions with members of the CUP reveal that they were totally unaware of the impacts of the project, community opposition, or the alternatives to the project. The City "is expected to take whatever actions are appropriate to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities." *24 CRF § 91.105(a)(2)(ii).* Given that the public participation "requirements are designed especially to encourage participation by low- and moderate-income persons, particularly those living in slum and blighted areas and in areas" *24 CRF § 91.105(a)(2)(ii),* the city's apparent failure to seek input from the nearby Chinatown neighborhood is glaring. The City has also failed to seek the input of "residents of public and

seek the input of "residents of public and assisted housing developments" *24 CRF § 91.105(a)(2)(iii),* such as those at William Mead Homes, when it amended its consolidated plan. Respondents have failed to provide the public participation required by HUD.

VIII. Funding The Warehouse Project Without An Environmental Impact Statement Would Violate The National Environmental Policy Act

An environmental assessment must be prepared for the Warehouse Project to determine if the Project may have a significant adverse impact on the environment. We understand that an environmental assessment is now being prepared. An Environmental Impact Statement rather than a Finding of No Significant Impact will be necessary because of the significant land use, historic, air quality, water quality, human health and environmental justice impacts. We urge federal authorities to require preparation of an Environmental Impact Statement at the earliest possible time. We fully incorporate our prior letters by reference here.

IX. The Warehouse Project Violates The Historic Preservation Act

As a result of the historical significance of the Zanja Madre and the Millenium Trail, approval of funding for the Cornfields Project without an examination of the impact of the Project on this important historical resource would result in a violation of the National Historic Preservation Act ("NHPA") (16 U.S.C. §§ 470 to 470w-6). Further detail about the application of the National Historic Preservation Act is also set forth in our letter of November 15, 1999, and incorporated here by reference. *Tab 1.*

X. The Warehouse Project Violates the Executive Order on Environmental Justice

The Warehouse Project violates the Executive Order on Environmental Justice for each

each of the reasons discussed above and in this complaint. On February 11, 1994, the President issued Executive Order 12,898, the Executive Order on Environmental Justice. The Executive Order requires federal agencies to ensure that their actions do not have an adverse disparate impact on communities of color and low-income communities:

> Each Federal agency shall conduct its programs, policies and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies and activities, because of their race, color or national origin.

Executive Order 12,898, § 2-2. "To the greatest extent practicable and permitted by law . . . each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." *Id. at § 1-101.*

The environmental review procedures for the Community Development Block Grant program requires applicants and recipients such as Respondents to comply with the President's Order on Environmental Justice as well as historic and cultural preservation laws. *See 24 C.F.R. § 58.1(b)(1) (environmental justice); 24 C.F.R. §§ 58.5(a)(1) (historic preservation); 58.5(a)(2) (cultural environment); 58.5(j) (environmental justice).* The environmental assessment must identify, analyze and evaluate all impacts of a proposal such as the Warehouse Project to determine the impacts on the human environment and whether the project will require further compliance under related laws and authorities including the President's Order on Environmental Justice as well as historic and cultural preservation laws and alternatives to

and alternatives to the project itself. *See 24 C.F.R. § 58.40(c) (citing 58.5) & (e).* Failure to comply is a permissible basis for objection. *24 C.F.R. § 58.75(b) (citing 58.40).* HUD and its applicants must comply with all environmental requirements, guidelines and obligations including those under the President's Order on Environmental Justice. *24 C.F.R. §50.4(l).* "[T]he Executive Order requires federal agencies to: collect, maintain and analyze data; expand opportunities for public participation [and] improve access to information." *HUD Secretary Henry Cisneros, Achieving Environmental Justice at 25, attached to letter to Carol M. Browner, Administrator, U.S. Environmental Protection Agency (March 24, 1995).*

Commerce established the Economic Development Administration (EDA) to ensure that economic growth reaches all communities, including those outside the mainstream, in compliance with the Executive Order on Environmental Justice. The philosophy and mandate of the EDA is to fund "only projects which are developed at the local level and supported by the entire community," so as to "avoid imposing environmental burdens on an unknowing community."[6] To ensure this end, "EDA should and will continue its policy of requiring the community development of proposals and full community support of the project and its consequences at the preliminary stages of project development and funding decisions." The EDA is to perform its own environmental reviews, pursuant to NEPA, to "evaluate the full environmental impact of an EDA-funded project, to ensure that the EDA-funded project complies with all applicable environmental laws and regulations, and to identify any potential disproportionate and adverse environmental or health affects on low-income and minority populations." *Id.* The EDA specifically takes into account whether a project complies with

civil rights laws, including Title VI. *Id.*

XII. The Warehouse Project Violates HUD's Hope VI Project

The Warehouse Project violates the purpose, goals and spirit of HUD's Hope VI Project. In 1992, HUD began the HOPE VI Urban Demonstration Program to reduce isolation in the most severely distressed public housing projects in the nation. Its approach is twofold: (1) to rebuild physical plants of the housing developments, and (2) to link residents of public housing to support services and the wider community. *See HOPE VI: Community Building Makes A Difference.* "The spirit of HOPE VI is one of consultation and collaboration among the housing authority, affected residents, social service providers, and the broader community." *Id.* In identifying the most severely distressed public housing facilities in the nation, the HOPE VI Project focused on public housing facilities that were "physically isolated (behind freeways, on leftover parcels near industrial developments, or simply at great distances from other residential neighborhoods." *Id., chapter 1, page 3.* On April 18, 2000, HUD and the United States Department of Agriculture ("USDA") announced a partnership stemming from the HOPE VI Project "to promote urban greening and revitalization." *Press release, April 18, 2000, HUD website.* The alliance between HUD and USDA "will focus on enhancing and maintaining green and open spaces at public housing developments and other sites in selected cities and towns across the country." According to HUD Secretary Andrew Cuomo, "HUD is transforming public housing developments around the country . . . . Trees are an important part of this transformation, because they help make communities more attractive." According to USDA Secretary Dan Glickman, "improving and increasing green space and open space in our

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[6] www.ecs.noaa.gov./documents/implementing12898.html.

space and open space in our urban areas is one of USDA's highest priorities. This agreement will help strengthen our cities' green infrastructure and make communities more liveable through sound natural resources stewardship."

William Mead Homes, the first and largest public housing project in Los Angeles, would be sandwiched between the men's prison and the Warehouse Project. To comply with the purpose, goals and spirit of HOPE VI and the urban greening project, federal funding for the Warehouse Project should be withdrawn in favor of the park proposal.

XII. Public Officials Have Emphasized the Need for Federal Review

Public officials in Los Angeles have publicly called for a stop to the Warehouse Project, for the creation of a park in the Cornfield, and for full enviromental quality and environmental justice review by the federal government.

At the City Council meeting to review the Warehouse Project, Councilmember Rita Walters voted against the Warehouse Project and called for full environmental review:

> I am going to oppose the whole project, because I think that approving this project, even with the amendments . . . will waste an opportunity to use an invaluable resource for a better and higher purpose. . . . [T]hat is about the opposite of what a bunch of big warehouses are going to do at the other end where perhaps we could create something equally as useful and equally as desirable and equally as beneficial, . . . if we gave it the kind of attention that the people here who are here today have asked us to give it and that is an EIR. . . . I will vote against the whole thing because I really think that this would be a terrible wasted opportunity to do something far better for the people in the city of Los Angeles.

Councilmember Joel Wachs voted to stop the Warehouse Project and called for full environmental review:

> I think that the need for a full EIR is apparent . . . . I just feel, very strongly, that the operation would benefit from a full EIR and I am concerned about the development itself. Warehouses don't create a lot of jobs; not in this day and age with automation

> and what have you. The river there is something that can be reclaimed and we would hope to do that. And build on that a vital community that has more than warehouses on it.

Councilmember Mark Ridley Thomas emphasized the need for full review by the federal government:

> I wish to indicate that the chapter is not closed pursuant to HUD resources that the developer is inclined to pursue and if granted they will be required, pursuant to the National Environmental Protection Act, to do comprehensive evaluation of alternatives as well as environmental impacts. And so I believe that at the appropriate time those things can and should be accomplished.

Councilmember Mike Feur emphasized the need for full environmental quality and environmental justice review by the federal government, but the hands of councilmembers were tied by the new City Charter which required a super majority for the City Council to demand an environmental impact report under local law:

> I will say, that I think an EIR should have been done here. I don't see eight votes to compel an EIR, now. But I think it's true, I think that the combination of all the factors involved militates in favor of an EIR. And I think that the Majestic people should have done that in the first place. Secondly, I think that the environmental justice issues are in fact legitimate issues. [Attorney for Environmental Defense] Mr. García's recitation of events that have lead to, to put it in the most general way, a lack of amenities that any other community would find fundamentally necessary in this area, is right. Closer, [Councilmember] Hernandez is first and most responsible for creating, in underserved areas in our city, the opportunity for more park space. And Mike has been working to try to create parks here. This hasn't been a successful effort yet. . . . [B]ased of our conversations, it is not as though Mike has said, we should reject parks in favor of jobs. Mike's been trying to find what other alternatives might exist, and so far there aren't a lot of choices that are practically on the table, I think, from what I can gather. So it makes it very tough. Because, this is an area, in summary, which, I think, most of us would agree, needs both more jobs and more open space. Mr. Wachs, I think, is correct that there are many opportunities yet to be explored here. But to explore those opportunities requires a council mandate that would take at least eight votes here for an EIR. And I don't see that EIR happening here. There may be something that happens at the federal level. I'm not sure the implications of our action here for what the feds may or may not do because there's been this kind of tepid response so far from HUD on the

> been this kind of tepid response so far from HUD on the EIR issue. So I'm pretty torn, although I must say, in the end, if there aren't enough votes to compel an EIR in this process, which is what would open the door to all kinds of things, including the potential for a willing seller where there currently is none, then I think Mr. Hernandez's efforts really deserve to be honored.

It is necessary to emphasize that the full environmental justice and environmental quality review mandated by federal law has not been conducted to date. At the site plan review appeal, Commissioner James M. Harris specifically asked whether it was appropriate for the Central Area Planning Commission to consider the federal civil rights laws and the United States Constitution in light of the Alliances's claims of intentional and adverse disparate impact discrimination. City Planning Department staffer Gary Booher informed the Commission that it was not required to consider the federal issues because "that is not listed as one of the findings for consideration for approval of site plan review." Commissioner Harris stressed the need for the federal government to conduct this review, and the Commission voted without considering the federal claims.

At the mayoral candidates debate on September 14, 2000, every candidate there called for a stop to the Warehouse Project in favor of the parkland proposal: Congressman Xavier Becerra, Assembly Speaker Emeritus Antonio Villaraigosa, Councilmember Joel Wachs and Steve Soboroff, who is the Chair of the City's Recreation and Parks Commission and senior counsel to Mayor Richard Riordan.

XIII. Full Information And Full And Fair Participation Are Required To Decide The Future Of The Cornfield

The following framework is good policy and good law to achieve equal justice, democratic decision making, and a sustainable Los Angeles to decide the future of the

Cornfield under federal and state environmental justice, environmental quality and civil rights laws.

- *Results*. The City must invest public funds to achieve results that enhance human health and the environment, promote economic vitality and equitably serve all communities.
- *Information*. The City must gather, analyze and publish the information necessary to understand the impact of the Cornfield decision on all communities.
- *Participation*. The City must insure the full and fair participation in the Cornfield planning process by all communities.
- *Equal Justice*. There can be no intentional discrimination and no unjustified adverse disparate impacts for which there are less discriminatory alternatives.

The Warehouse Project satisfies none of these requirements.

XIV. Relief Sought

The relief we seek is to stop federal funding for the Warehouse Project unless respondents demonstrate that the challenged action is justified by business necessity and that no less discriminatory alternative exists; to require full environmental review of the Warehouse Project through an environmental impact statement; to insure a participatory public process to determine the future of the Cornfield consistent with the needs and desires of the surrounding communities; and to develop the Cornfield as compatible mixed parkland. We also seek an expedited investigation because of the substantial public interest involved, and the irreparable damage petitioners and to the City of Los Angeles if the Warehouse Project goes forward.

Robert García
Counsel for Environmental Defense

Jan Chatten-Brown
Attorney for Complainants

Joel Reynolds
Senior Attorney
Director Urban Program
Natural Resources Defense Council

Lew Hollman
Executive Director
Center for Law in the Public Interest

ENCLOSURE 5

Tom Brohard and Associates

January 11, 2023

Mr. Doug Carstens
Chatten-Brown, Carstens & Minteer, LLP
2200 Pacific Coast Highway, Ste. 318
Hermosa Beach, CA 90254

SUBJECT: Los Angeles Aerial Rapid Transit (LAART) Project – Unaddressed Transportation Issues and Deficiencies

Dear Mr. Carstens:

Tom Brohard, P.E., has reviewed the transportation portions of the October 2022 Draft Environmental Impact Report (Draft EIR) for the Los Angeles Aerial Rapid Transit (LAART) Project in the City of Los Angeles prepared by AECOM for the Los Angeles County Metropolitan Transportation Authority (Metro). The Proposed Project includes a 1.2-mile aerial gondola system connecting Los Angeles Union Station (LAUS) and Dodger Stadium, with an intermediate station at the Los Angeles State Historic Park and Elysian Park. Sections of the Draft EIR which I have reviewed include:

- ES - Executive Summary
- Chapter 1 - Introduction
- Chapter 2 - Project Description
- Chapter 3.17 – Transportation
- Appendix A – NOP Scoping Report and Attachments
- Appendix N – Transportation Appendices

GO17-154

Various reports and documents relating to transportation improvements for Dodger Stadium as well as quantification of available parking in the area listed below have been reviewed and are enclosed as noted:

- August 1990 Dodger Stadium Access Study prepared by Gruen Associates for the Los Angeles County Transportation Commission
- September 15, 2022 Metro Executive Management Committee Report for Agenda Number 21 regarding the LAART Project
- October 24, 2022 UCLA Study Regarding the Proposed Project

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 50 years of professional traffic engineering and transportation planning experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a

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Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and have served many diverse communities as the City Traffic Engineer and/or the Transportation Planner. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as shown in a brief summary of my experience in the enclosed resume.

Cont. GO17-154

Traffic and Transportation Issues

Based on the information in the October 2022 Draft Environmental Impact Report (Draft EIR) for the Los Angeles Aerial Rapid Transit (LAART) Project, and with consideration for the other various reports and documents related to access to and from Dodger Stadium, each of the following traffic and transportation issues must be fully addressed and evaluated further before Metro takes additional action on the Proposed Project:

1) Dodger Stadium Access Study

Over 30 years ago in August 1990, the Los Angeles County Transportation Commission, the County transportation agency that preceded Metro, retained Gruen Associates with Gannett Fleming to evaluate alternative connections to move people efficiently to and from Dodger Stadium. The enclosed "Dodger Stadium Access Study" evaluated various technologies including shuttle buses, automated guideway transit, light rail transit, gondola tramways, and walkways and escalators.

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Six different characteristics were evaluated and compared for the five different technologies as shown in Table 1 of the Study. Table 3 compared boarding and travel time for the different alternatives, with the gondola tram taking an average of 92 minutes and 60-person shuttle buses taking about 43 minutes per passenger, less than half of the time required per passenger for the Gondola trams. The capacity of the shuttle bus system was estimated at 7,200 passengers per hour, over 2.5 times greater than what the gondola system could provide. The aerial gondola system was found to take more than twice as long as the shuttle buses, and shuttle buses were found to move more than double the number of people.

Of the different alternatives evaluated, the gondola was found to have the lowest capacity of any of the systems considered and would have the least positive impact on traffic and congestion. The gondola system then and now is more for sightseeing and entertainment and is not an effective way to move people between places that are 1.2 miles apart.

2) **Metro Board Executive Management Committee Report**

The September 15, 2022 Metro Board Executive Management Committee Informational Report, Los Angeles Aerial Rapid Transit Project Update, discussed various topics including the traffic studies to be prepared for the Proposed Project. Page 4 states "A separate Project Access, Circulation and Construction Transportation Study will be prepared in accordance with the non-CEQA analysis required by the City of Los Angeles Transportation Assessment Guidelines. This separate technical report will evaluate the Project's potential effects on the intersection level of service."

GO17-156

This study was to be prepared as required and in accordance with the LADOT Transportation Assessment Guidelines issued in August 2022, including potential impacts on intersection level of service. The contents of the analysis are found in Section 3.3, Project Access Safety and Circulation Evaluation. This report was not included in the Draft EIR or Appendix N. Furthermore, this analysis has not been shared with the public or otherwise been made available for review and comment.

3) **Draft Environmental Impact Report - Executive Summary**

a) The Project Purpose on Page ES-1 states "The proposed project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit service connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and the surrounding communities via three new transit stations... The Proposed Project is needed to alleviate existing congestion and associated air pollution... as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways..."

GO17-157

Both of these statements, as well as many others throughout the Draft EIR, are made without foundation and/or documentation to support them in the Draft EIR or in the technical Appendices. They exaggerate even a best-case scenario that could most optimistically occur.

b) Page ES-16 provides a listing of comments from various public agencies. Interestingly enough, no comments are listed as being from the City of Los Angeles Department of Transportation. This lack of response from LADOT is unique in my extensive experience in my peer reviews of transportation aspects of various projects in the City of Los Angeles over the last several decades.

GO17-158

With direction from LADOT and as outlined in the LADOT Transportation Assessment Guidelines, a detailed Memorandum of Understanding

outlining the methodology and approach to the transportation analysis is typically developed by the Draft EIR transportation consultant. This document is then reviewed, approved, and signed off by both LADOT and the Draft EIR transportation consultant before the transportation analysis begins. There is no evidence that such a Memorandum of Understanding was ever developed, reviewed and approved by both LADOT and by the Draft EIR transportation consultant.

Cont. GO17-158

c) Transportation Mitigation Measure TRA-A on Page ES-72 recommends "visibility enhancements for the Alameda Tower and Chinatown/State Park Station" but then states "visibility enhancement features could include high visibility crosswalk treatments, advance crossing warning signs, flashing beacons, upgraded lighting, and new or upgraded traffic controls such as traffic signals and all-way stops and right turn on red restrictions and channelization of pedestrians to marked crosswalks via fencing. The mitigation measure would be implemented during the construction phase and would be completed prior to proposed Project operations."

GO17-159

The laundry list provided gives many different possible mitigation measures, but no study or analysis has been conducted to determine which may be appropriate or inappropriate. For example, it is not possible to install traffic signals and all-way stops at the same intersection. The possible mitigation measures must be analyzed now to determine what is needed and warranted. Waiting until some future time to decide what will or will not be done constitutes deferred mitigation, and any such mitigation will not be timely or effective. Deferred mitigation is contrary to professional traffic engineering and transportation planning principles as well as CEQA, the California Environmental Quality Act.

d) Transportation Mitigation Measure TRA-B on Pages ES-73 to Page ES-76 provides more of the same deferred analyses in its discussion. The Construction Traffic Management Plan offers several possible measures but then defers to City of Los Angeles approvals before implementation. The City of Los Angeles always requires a Construction Traffic Management Plan and there is nothing special or unique here.

As one of several examples, "Existing yellow crossings... shall be evaluated in coordination with LADOT to determine if crossing guards should be assigned on days/times when detours are active, the proposed Project shall fund crossing guards during morning school arrival and afternoon school departure periods... If school crossings along detour routes are unsignalized, temporary traffic signals will be evaluated in coordination with LADOT and would be implemented by the proposed Project if deemed necessary." Once again, possible mitigation measures are proposed but no measures are actually studied or planned.

GO17-160

The Draft EIR must analyze potential mitigation measures now and determine which are needed and warranted rather than publish yet another laundry list of possible measures which have not been studied or evaluated. Cont. GO17-160

4) **Draft Environmental Impact Report - Chapter 2 – Project Description**

a) The Purpose and Need Section beginning on Page 2-10 states the Dodger Stadium Express buses carry approximately 1,850 riders on average per game. Page 2-12 states "Within two hours prior to the start and after a game or event at Dodger Stadium, more than 10,000 people could be transported to the stadium by the Proposed Project. The average attendance at a Dodger game was approximately 49,000 for the 2019 season. Given the capacity of the system, approximately 20 percent of the fans could take aerial transit connected to Metro's reginal transit system." GO17-161

This statement is theoretical at best for conditions after a game since very few fans will be willing to wait more than one hour with other transportation options available including Dodger Express Bus as well as Uber/Lyft/Taxi. The UCLA Mobility Lab Study discussed further below found that the Proposed Gondola Project would carry only about 2,200 passengers at most and would transport only 1,380 people after a baseball game.

b) The loading and unloading of gondola cars are briefly discussed on Page 2-17. However, there is no description or illustration of how passengers would access the gondola cars from the Metro L Line (Gold), how passengers would access the gondolas from ground level, or how passengers would cross Spring Street. Each of these omissions raises significant traffic safety concerns for pedestrians trying to reach and use the proposed gondola system. GO17-162

c) Figure 2-27 on Page 2-54 illustrates the location of the proposed gondola support tower within the Alameda Triangle just south of Alhambra Avenue. From that illustration, it does not appear to be possible to provide adequate stopping sight distance through the tower supports for the westbound dedicated left turn lane and the westbound left turn/right turn lane. The Draft EIR must describe how potentially conflicting motorists will be able to see each other through the solid tower support framework. GO17-163

d) Page 2-61 does not indicate the requirements to coordinate with and obtain approval from LADOT during construction as well as during operation of the proposed project. The City of Los Angeles has jurisdiction over the roadways that will be impacted, and the Proposed Project must work closely with the City's Department of Transportation by obtaining all required permits and following each of the permit requirements. GO17-164

5) Draft Environmental Impact Report - Chapter 3.17 – Transportation

a) Page 7 repeats that the City of Los Angeles Transportation Assessment Guidelines as noted in the Board memo would be followed. The current edition of the LADOT TAG was issued in August 2022. However, the required level of service analysis and comparisons were not included in either the Draft EIR or Appendix N, and this study has not been made available for public review and comment. GO17-165

b) The estimates of neighborhood riders and walkers on Page 26 do not appear to consider the topography vertical rise of 200 to 300 feet up to Dodger Stadium in the walkable and bikeable forecasts. The steep slopes of the streets and pathways discourage walking and biking. The estimates of neighborhood riders of the gondola are significantly overstated and must be reduced to account for the steep topography. GO17-166

c) Page 27 states that the vehicle miles traveled (VMT) calculations are based on data collected in Year 2019, but there is no evidence or cross-checking to support that these values are "current" or correct. GO17-167

d) Page 32 indicates the Proposed Project will result in only one change to intersection geometrics by shortening the northbound left turn lane from Alameda Street to Cesar Chavez Avenue by 150'. Shortening of this left turn lane from 320 feet to 170 feet will result in traffic waiting to turn left backing out of the shorter left turn lane, stopping in the through lane, and significantly increasing the potential for rear end collisions. This left turn lane is also signed as a primary route to reach Dodger Stadium. The capacity of this left turn lane will be cut in half, creating the need for other mitigation to accommodate the high northbound left turn demand. GO17-168

e) Page 40 incorrectly states that the 35 MPH posted speed limit on Alameda Street equates to 250 feet of stopping sight distance at the marked crosswalk at Alameda Station.

The 7th Edition of "A Policy on Geometric Design of Highways and Streets 2018 The Green Book" published by the American Association of State Highway and Transportation Officials (AASHTO) is the definitive resource of stopping sight distance. This publication is used by Caltrans as well as all local jurisdictions in California. Traffic engineers and transportation planners understand that stopping sight distance is based upon the design speed of the roadway under review, a speed which is typically 10 MPH higher than the posted speed limit. Stopping sight distance for a 45 MPH design speed is 360 feet, not 250 feet, as shown in Table 3-1 on Page 3-4. Stopping Sight Distance on Level Roadways. Other measures to provide 360 feet of stopping sight distance are required. GO17-169

All other discussions of stopping sight distance must be modified to reflect the use of the design speed which is typically 10 MPH higher than the posted speed limit and that requires additional stopping sight distance accordingly. — Cont. GO17-169

f) Page 41 recommends prohibiting right turns on red at the Alameda Tower as a mitigation measure. "No Right Turn On Red" is not an effective mitigation measure as it does not guarantee safety for pedestrian crossings as vehicles may violate the posted right turn on red prohibition and they are then faced with a condition involving inadequate stopping sight distance. — GO17-170

g) Page 67 states that Mitigation Measures TRA-A will provide visibility enhancements at Alameda Tower and Chinatown Station but does not discuss what mitigation measures are recommended at these locations. The discussion should be expanded to describe the mitigation measure as has been done for Mitigation Measure TRA-B immediately following. — GO17-171

h) Other mitigation measures are deferred and may not be timely as required. To be effective and complete, potential mitigation measures identified on the various laundry lists must be studied and evaluated in the Draft EIR, with specific mitigation measures identified. — GO17-172

6) **Fehr & Peers Ridership Modeling (Appendix N of Draft EIR)**

Table 5 on Page 21 of Ridership Modeling in Appendix N of the Draft EIR estimates 6,000 game attendees would ride the gondola in 2026. Daily tourist riders on the gondola are estimated to be 1,270 per day on game days and 2,575 per day on non-game days. These forecasts are significantly higher than those presented in the other reports such as the Dodger Stadium Access Study discussed earlier in this letter and in the UCLA Mobility Lab Study discussed later in this letter. — GO17-173

7) **Fehr & Peers Draft Parking Study September 2022**

a) Page 1 states "Detailed analysis of traffic associated with the proposed project are separately being evaluated in a non-CEQA transportation assessment in accordance with the City of Los Angeles Transportation Assessment Guidelines. This would involve calculation of level of service and delay at intersections (pre VMT), but these calculations and results are not found in the Draft EIR or in Appendix N. — GO17-174

b) Pages 2 and 3 indicate that the Chinatown/State Park Station "could" include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station as well as support for the future Los — GO17-175

Angeles State Historic Park bike and pedestrian bridge." Specific improvements need to be identified now (see Page 42 of Chapter 3.17) and included within the mitigation measures proposed in the Draft EIR. — Cont. GO17-175

c) Page 10 states that a parking management plan will be developed before operation of the Proposed Project. Doing this at some future time rather than during the Draft EIR constitutes deferred mitigation by stating "Parking management strategies and specific implementation steps will be further detailed in a parking management plan prepared in the future in collaboration with the City of Los Angeles, who would be the implementor of any on-street parking management strategies... However, because the detailed parking management implementation plan will be reliant on completion of construction documents and the final operating plan, it will follow the completion of the environmental process for the proposed project." — GO17-174

8) **<u>UCLA Mobility Lab – October 24, 2022 Study</u>**

A study using current modeling techniques recently completed by two UCLA researchers found that the gondola system could slightly reduce traffic on major roads around Dodger Stadium on the night of a sold-out baseball game, but that impact would likely be very limited. The study found that the gondola would likely take only around 608 cars off the road and that minor change would be unlikely to significantly reduce greenhouse gas emissions and traffic overall. — GO17-177

Other findings of the UCLA Mobility Lab Study are as follows: — GO17-178

a) Contrary to the Draft EIR, the gondola system would not significantly reduce traffic or greenhouse gas emissions around Dodger Stadium.

b) The gondola system would carry fewer passengers than the Draft EIR claims. About 4,690 passengers would take public transportation on game days. Of these, the model predicted 2,500 would use the Dodger Stadium Express buses, meaning that only 2,190 new passengers would take the gondola system. Doubling the number of buses would more than accommodate passengers that could be expected to ride the gondola. — GO17-179

c) Fewer people would take the gondola after the game resulting in more traffic and emissions. The model disclosed about 2,500 passengers switching from the free Dodger Stadium Express buses to the gondola to the stadium, and about 1,000 fans switched back to the shuttle buses after the game. Only about 1,380 fans were forecast to use the gondola after the game as they would have to wait in long lines to use the gondola. — GO17-180

d) Very few people were predicted to use the gondola for transportation other than getting to or from the games. Only 60 people, about one gondola carload, were forecast to travel to Dodger Stadium during the day, and only about 140 passengers would travel from Dodger Stadium to Chinatown or Union Station during the day. GO17-181

Shuttle Busses and the Coachella Festival

As City Transportation Engineer for the City of Indio for 15 years, I was deeply involved in getting patrons to and from the Coachella Festival over two weekends in April each year. Shuttle buses from across California and adjoining states were contracted to travel various pre-planned routes throughout the Coachella Valley to and from the festival grounds each of the three days.

The successful transportation program developed by the festival promoter, Goldenvoice, split the attendees into three separate but approximately equal groups. These included those who arrived the day before and camped at the site until the day after the festival ended, those who commuted daily to and from the site using Uber/Lyft/taxi, and those who rode Festival provided shuttle buses from hotels to and from the venue each day. GO17-182

About one-third of the 250,000 daily festival attendees used the shuttle buses, with separated priority lanes on City streets for the shuttle buses near the festival site leading to a designated area within the festival site for shuttle bus loading and unloading. This system involved rapid turnover within the Festival shuttle bus lot with buses quickly filling empty bus parking stalls, loading/unloading passengers, and departing.

Summary and Conclusion

When it was evaluated over 30 years ago, the gondola finished last in comparison with five other transportation alternatives to serve Dodger Stadium. Such a comparison today ends up with similar results. GO17-183

The proposed Gondola is better suited for sightseeing rather than being an effective transportation measure to move large volumes of people in short periods of time. Shuttle buses together with Uber/Lyft/taxi services now serve Dodger Stadium well at a fraction of the cost. An expansion of the shuttle bus operation between Dodger Stadium Express in lieu of the proposed gondola system would efficiently meet the demand to transport people in a cost-effective manner on game days and on special event days. GO17-184

The omissions and errors summarized and detailed throughout this letter require that each of these issues and items be reanalyzed and reevaluated through additional study before the Proposed Project is considered further by Metro.

If you have questions regarding these comments, please contact me at your convenience.

GO17-185

Respectfully submitted,

Tom Brohard and Associates





Tom Brohard, PE
Principal

Enclosures
- Resume
- Dodger Stadium Access Study
- UCLA Mobility Study

Tom Brohard, PE

Licenses:	1975 / Professional Engineer / California – Civil, No. 24577 1977 / Professional Engineer / California – Traffic, No. 724 2006 / Professional Engineer / Hawaii – Civil, No. 12321
Education:	1969 / BSE / Civil Engineering / Duke University
Experience:	50+ Years
Memberships:	1977 / Institute of Transportation Engineers – Fellow, Life 1978 / Orange County Traffic Engineers Council - Chair 1982-1983 1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower ..... 1997 - 1998
- Bell Gardens ..... 1982 - 1995
- Big Bear Lake ..... 2006 - 2015
- Indio ..... 2005 - 2019
- Huntington Beach ..... 1998 - 2004
- Lawndale ..... 1973 - 1978
- Los Alamitos ..... 1981 - 1982
- Oceanside ..... 1981 - 1982
- Paramount ..... 1982 - 1988
- Rancho Palos Verdes ..... 1973 - 1978
- Rolling Hills ..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates ..... 1973 - 1978, 1984 - 1991
- San Fernando ..... 2004 - Present
- San Marcos 1981
- Santa Ana ..... 1978 - 1981
- Westlake Village ..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over $10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

In his 14 years of service to the City of Indio, Tom accomplished the following:

- Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.

- Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both $2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.

- Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's $45 million I-10 Interchange Improvement Project at Jefferson Street.

- Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.

- Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 70 traffic signal installations and modifications.

- Reviewed and approved over 2,000 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.

- Oversaw preparation of a City-wide traffic safety study of conditions at all schools.

- Obtained $47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.

- Prepared over 1,500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.

- Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 500 street segments.

- Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.

- Developed and implemented the City's Golf Cart Transportation Program.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.



DODGER STADIUM TRANSIT ACCESS STUDY

PREPARED FOR THE:

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

LACTC

PREPARED BY:

GRUEN ASSOCIATES

AUGUST 1990

Supplemental AR 2462

DODGER STADIUM ACCESS STUDY

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GANNETT FLEMING

AUGUST 1990

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SUMMARY

This report focuses on alternative connections that directly link Dodger Stadium and the planned Pasadena Line Rail Transit Station near the intersection of College and Spring Streets in Chinatown. Two key factors in the consideration of any such connection are: 1) steep grades surrounding the bluff top parking areas of Dodger Stadium and 2) the infrequent but high crowd peaking that occurs at major events.

Dodger Stadium is located on a bluff top that is elevated more than 200 feet above the Pasadena Rail Transit Line. Any connector option would need to be able to handle this steep grade. Secondly, before and after events at Dodger Stadium, large numbers of people entering and exiting the parking facilities cause congestion and delay for attendees. Any transit technology must accomodate a peak loading phenomenon where up to 56,000 persons enter or leave the Stadium within a brief period of time before or after events.

Because of these factors, the access study identified a selected group of representative route and technology alternatives that could function over a short (approximately one mile) route in which elevation changes of 225-275 feet are encountered. The technologies examined include shuttle buses, automated guideway transit, light rail transit, gondola tramways, walkways and escalators. Furthermore, each of the connector alternatives was developed with the goal of supporting economic development potential in and around the future Chinatown Rail Transit Station.

As shown on Table 1, the connector alternatives with the greatest system capacities are the automated guideway transit (AGT) and light rail alternatives. These alternatives could provide a maximum capacity of 18,000 passengers per hour for an AGT system such as a six-car monorail train or 14,000 passengers/hour for a 3-car LRT train. This represents approximately 25-30% of a sold out event exiting Dodger Stadium. Total travel time to College Street Station would be 3 minutes for AGT and 7 minutes for LRT. Waiting time following events at Dodger Stadium could add up to 18 minutes to these travel times. Costs for a light AGT system are estimated at $20-25 million. Costs for grade separated LRT are estimated at $50-55 million.

A gondola tramway alternative offered the lowest capacity of the technologies considered. Systems similar to the Palm

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Springs Aerial Tranmway could carry up to 2,800 passengers/hour over the Dodger Stadium route. Travel time from Dodger Stadium to College Street Station would necessarily involve long waiting times during peak events due to the lower system capacities of gondola tramways. An average travel time following a Dodger game, including waiting time, would be well over one hour. Costs for a gondola tram system would be $12-15 million.

Shuttle buses, running as an extension of RTD and DASH systems, could provide a peak event capacity of 7,200 passengers/hour, assuming 30 second headways. Travel time to College Street Station would be 10 minutes, although waiting time following events at Dodger Stadium could add up to 33 minutes to trip time. Capital costs would be minimal, as existing RTD buses could be dispatched from the Downtown Central Bus Facility for Dodger Stadium events which generally occur outside of rush hour periods.

Pedestrian improvements, including escalators from the blufftop parking lots of Dodger Stadium to an existing pedestrian overcrossing of the Pasadena Freeway, could be linked to the College Street Station via pedestrian walkways. Capacities for a double-escalator, double-walkway configuration would be 16,000 persons/hour, or 29% of a sold out event at Dodger Stadium. The major advantage of this system is that there would be very little waiting for an escalator before or after an event, and walking time compares favorably with other technologies when waiting times are accounted for. Costs for this alternative would be $2 to 5 million.

A more detailed description of the alternatives is provided beginning on page 7 of this document. A more detailed comparison of the alternatives is provided beginning on page 25.

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Route	Dodger Stadium Mode/Assumptions	Peak Exiting Capacity persons/hour* (% of Dodger Stadium capacity)	Exiting, Boarding, & Travel Time to Pasadena Line**	Route Length* (1-way: Stadium Mid-Station to Pasadena Line)	Order of Magnitude Costs	Notes
A	**Shuttle Bus** • DASH or RTD extension • 60 persons / bus • 30-second headway	7,200 / hour (13% of capacity)	43 minutes	A1 = 7,500' (1.4 miles) A2 = 8,500' (1.6 miles) A3 = 9,500' (1.8 miles)	minimal capital costs	Assumes use of RTD & DASH buses, personnel and maintenance facilities.
B	**AGT Shuttle** • grade separated • double guideway • 90-second headway • 6-car trains	18,000 / hour (32% of capacity)	17 minutes	B1 = 4,400' (.83 miles) B2 = 4,300' (.81 miles)	$20-25*** million	B1 requires guideway construction to flatten grades at freeway crossing.
C	**LRT Spur** • grade separated • double guideway • 3-minute headway • 3-car trains	14,000 / hour (25% of capacity)	25 minutes	7,500' (1.4 miles)	$50-55*** million	Some grading required to flatten grades along Stadium Way South.
D	**Gondola Tram** • 2 125-passenger cars	2,800 / hour (5% of capacity)	92 minutes	2,800' (.53 miles)	$12-15 million	Roosevelt Island Aerial Tramway costs escalated from 1975 costs of $6.25 million. The length of the Roosevelt Island tramway is 3,100 feet.
E	**Escalator/Walkway**	Escalator: 16,000 / hour (29% of capacity) Escalator + Stairway: 24,000 / hour (43% of capacity)	23 minutes	600' (escalator) 4,500' (.85 miles) (stadium to station)	$2-5 million	Length of escalator is 600 feet with 200 feet of elevation gain.

* See Chapter 2.0 for discussion of technology, capacity, and route length assumptions.

** Total time to move more than 4,000 riders from Dodger Stadium to Pasadena Line following an event. (See Table 3, Section 3.2 for discussion of exiting, boarding and travel times.)

*** Costs are typical per mile costs for aerial guideway systems. Costs are not included for stations, rail maintenance and storage. Such capital costs should be considered order-of-magnitude costs for initial comparison of alternatives only. Further engineering and route refinement study is required for more detailed cost estimates.

TABLE 1

CAPACITY AND COST COMPARATIVE MATRIX

DODGER STADIUM TRANSIT ACCESS STUDY

LOS ANGELES COUNTY TRANSPORTATION COMMISSION
•
GRUEN ASSOCIATES
•
GANNETT FLEMING

Supplemental AR 2468

KEY

- Elysian Park
- Chinatown
- LA Union Passenger Terminal
- Downtown CBD
- Dodger Stadium Parking Entrances

FIGURE 1

LOCATION MAP

DODGER STADIUM TRANSIT ACCESS STUDY

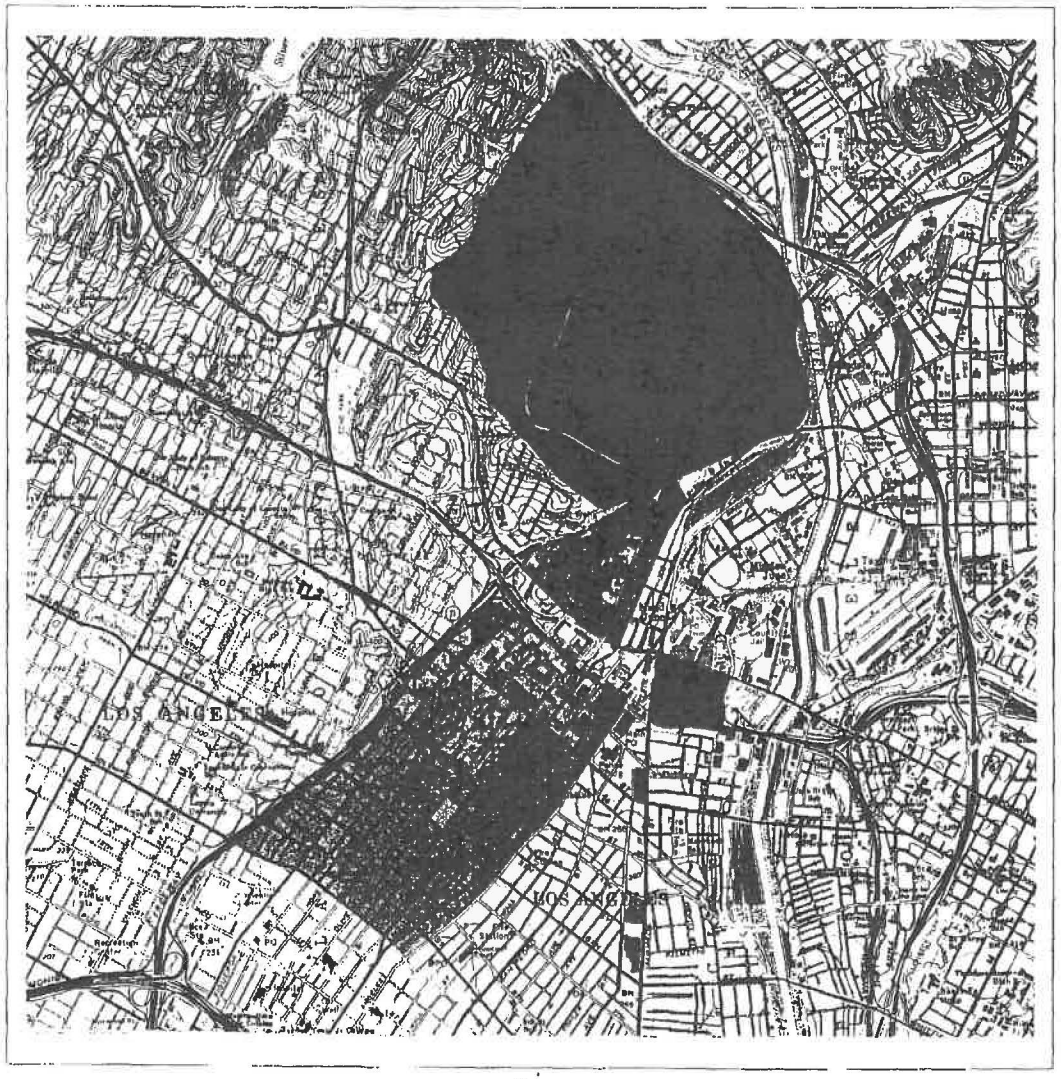
LOS ANGELES COUNTY TRANSPORTATION COMMISSION

•

GRUEN ASSOCIATES

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GANNETT FLEMING



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1.0 *PURPOSE AND NEED FOR THE PROJECT*

1.1 PROJECT BACKGROUND

Dodger Stadium is a nationally known 56,000 seat baseball and multi-function sports, concert and outdoor exhibition facility located in Chavez Ravine north of Downtown Los Angeles. The Stadium was opened in 1962, to provide a new home for the Los Angeles Dodgers baseball franchise, which had recently relocated to Los Angeles from New York and had been temporarily playing in the Los Angeles Memorial Coliseum at Exposition Park. Dodger Stadium plays host to at least 81 major league baseball games per year between April and October as well as numerous concerts and exposition events. Recent events, in addition to baseball, have included a rock concert by David Bowie, religious gatherings, and a Recreational Vehicle & Boat Show. Annual attendance for baseball is greater than 2 million spectators.

As shown in Figure 1, Dodger Stadium is located on a blufftop overlooking Downtown Los Angeles and is well served by highways (Pasadena, Hollywood and Golden State Freeways) and arterial roadways (Stadium Way, Academy Road). During events at the Stadium, the public is directed into parking lots at five different access points. Parking is provided for upwards of 20,000 vehicles in parking lots surrounding the Stadium.[1] Additionally, charter bus parking is provided at a central location within the parking lot area.

[1] Estimate is based upon ±175 acres of surface parking at 350 sq. ft./ vehicle.

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KEY

- Metro Red Line (opens 1993)
- Metro Blue Line (Long Beach segment opens 1990) (Pasadena segment opens 1998)
- DASH "Route B"
- RTD Route #635



FIGURE 2

TRANSIT CONTEXT

DODGER STADIUM TRANSIT ACCESS STUDY

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

•

GRUEN ASSOCIATES

•

GANNETT FLEMING

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Transit service in the vicinity of Dodger Stadium is provided by SCRTD via surface bus routes in Chinatown and Elysian Park. As shown in Figure 2, this service is supplemented by DASH service (Downtown Area Shuttle) and three new rail transit projects scheduled for completion between 1990 and 1998.

Dodger Stadium is located one mile west of the adopted route of the Pasadena Light Rail Line. This project is scheduled for completion in 1998 with a station to be located in Chinatown, near the intersection of Spring Street and College Street. Since a Dodger Stadium Station was not possible along the Pasadena Line route, alternative means of connecting Dodger Stadium to the future Pasadena Line rail transit station have been analyzed in this report. In addition, the Metro Red Line, serving LA Union Passenger Terminal (LAUPT), Civic Center, 5th & Hill, 7th & Flower, and Wilshire & Alvarado is scheduled to open in 1993. Metro Blue Line service between Downtown Los Angeles and Downtown Long Beach opened for service in July 1990. RTD has recently commenced service on Line #635, which provides service between the Metro Blue Line Pico Station and Dodger Stadium. Direct connection by RTD buses is provided starting 2 1/2 hours prior to each game and 15 minutes following the end of a game.

DASH service has been expanded in the downtown area with two routes. Route B presently runs along Hill Street and North Broadway in the vicinity of Dodger Stadium.

Providing transit access to persons attending events at Dodger Stadium will be the primary purpose of the Dodger Stadium Connector. The connector would ease traffic congestion before and after events at the Stadium and could attract additional attendance to these events by providing convenient access from Chinatown, downtown and the rest of the metropolitan region for those who cannot or do not wish to drive to the ballpark.

Supplemental AR 2472

FIGURE 3

CONNECTOR ALTERNATIVES

DODGER STADIUM TRANSIT ACCESS STUDY

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

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1.2 PROJECT ALTERNATIVES

A major constraint to the provision of transit service to Dodger Stadium is the hilly terrain surrounding the Stadium blufftop location. Dodger Stadium is located between 200-300 feet above the surrounding urbanized areas, and any connector route would need to negotiate the steep slopes on the south and east faces of the blufftop parking area. Several alternative routes and technologies were examined to determine their ability to serve as transit connectors between the Dodger Stadium and the Pasadena Line. As shown in Figure 3, five generic profile and technology options were identified for study:

Route A
Shuttle Bus Service: An at-grade bus shuttle that would provide service between the College & Spring Station and the loop road of the Dodger Stadium parking lots. Service would either be direct from downtown via DASH, or via the College & Spring Station where transit riders would change from LRT to shuttle buses.

Route B
AGT Shuttle: An automated guideway transit shuttle that would provide service between the College & Spring Station and Dodger Stadium via either Bernard Street or Cottage Home Street and Stadium Way East.

Route C
LRT Spur: An elevated spur track from the Pasadena Line that would allow LRT trains to be diverted from the Pasadena line in the vicinity of the College & Spring Station to provide service to a Dodger Stadium Station via an elevated guideway along Bernard Street and Stadium Way South.

Route D
Gondola Tramway: Similar to the Palm Springs Aerial Tramway, this alternative would utilize an aerial cablecar system that would travel from the future Central City North Area, via Radio Tower Hill in Elysian Park, to Dodger Stadium. Such a transit mode would tend to serve as a visitor attraction in itself because of views of downtown Los Angeles, Dodger Stadium and Elysian Park.

Route E
Escalator: A pedestrian connection from the College & Spring Station through Chinatown and above the Pasadena Freeway to an escalator and/or stairway that would provide vertical connection to the Dodger Stadium blufftop parking lots.

Supplemental AR 2474



FIGURE 4

ALTERNATIVE A
SHUTTLE BUS

DODGER STADIUM
TRANSIT
ACCESS STUDY

LOS ANGELES COUNTY
TRANSPORTATION COMMISSION

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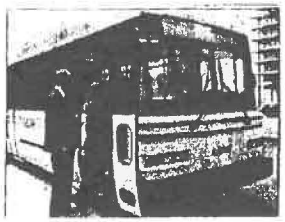
2.0 ROUTE AND TECHNOLOGY ALTERNATIVES

2.1 ALTERNATIVE A SHUTTLE BUS CONNECTORS

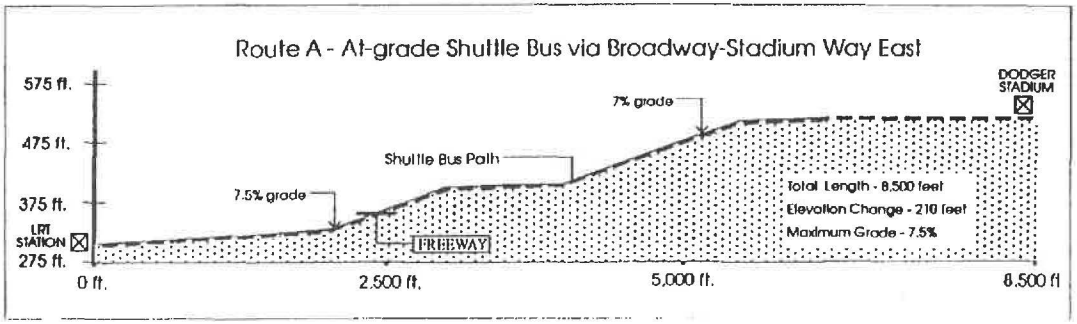
Shuttle bus service is currently provided from downtown Los Angeles to North Broadway and Hill Streets near Dodger Stadium via LA Department of Transportation DASH buses. These buses run approximately every ten minutes (more frequently in the midday hours) from 6:30am to 6:30pm Monday-Friday, and every 15 minutes from 10:00am to 5:00pm on Saturdays. The DASH shuttle fare is 25 cents. These buses run north bound on North Broadway, turn west on College Street to Hill, travel north on Hill to Bernard Street which is the end of the line. After layover along Bernard Street, DASH buses return to downtown via North Broadway.

As shown in Figure 4, extension of DASH shuttle service to include Dodger Stadium would be possible via a loop that would proceed up College Street to Stadium Way South, along the ring road of the Dodger Stadium parking area and back down Stadium Way East to North Broadway. Such a loop could provide service from the proposed College Street LRT Station on the Pasadena Line as well as direct service from downtown. During peak traffic periods at Dodger Stadium an alternate route down the hill could be utilized along Solano Avenue that would avoid heavy traffic congestion at Stadium Way East.

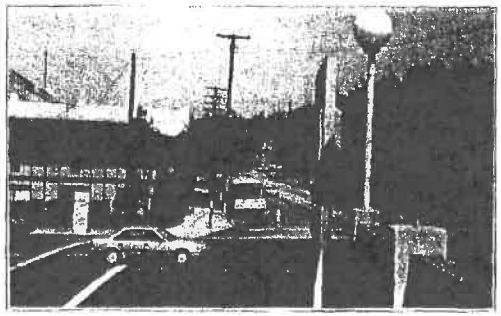
The one-way route length to the mid-point of the loop roadway is 7,500 feet via Stadium Way South, 8,500 feet via Stadium Way East and 9,500 feet via Solano Avenue. The steepest grades occur along the Stadium Way East segment where maximum grades of 7%-8% exist.



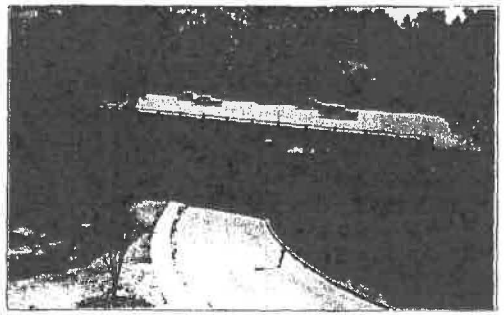
DASH Shuttle: *City Department of Transportation shuttles have been very successful in providing service to Downtown Los Angeles and other areas of the City.*



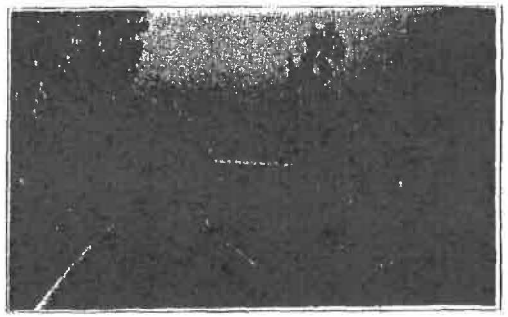
Supplemental AR 2476



North Broadway at Bernard Street:
DASH Shuttles currently layover on Bernard Street between North Broadway and Hill Streets.

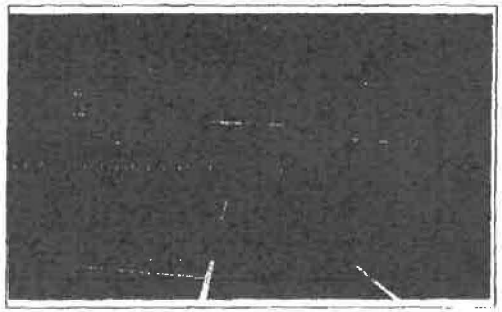


Stadium Way East crossing of Pasadena Freeway:
Access to Dodger Stadium is currently provided via Stadium Way East. This view shows the undercrossing of the Pasadena Freeway.



Dodger Stadium principal entrance on Stadium Way East:
The principal entrance to Dodger Stadium is from the east at the Pasadena Freeway. Direct freeway ramps converge on this entry which is heavily used during the periods immediately before and after stadium events. The high-rise structures of downtown Los Angeles are seen at the upper center of this photo.

Supplemental AR 2477



Dodger Stadium from parking lot #32:
Terraced parking is provided along a circular ring road surrounding Dodger Stadium. Transit buses could pick up/discharge passengers along this ring road, or conversely, a single transit stop could be provided at a central location in the parking area.

Supplemental AR 2478

FIGURE 5

ALTERNATIVE B
AGT SHUTTLE

DODGER STADIUM
TRANSIT
ACCESS STUDY

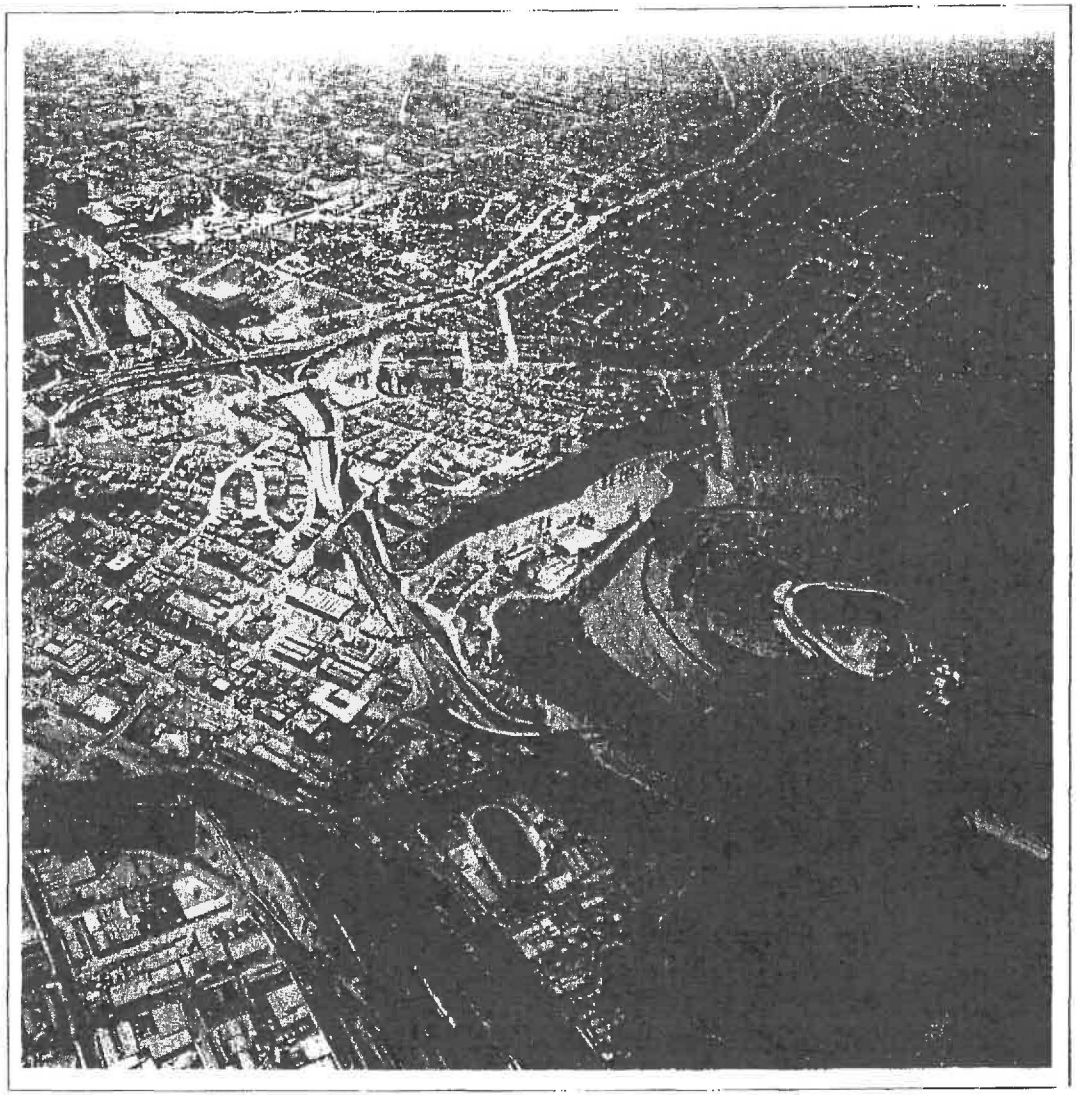
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2.2 ALTERNATIVE B
AGT SHUTTLE

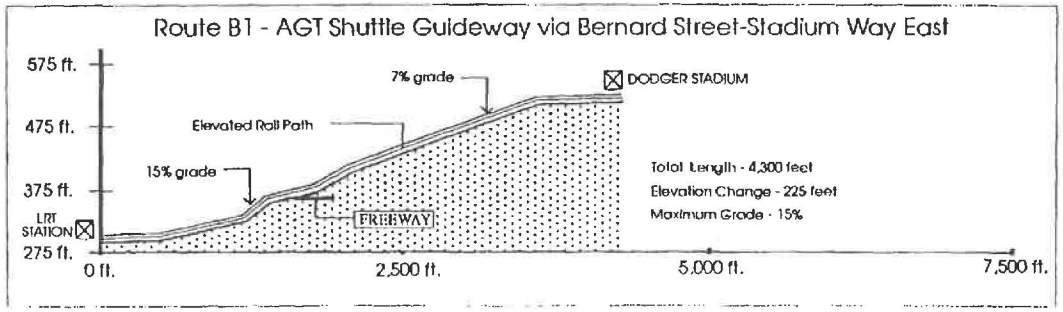
The most direct connector alternative between the Pasadena Line and Dodger Stadium would be via an Automated Guideway Shuttle that would run back and forth along Stadium Way East from the future College Street Rail Transit Station to Dodger Stadium.

Various types of AGT technologies are possible for this route including monorail systems, rubber tired people mover, and steel-wheel systems. A discussion of the various AGT technologies is included in Chapter 3 of this report. As shown in Figure 5, two alternative routes are possible; B1) from the College & Spring Street Station along Bernard Street to cross above the Pasadena Freeway, along the edge of Stadium Way East to Dodger Stadium; or B2) from the College Street Station along College Home Street to cross above the Pasadena Freeway, along the edge of Stadium Way East to Dodger Stadium. Once inside the Dodger Stadium parking area, the AGT line would run along the loop roadway with several station stops to allow pick-up and drop-off.

Because of steep slopes along Stadium Way East, light rail transit technology, which is being used on the Pasadena Rail Line, could not be used for this route. Maximum grades for light rail are approximately 6% and grades below Dodger Stadium on this route exceed 7%. Other technologies however, such as certain types of monorail can accommodate steeper grades than light rail technology and would therefore be more appropriate if this route were selected. Light



AGT Shuttle:
The Disneyworld monorail in Orlando, Florida is a type of AGT technology that provides shuttle service between hotels and activity centers within the amusement park.

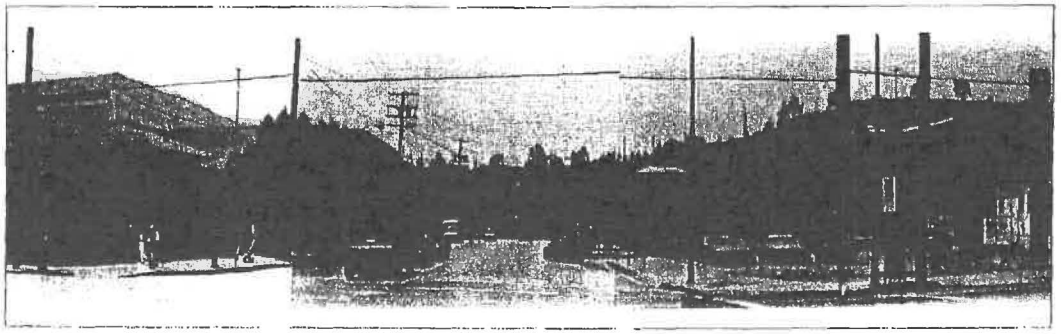


Note:
Smoothing of grades to reduce slopes for alternative B1 to less than 15% would result in a relatively high guideway structure on Bernard Street.

Supplemental AR 2480

monorail and other AGT technologies can generally handle grades of up to 8%-10%, which would make it possible to climb the 225 feet from the College & Spring Street Station to Dodger Stadium over the 4,300 foot length of this route. Mag-lev technology, such as the M-Bahn, Magnetic Transit of America prototype vehicle, can handle slopes of up to 10%, although practical applications of this technology have not been made to date.

Under this alternative, the guideway would be totally grade-separated. The columns could be placed either in the middle or on the side of the street and would displace at least one traffic or parking lane from the street. Conversely, straddle bents would be utilized as the guideway support with no traffic lanes taken, but property displacements would occur on both sides of the street. The crossing of the Pasadena Freeway would require that columns be strategically placed resulting in a relatively high structure above the Chinatown segment of the route. Route B2 is slightly shorter and more direct than Route B1, however Route B2 is adjacent to Cathedral High School and numerous residential structures. Route B1 is slightly longer, however adjacent properties along Bernard Street are generally vacant or used for commercial purposes.



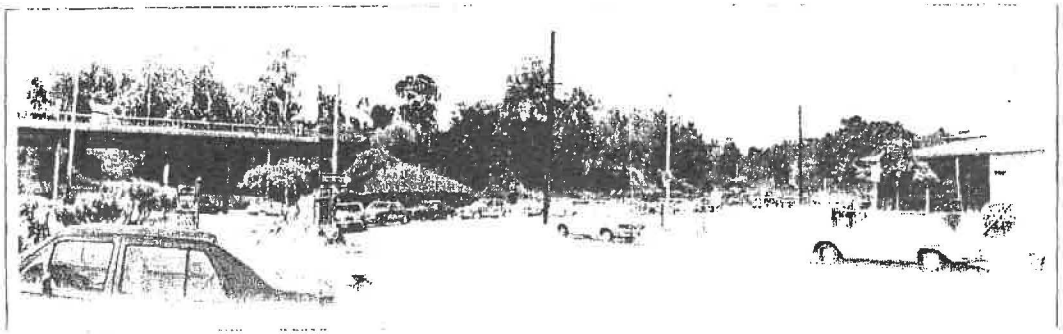
Route B1: This view looks west from North Broadway along Bernard Street. An elevated guideway would run along the center or side of Bernard Street where it would turn to the right to cross above the Pasadena Freeway. The bluff top parking lots of Dodger Stadium can be seen in the upper right of the photo.



Route B1:
At the intersection of Bernard Street and the Pasadena Freeway, the elevated guideway would turn to follow the northbound Dodger Stadium off-ramp, seen at the right of the photo. The guideway would climb at a 6% to 10% grade in order to gain 225 feet of elevation between North Broadway and Dodger Stadium.



Route B2:
This view looks toward Dodger Stadium from North Broadway along Cottage Home Street. The northbound Dodger Stadium off-ramp from the Pasadena Freeway can be seen against the bluff backdrop. An elevated guideway would run along the center or side of Cottage Home Street and would turn to the right to follow the freeway off-ramp up to Dodger Stadium.



At the intersection of Cottage Home Street and the Pasadena Freeway the elevated guideway would cross over the Pasadena Freeway (seen in the center of this photo) and join the northbound off-ramp, at the left of the photo.

Supplemental AR 2482

FIGURE 6

ALTERNATIVE C
LRT SPUR

DODGER STADIUM
TRANSIT
ACCESS STUDY

LOS ANGELES COUNTY
TRANSPORTATION COMMISSION

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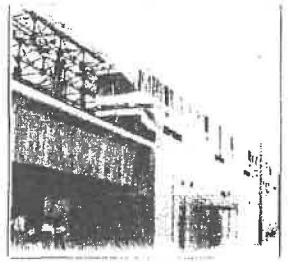


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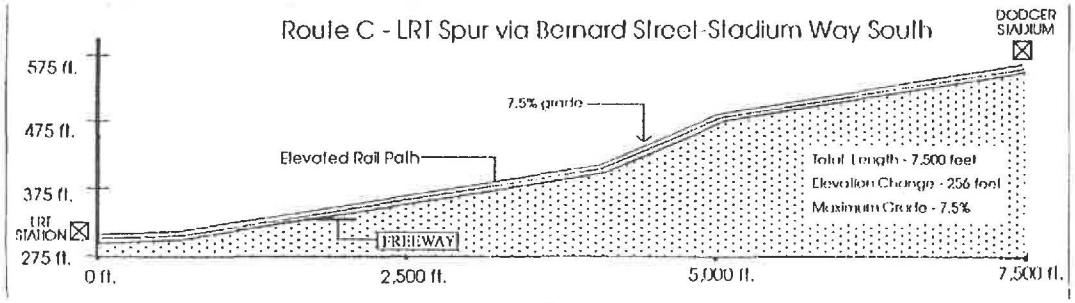
2.3 ALTERNATIVE C
LRT SPUR

A spur track from the Pasadena Line would be possible to serve Dodger Stadium. As shown in Figure 6, such a spur track would branch north of College Street to cross above North Broadway and run along Bernard Street. At the Pasadena Freeway, a long-span structure would be required. The aerial guideway would climb along the south side of Stadium Way South. Near the Sunset Boulevard entrance to Dodger Stadium, the structure would curve along the backside of the south parking lot and cross over Stadium Way obliquely, crossing into the Dodger Stadium parking area. Once inside the Dodger Stadium parking area, the LRT spur line would run along the loop roadway with several station stops to allow pick-up and drop-off.

At 7,500 feet in length, this alternative is among the longest of the alternatives considered in this report. The greater length is necessary to accommodate the climbing characteristics of light rail technology. While this greater length adds to costs for this alternative, the use of the same technology as is being used on the Pasadena Rail Transit Project provides efficiencies in the service and maintenance of vehicles. Additionally, operational flexibility is afforded whereby extra trains could be added to serve special events at Dodger Stadium. It would even be possible for special "express" trains to run directly to Dodger Stadium from various parts of the rail network.



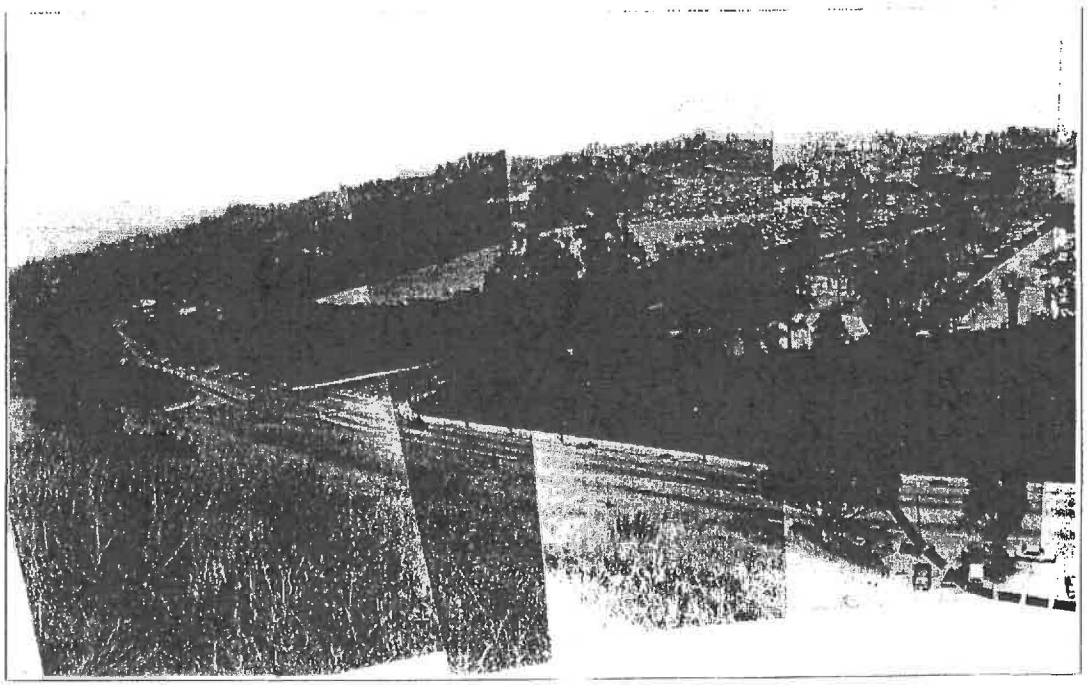
LRT Spur:
The Metro Blue Line which currently runs between Downtown Los Angeles and Long Beach has several grade separated stations and street crossings. Such grade-separation would be necessary along a spur track serving Dodger Stadium.



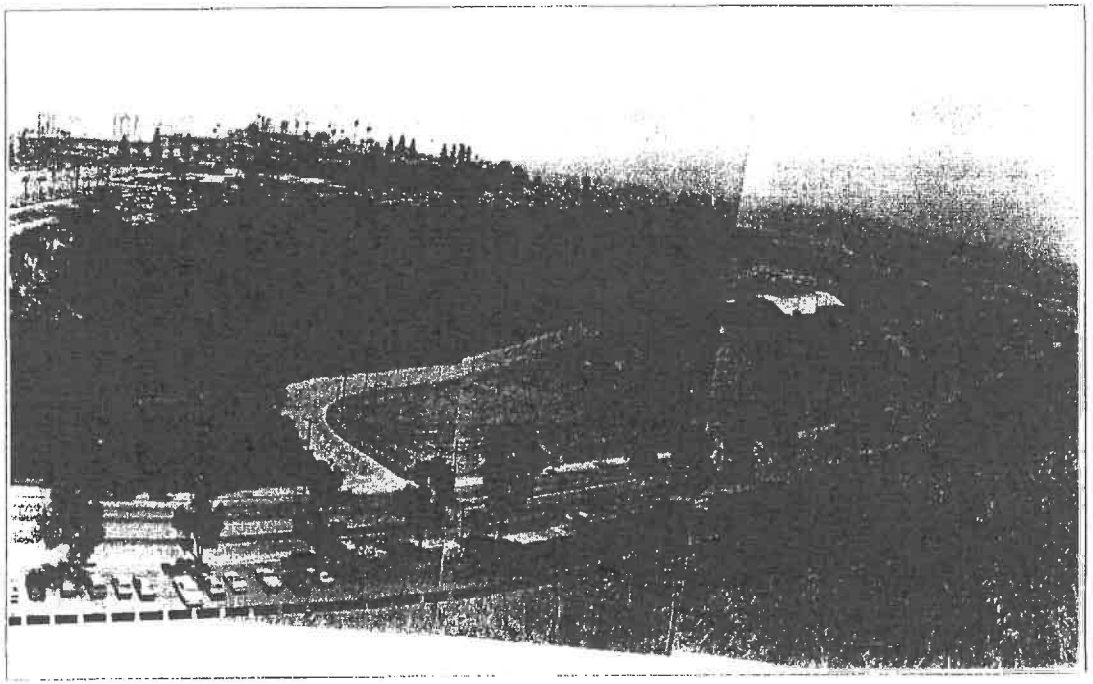
Note:
LRT technology can handle maximum slopes up to 6%. Therefore, some slope modifications would be required to maintain a constant grade of less than 6%.

Supplemental AR 2484

Route C:
this view looks north at Dodger Stadium from the adjacent bluffs along Figueroa Terrace. Stadium Way West climbs toward the stadium from the right of the photo where it passes the US Naval Armory complex and the Dodger Stadium ticket office.



Supplemental A[illegible]2485



Route C:
At the left of the photo, the Sunset Boulevard entrance to the Stadium parking lots can be seen. Route C would follow Stadium Way and would cross above the street to enter the Stadium parking lots.

Supplemental AR 2486

FIGURE 7

ALTERNATIVE D
GONDOLA TRAM

DODGER STADIUM
TRANSIT
ACCESS STUDY

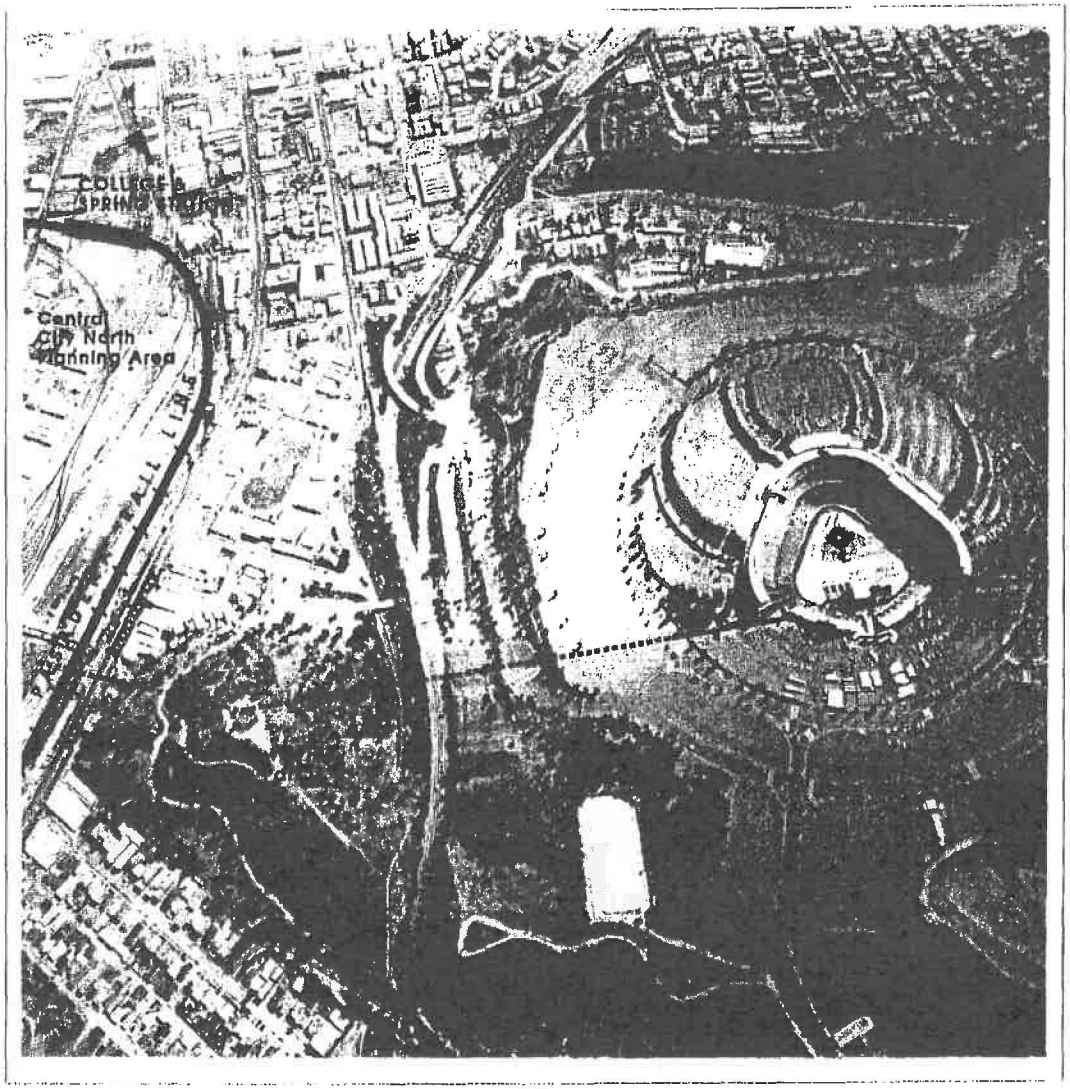
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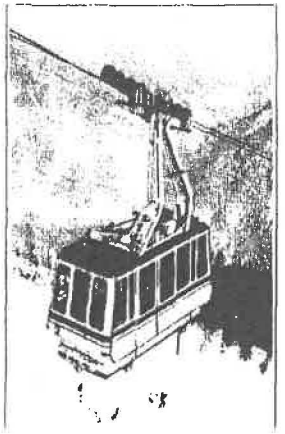
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2.4 ALTERNATIVE D
GONDOLA TRAM

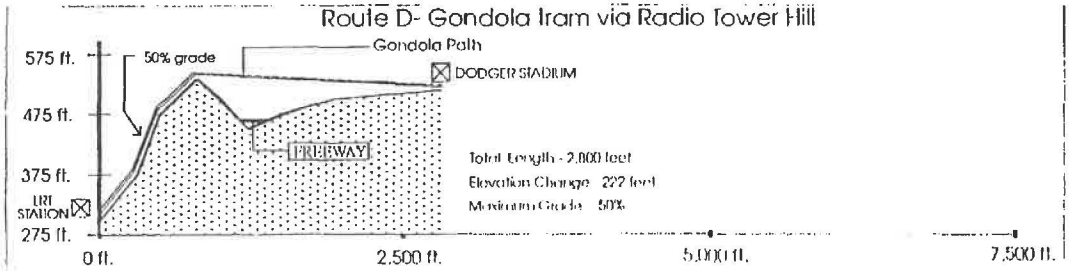
The City of Los Angeles Planning Department has identified major re-use potential in the "Cornfield" railroad storage yards adjacent to North Broadway, along the route of the planned Pasadena Rail Transit Project. As a part of initial planning for redevelopment of this area, conceptual sketches illustrating possible future scenarios for the area show a gondola tramway connecting the heart of this redeveloped area to Dodger Stadium.

As shown in Figure 7, such a tramway could run from a central location in the planned Central City North Development Area to the top of Radio Tower Hill in Elysian Park, and then across the valley formed between Radio Tower Hill and the bluffs of the Dodger Stadium Parking area. A mid-station stop at Radio Tower Hill would open up this little used portion of Elysian Park to greater public use and at the same time, provide a scenic view point, picnic and recreation area. The closest application of a technology such as this in Southern California is the Palm Springs Aerial Tramway at Mt. San Jacinto. This system utilizes cable cars accommodating up to 80 persons and move up to 400 persons per hour to the top of a 6,000 foot incline. A more urban application of this technology is the Roosevelt Island Aerial Tramway in New York City. This system was constructed in 1976 and moves 1,500 persons per hour between midtown Manhattan and Roosevelt Island in the middle of the East River. Many ski resorts utilize smaller, 4-8 person gondola cars than run in a continuous series. Systems such as the 8 person gondola at Steamboat Springs, Colorado can accommodate up to 2,800 persons per hour.

Two obvious problems are: 1) accessibil-



Gondola Tramway: Ski resort technology has been adopted to amusement park and urban applications such as the Palm Springs Aerial Tramway and the Roosevelt Island Aerial Tramway in New York City.



Supplemental AR 2488

FIGURE 8

ALTERNATIVE E
ESCALATOR WALKWAY
CONNECTION

DODGER STADIUM
TRANSIT
ACCESS STUDY

LOS ANGELES COUNTY
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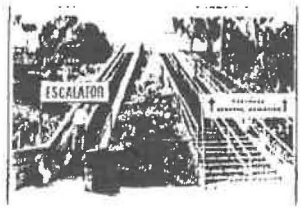


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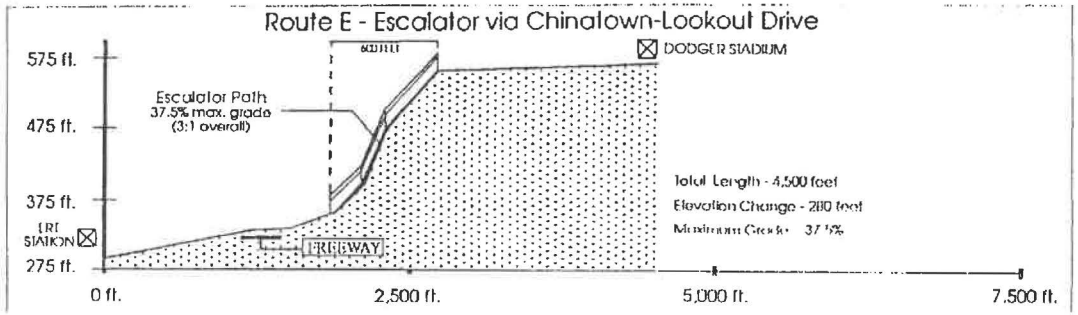
lly to the individual tower support locations, and 2) whether the soil bearing capacity and friction resistance will be great enough to support the tower foundations. Several towers and foundations will be required. Also, the structure at the beginning of the aerial tramway located in the existing rail yard will have to be a sizeable structure in itself to keep the maximum climbing grades to a minimum and provide adequate clearance over North Broadway. In order for this technology alternative to connect directly to the Pasadena-Los Angeles Rail Transit Project, a new station would need to be provided in the vicinity of North Broadway and the foot of Radio Tower Hill.

2.5 ALTERNATIVE E ESCALATOR /WALKWAY

Before and after events at Dodger Stadium, large numbers of people entering and exiting the parking facilities cause congestion and delay for attendees. A drawback with any transit technology is this peak loading phenomenon whereby up to 56,000 persons seek to enter or leave Dodger Stadium within a brief period of time before or after events. Any technology used will develop queues with people waiting to board trains, buses, or simply exit the parking lot in their cars. Because of this waiting time, many attendees would prefer to walk some distance rather than wait in lines. Because it is less than one mile from Dodger Stadium to the College Street Rail Transit Station, many people could reach the station on foot following major events faster than they could be conveyed by transit. For these reasons, this alternative provides high-capacity vertical circulation to assist pedestrians with the 280 foot grade change between Dodger Stadium and the Pasadena Line Station.



Dodger Stadium Escalator:
Escalators are presently used at Dodger Stadium to transport fans from different levels of the terraced parking lots. Additional use of such escalators would provide a high-capacity pedestrian route between the Pasadena Rail Line and Dodger Stadium.



Supplemental AR 2490

but allows them to walk or be conveyed on elevated moving walkways for the remainder of the route.

As shown in Figure 8, an existing pedestrian overpass above the Pasadena Freeway is provided at Bernard Street. It is less than 800 feet from this pedestrian bridge to the blufftop edge of Dodger Stadium parking lot #32, however there is a 200' rise in elevation over this same distance. Similar to the historic Angel's Flight inclined railway, an inclined escalator could provide automated pedestrian transport over this distance. Two 48" wide escalators would have a peak capacity of over 16,000 persons per hour. There is also very little waiting with this technology, thus allowing crowds to disperse quickly following events. At the foot of the Dodger Stadium hill, pedestrians would have a choice of routes between the pedestrian overcrossing and the College Street Rail Transit Station. An elevated walkway above Bernard Street could provide a automated walkway connecting directly to the rail transit station. Conversely, pedestrians could be directed through Chinatown where numerous restaurants, shops and pedestrian ammenities are provided. A further option would be to take a DASH shuttle from this point directly to downtown.

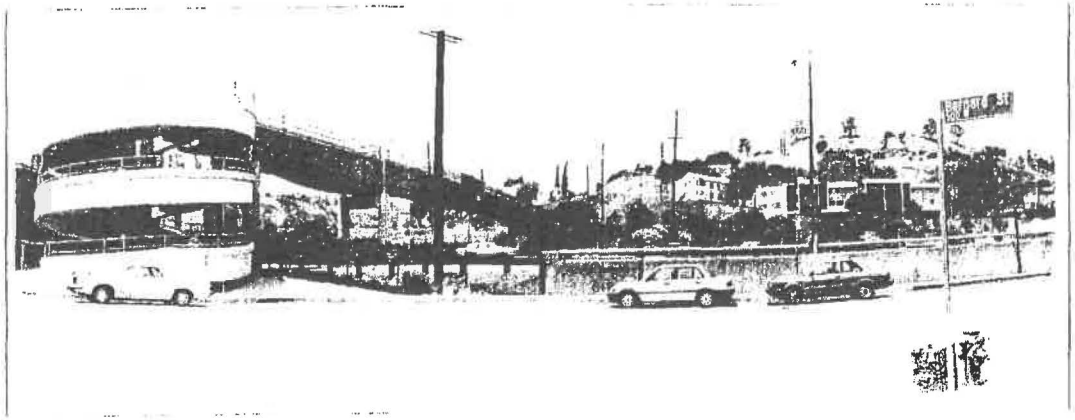
The total length from Dodger Stadium to the College Street Station would be 4,500 feet under this alternative, with an average walking time of 13 minutes. This is comparable to other alternatives such as LRT and AGT where waiting times during peak periods increase travel time. Also, passenger waiting following a game is



Perhaps the best views of downtown Los Angeles are to be had from Dodger Stadium. This view looks south from the edge of the blufftop parking lots, across the Pasadena Freeway and the existing pedestrian overcrossing, toward Chinatown and the Civic Center area. Alternative Route E would provide access up this hillside from the pedestrian overcrossing to allow pedestrian access from DASH shuttles and the Pasadena Line.

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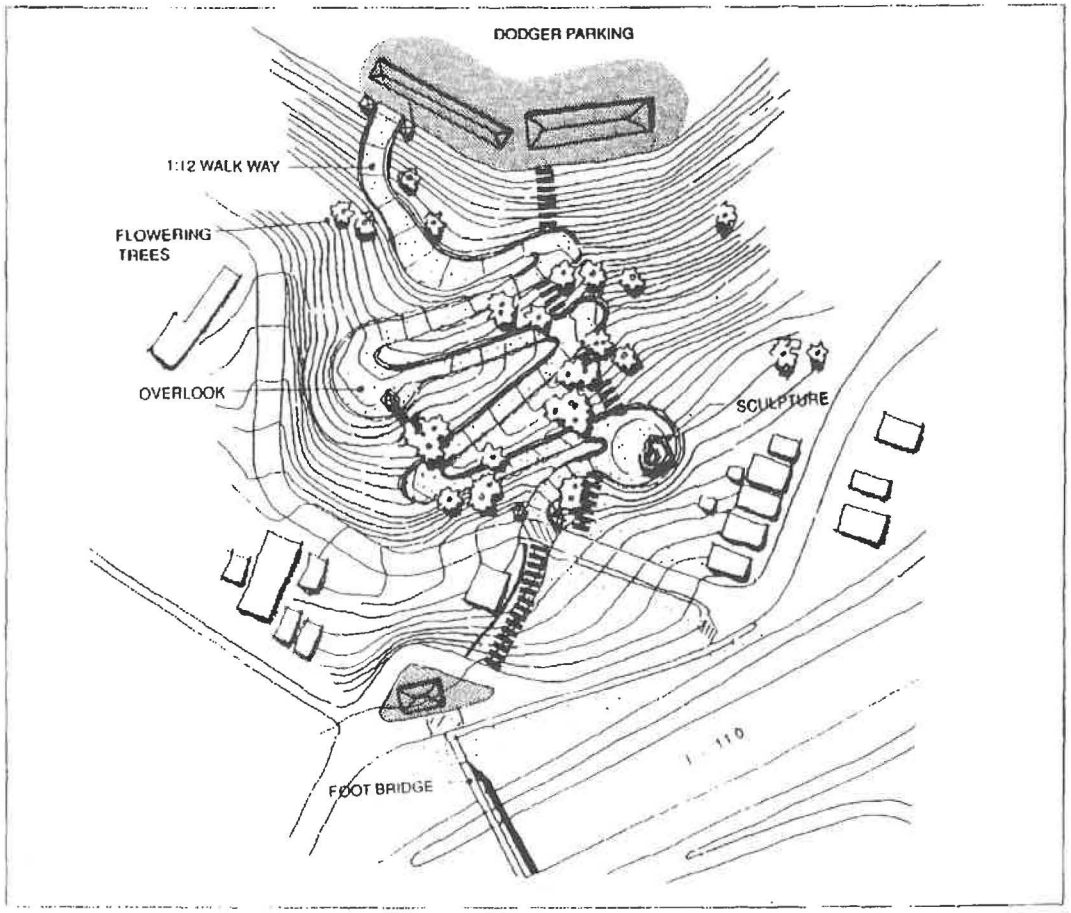
psychologically perceived as being three to four times longer than actual waiting time.



The existing Bernard Street pedestrian overcrossing of the Pasadena Freeway is seen in this view. The overcrossing could be improved to provide a better, more interesting walking environment that would connect to an escalator/parkway connection to Dodger Stadium on the opposite side of the Pasadena Freeway. The blufftop Dodger Stadium parking lots are seen at the upper right of the photo.

Supplemental AR 2492

Route E:
From the pedestrian overcrossing of the Pasadena Freeway, an escalator similar to Angel's Flight on Bunker Hill could provide pedestrian access to the Dodger Stadium bluff top parking lots. A park-like landscaping theme would provide a walkway up the hill. Such a walkway could be designed with rest areas at viewpoints and picnic areas that could be used prior to stadium events. The walkway shown has been designed to maintain handicapped-accessible slopes.



KEY

Escalators / Stairways

Supplemental AR 493

3.0 *DEVELOPMENT AND INITIAL SCREENING OF ALTERNATIVES*

The previous chapter described a selected group of technologies that can provide automated transit connection between Dodger Stadium and the planned Pasadena Rail Line. The alternatives presented were chosen to represent a range of possible solutions. This chapter broadens the discussion to discuss a family of transit technologies that would be possible to evaluate in future route refinement, environmental and engineering studies. The chapter also provides additional discussion of the key factors affecting the selection of a technology to serve Dodger Stadium.

3.1 TOPOGRAPHIC CONSTRAINTS & DOWNTOWN CONNECTION COMPATIBILITY

Perhaps the key factor in the selection of a technology to serve Dodger Stadium are the steep slopes surrounding the Dodger Stadium parking lots that would eliminate many types of transit technology from consideration at the outset. Any technology to be considered for further evaluation would need to be able to climb grades in excess of 8% over the shortest and most direct route to Dodger Stadium on Stadium Way East, or over 6% for the longer, more gradual grade along Stadium Way South.

A second important consideration in the selection of any technology for further evaluation is the ability of that technology to interface with other transit systems that are existing or are being planned for the downtown area. The ability to connect Dodger Stadium to downtown Los Angeles directly has been mentioned in several planning studies dating from the Downtown People Mover in the early 1980's through current planning for the Bunker Hill Transit Tunnel/Downtown Circulator transit system. Technologies currently being evaluated for Downtown range from simple sidewalk improvements and moving sidewalk facilities, through cable driven technologies, rubber-tired automated systems (as have been used in many airports), steel-wheeled systems and advanced technology such as monorail and mag-lev systems. The following table provides a summary of the key characteristics of these systems and their general suitability to the topographic requirements of the Dodger Stadium connection.

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* Capacities based on 3-minute headways for applicable technologies.

Table adapted from *Bunker Hill Transit Study; Phase 2*, LADOT, LACRA, Schimpeler-Corradino Associates/Delon Hampton & Associates, June 1990.

TABLE 2

KEY CHARACTERISTICS OF TRANSIT TECHNOLOGIES

(UNDER CONSIDERATION FOR DOWNTOWN LOS ANGELES DISTRIBUTOR SYSTEM)



LOS ANGELES COUNTY TRANSPORTATION COMMISSION

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GRUEN ASSOCIATES

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GANNETT FLEMING

Technology	Typical Capacity* (Passengers / Hour)	Maximum Speed (mph)	Maximum Grades
Moving Sidewalk / Escalator	3,000 - 10,000	2	15% (Sidewalk) 50% (Escalator)
Rubber-Tired	3,000 - 15,000	30 - 50	10%
Steel Wheel / Light Rail	20,000	50	6 - 8%
Monorail: Top-Riding Understung	7,000 - 50,000 3,000	20 - 70 20	12%
Magnetic Levitation	9,000	50	8%
Cable-Driven	100 - 20,000	15 - 20	50% +

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Moving Sidewalks/Escalators: Moving sidewalks are used at major airports to convey passengers between the terminal and boarding gates. They are also used at the Hollywood Bowl and at shopping centers such as the Beverly Connection in West Hollywood to convey passengers from parking areas to shopping and activity areas. Escalators are used outdoors in Downtown Los Angeles along the skybridges and plazas near Arco Plaza, the Bonaventure Hotel and the new First Interstate Tower. They are also used at many transit systems throughout the world including the future Metro Red Line stations in Downtown Los Angeles. Outside escalators are also used at Dodger Stadium to convey fans from different levels of the terraced parking facilities. Such systems operate continuously at about 2 miles per hour and because of their continuous operation, can carry large numbers of people. The actual capacity depends on the width of the walkway installed but ranges between 3,000 and 10,000 people per hour for each walkway provided. Moving sidewalks have limited applications for climbing grades with a maximum slope of about 15%. Escalators routinely handle 2:1 slopes exceeding 50%. Such a system has been identified as Route Alternative E in this study.

Rubber-Tired: Typical rubber-tired systems run on a dedicated right-of-way that is usually elevated in urban areas. Vehicles range in size from small minibus size to streetcar size and can usually be linked into trains of several cars to increase carrying capacity. The most common application to date has been at airports to serve remote terminal and boarding areas. Capacities range from 3,000 to 15,000 passengers per hour at speeds of between 30-50 mph. Such a technology could be used under the Automated Guideway Transit Alternative B in this report.

Steel Wheel Rail: Both the Metro Blue Line and Metro Red Line are steel wheel systems. The Metro Red Line is defined as a heavy-rail system utilizing large, heavy vehicles running on full weight rails. Heavy rail systems would not be appropriate to serve Dodger Stadium because of slope limitations associated with this technology. Light rail systems, such as the Metro Blue Line currently running between Downtown Los Angeles and Long Beach, have lighter vehicles and lighter weight tracks. They run at slower speeds, and are capable of negotiating tighter turns than heavy rail systems. The future Pasadena Rail Line will be such a light rail systems. Maximum climbing grades for light and heavy rail systems are about 6% for practical applications. This would preclude the use of this technology along Stadium Way East at Dodger Stadium and would necessitate the longer route along Stadium Way South described as the Route C alternative in this report.

Monorail: Southern Californians are familiar with monorail technology as one of the earliest applications was at Disneyland

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in the late 1950's. Since that time, monorail technology has progressed, and although only the Seattle World Fair and DisneyWorld monorail have been built in the United States, over 40 miles of urban route service is currently in operation in Japan. This technology requires approximately 1/3 of the structure of comparable LRT and rubber-tired elevated systems because of its relative light weight. Monorails can be configured as either top-riding or underslung. Top-riding monorails usually utilize a concrete or steel box beam, with a rubber-tired vehicle riding on top and guide wheels at the sides. Underslung monorail systems are similar in appearance to ski resort cable cars, with vehicles suspended below a single slender steel track. Vehicle size can range from small "personal" vehicles through heavy rail size cars. Train capacity ranges from 7,000 to 50,000 passengers per hour at speeds ranging from 20 to 70 mph. Medium capacity monorail systems can generally climb grades of 10-12% which would make them appropriate for use at Dodger Stadium along the shortest, most direct route along Stadium Way East. Such a system would be suitable as an Automated Guideway Transit (AGT) Alternative B in this report.

Magnetic Levitation: The "M-bahn" system in Germany is currently the only application of this technology although prototype systems have been demonstrated for several years. Mag-lev technology utilizes electromagnetic resistance to hold vehicles above the guideway, thereby providing smooth, frictionless travel. Mag-levs have high speed intercity application at speeds exceeding 300 mph, but have also been demonstrated to have lower speed downtown applications, such as the Japanese HSST urban maglev system. This system can handle grades of 8% which would be marginally acceptable for the route to Dodger Stadium.

Cable Driven: Two types of cable-driven systems exist for downtown urban applications. The first type can run on steel rails, rubber tires or other support mechanism and be pulled by cable. The second type is supported by an overhead cable and also driven by cable. These systems operate at relatively low speeds of 15-20 mph and have capacities that are generally limited to between 1,000 and 4,000 passengers per hour. Very few applications of this technology exist in the United States in urban areas, although the technology has been used extensively in ski resorts and amusement parks. Applications in downtown Los Angeles are generally being considered for the Bunker Hill Transit Tunnel over a distance of less than one mile. Because of the low speed, it would be difficult to achieve any effective linkage between Dodger Stadium and downtown Los Angeles using this technology. The Gondola Tram alternative D has been included in this study to provide a comparison with the other alternatives and because of its potential application

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In providing an attraction in its own right for the City North Development Area, Elysian Park and Dodger Stadium.

3.2 STADIUM EXITING, BOARDING & TRAVEL TIME

A unique feature of transit service at Dodger Stadium that would not occur to the same degree at other locations in the Downtown area, is the peak loading of any transit system that would occur following baseball games and other major events. Any technology used will develop queues with people waiting to board trains, buses or simply exit the parking lots in their cars. Table 3 presents a comparison of the technologies to determine waiting and travel times for the alternatives. In order to develop the analysis, the following assumptions were made:

• Average waiting times and travel times were developed based on the assumption that approximately 10% of an average crowd (40,000 attendees) would use transit to exit the stadium in the peak period following an event at the Stadium. This would mean that 4,000 persons would arrive and queue up at approximately the same time to board whatever mode of transit was provided. Waiting times were then calcuated based on the time that it would take each different transit mode to move 4,000 riders to the Pasadena Line Station at College and Spring Street.

• Typical transit technologies were selected to estimate system loading capacities. The following typical technologies were used:

Route A- Shuttle Bus: Standard RTD buses were assumed that can handle up to 60 persons per bus. Maximum headways of 30 seconds were assumed yielding a peak hour exiting capacity of 7,200 passengers per hour.

Route B- AGT Shuttle: A medium-capacity monorail technology was assumed. Such technologies could theoretically accommodate 90 second headways during peak periods configured in standard 6-car trains. Up to ten car trains would be possible, although such a configuration would require larger station platforms over 400 feet in length. 6-car train configurations would more closely match station platform lengths used on the Pasadena Rail Line and would accommodate up to 450 passengers per train. Boarding of 4,000 passengers would therefore require 10 trains, or 15 minutes.

Route C- LRT Spur: The light rail transit vehicle being planned for use on the Pasa-

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KEY

Existing and Boarding

Travel Time

* Travel time from Dodger Stadium to Pasadena Line at 4,000 passengers.

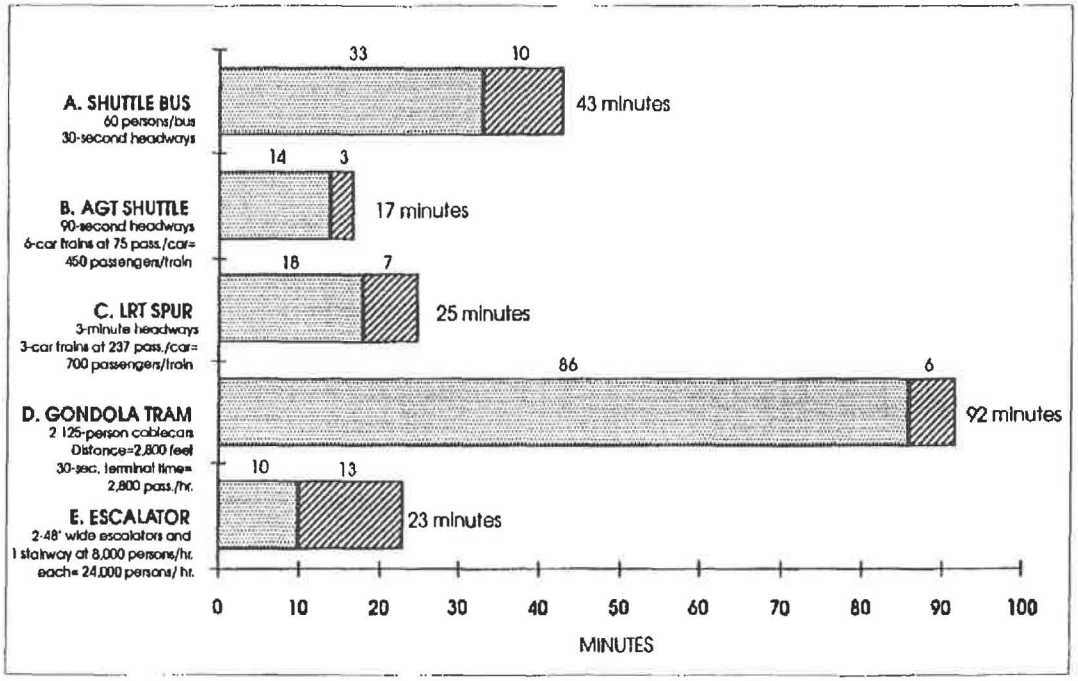


TABLE 3

BOARDING AND TRAVEL TIME BY ALTERNATIVE

DODGER STADIUM TRANSIT ACCESS STUDY

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

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GRUEN ASSOCIATES

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deno Rail Line was assumed. Such vehicles can accommodate up to 237 riders per car configured in three-car consists. At 3-minute headways, boarding of 4,000 passengers would require 6 trains, or 18 minutes.

Route D - Gondola Tram: The Roosevelt Island Aerial Tramway in New York City was used as a comparable model for the Dodger Stadium system. Roosevelt Island utilizes two cablecars that travel over a distance of 3,100 feet. The Dodger Stadium route would cover a distance of 2,800 feet under similar conditions. Capacity of the New York system is about 1,500 passengers/hour. By increasing the size of the cablecars and increasing speeds, a peak hour capacity of 2,800 persons per hour could be achieved. At this rate of boarding, it would take 86 minutes to board 4,000 passengers following an event at Dodger Stadium.

Route E - Escalator Walkway: Two 48" wide escalators would accommodate up to 8,000 passengers/hour each, or 16,000 passengers/hour total. A stairway would also be necessary that would accommodate a similar number of walkers going down the slope following an event at Dodger Stadium would increase the total capacity to 24,000 persons/hour. At this rate, 4,000 persons arriving at the top of the escalator/walkway could be accommodated in 10 minutes.

From this analysis, it can be seen that the waiting time and boarding time is more critical in the evaluation of a connector system to Dodger Stadium than the actual travel time required to cover the one mile to the College & Spring Station. The AGT shuttle is both the shortest transit route, and the one requiring the shortest wait. The Escalator/Walkway Alternative however, compares favorably with other alternatives in total travel time due to the short route length and the short waiting time involved.

3.3 ENVIRONMENTAL ISSUES

Each of the alternatives considered would have environmental impacts associated with the construction and operation of these systems. A summary of potential environmental impacts associated with each alternative includes the following:

Route A - Shuttle Bus: The provision of an increased number of shuttle buses serving Dodger Stadium would add to congestion in Downtown and Chinatown during PM peak hour periods when evening rush hour traffic overlaps with pre-game arrivals at the Stadium.

Route B - AGT Shuttle: The construction of an aerial guideway structure along either Bernard Street or Cottage Home Street would require the reconstruction and re-

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configuration of a two-story parking structure located on the east side of North Broadway. The guideway structure would also require the displacement of one lane of traffic (probably a parking lane) on Bernard Street with Option B1 or Cottage Home Street with Option 2. Visual and noise impacts would be greater with Option B2 than with Option B1 due to the proximity of Cathedral High School and more residential structures along Cottage Home Street than along Bernard Street. Construction of the aerial guideway above the Pasadena Freeway could require some temporary lane closures during the construction period to allow for the placement of guideway beams. Depending upon the technology selected, and the type of grades that are possible, the height of the aerial guideway could potentially reach 30 to 40 feet in height due to clearance and grade requirements associated with the freeway crossing creating visual impacts for adjacent land uses in Chinatown.

Route C - LRT Spur: Environmental impacts of this alternative would be similar to Route B with regard to potential impacts along Bernard Street and at the crossing of the Pasadena Freeway. Additionally, this alternative would require some grading at the edge of the bluffs along Stadium Way South to allow for flattening of the grades of the LRT aerial guideway structure as it enters the Dodger Stadium parking lots.

Route D - Gondola Tram: This alternative would require the displacement of at least one home along North Broadway to allow for the cablecar right-of-way between the Central City North Development Area and Radio Tower Hill. The visual impact of the cablecars and their support towers would need to be evaluated for possible impacts to Elysian Park and adjacent residential properties on North Broadway.

Route E - Escalator Walkway: This alternative would require the displacement of one home on Lookout Drive to allow for the escalator/walkway right-of-way connection between the Dodger Stadium parking lot #32 and the pedestrian bridge crossing of the Pasadena Freeway.

3.4 NEXT STEPS

This initial feasibility study has presented several possible connector options between Dodger Stadium and the planned Pasadena Line Rail Transit Station at College and Spring Streets. Basic data involving technology, slopes, costs, and environmental factors have been reviewed.

Before further technical work can be undertaken, a review of the ideas presented herein should be undertaken between the Dodgers and affected local agencies. This would include the Los Angeles City Coun-

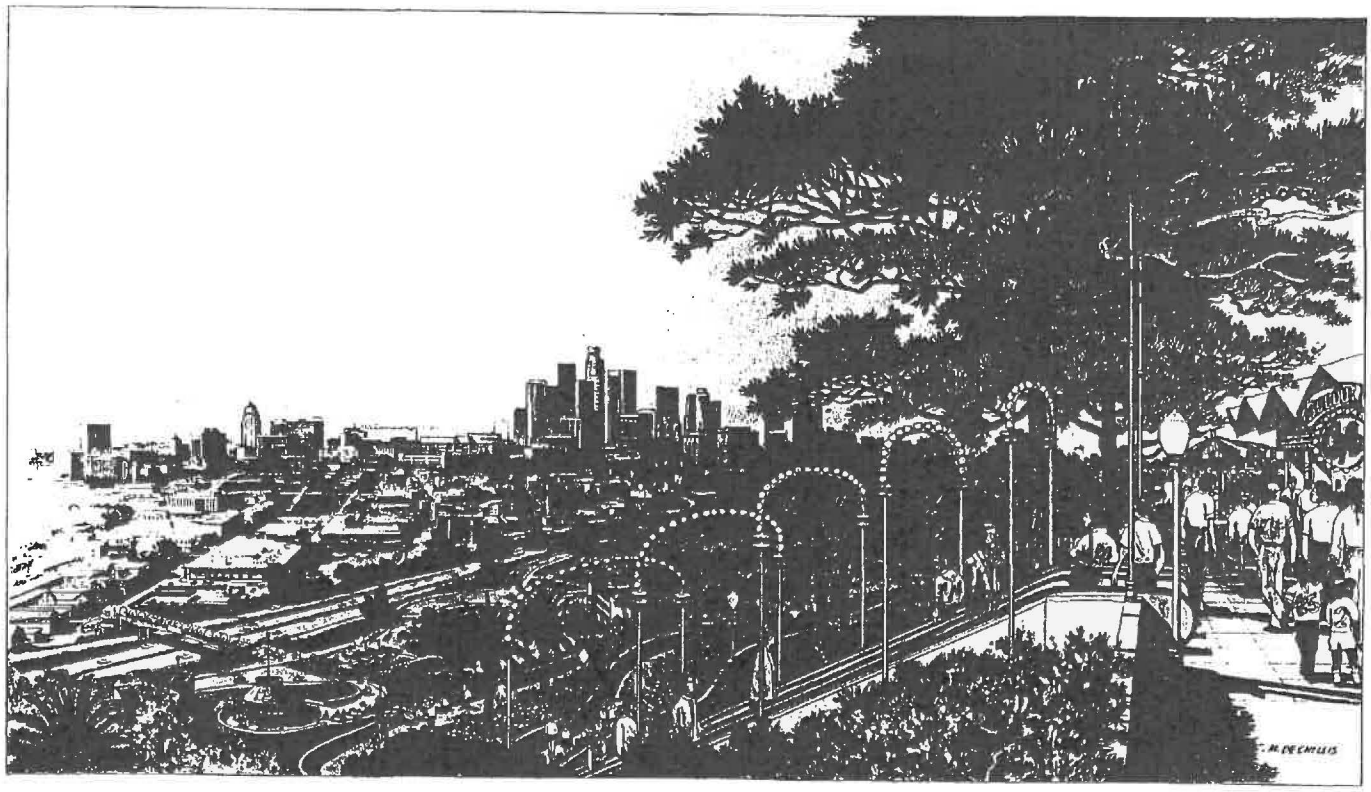
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cil, the Department of Transportation, the Los Angeles City Planning Department, the Los Angeles Community Redevelopment Agency, and Caltrans.

The provision of a transit connection would benefit the Dodgers by providing increased access to Dodger Stadium. Additionally, the connector could benefit others and other sources of funding may be available. Peripheral parking for Downtown Los Angeles is one potential benefit of the connector that could occur on weekdays when no events are scheduled at the Stadium.

Figures 9 and 10 on the following pages illustrate two of the potential connector concepts that have particular merit following initial screening. In the short term, the escalator walkway would permit pedestrian access to Dodger Stadium coupled with park enhancements in Elysian Park. In the longer term, the AGT Shuttle connector would provide high capacity direct transit that would link Dodger Stadium to Downtown Los Angeles and the entire 150 mile rail transit system under construction by the LACTC.. In tandem, these two alternatives could function together and provide an important urban link that would serve the Dodgers, the City, and the greater Los Angeles Region.

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DODGER STADIUM TRANSIT ACCESS STUDY

FIGURE 9

ALTERNATIVE F

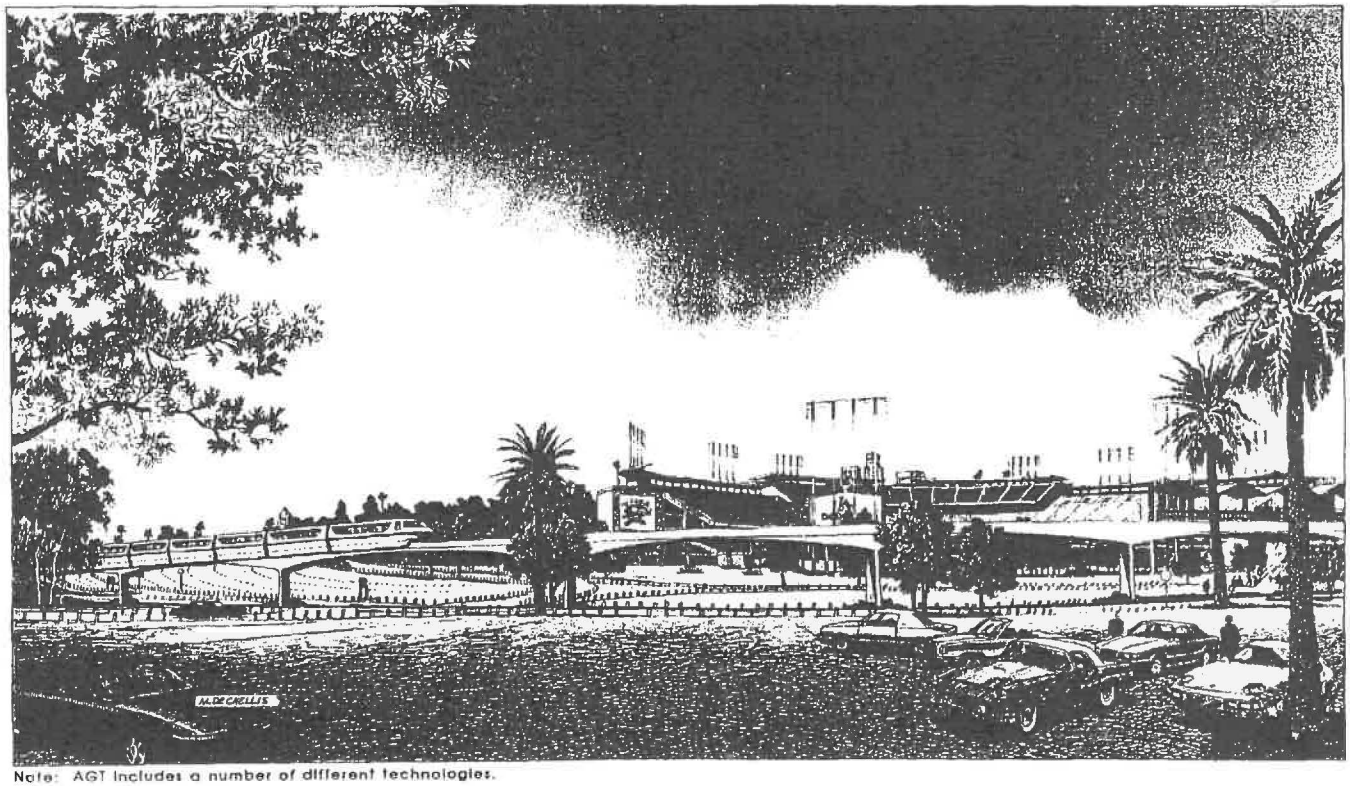
ESCALATOR / WALKWAY CONCEPT

LACTC

LOS ANGELES COUNTY TRANSPORTATION COMMISSION

CRUEN ASSOCIATES

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Note: AGT includes a number of different technologies. Monorail is shown for illustrative purposes as one such AGT technology.

DODGER STADIUM TRANSIT ACCESS STUDY

FIGURE 10

ALTERNATIVE B

AUTOMATED GUIDEWAY (AGT) SHUTTLE CONCEPT

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GRUEN ASSOCIATES

Supplemental AR 2504

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REFERENCES

A Plan For City North, Los Angeles Design Action Planning Team Report, Los Angeles City Planning Department, Urban Design Advisory Coalition, National Endowment for the Arts, December 1989

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Hollywood Bowl Connector Study Technical Memorandum, SCRTD, Parsons, Brinkerhoff Quade & Douglas, Inc., March 1988

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1. **Downtown Connector Proposal**

Tommy Hawkins met with Antonovich's staff recently regarding the Downtown Connector proposal. The proposal was originally prepared by Gruen Associates back in August, 1990. In the past, Mr. Hawkins has submitted the attached proposal to CRA, LADOT and MTA.

Mr. Hawkins, via Antonovich's office is requesting assistance from MTA to provide modeling/ridership numbers and to waive the service fee.

Per Jim de la Loza, providing modeling assistance at this time would not be feasible for the following reasons:

- current focus is on the Regional Transit Alternative Analysis modeling through October; and maybe through December.
- modeling is labor intensive and can take anywhere from two-four weeks to complete one scenario, depending on the number of variables involved.
- the lead modeler (Deng-Bang Lee) for the MTA left the organization via the last layoff. Planning has not replaced him with another individual. Keith Killough is now having to feel in while they go through a recruitment.

UCLA Mobility Lab

Study Finds Proposed Aerial Gondola to Dodger Stadium Will Do Little to Reduce Traffic and Emissions

October 24, 2022
University of California Los Angeles

Executive Summary

Los Angeles Aerial Rapid Transit (LA ART), a subsidiary of former Dodgers owner Frank McCourt's company McCourt Global, wants to build an aerial gondola to take people from Union Station to Dodger Stadium. Promoters of the gondola claim that it will take 3,000 polluting cars off neighborhood streets and the 110 freeway before and after Dodger games, leading to a net reduction in greenhouse gas emissions.

Transportation researchers from the University of California, Los Angeles (UCLA) examined these claims using a state-of-the-art transportation simulation model and found that the gondola could reduce traffic on major roads around Dodger Stadium on the night of a sold-out game, but the impact would likely be very limited. They found that the gondola likely would take only around 608 cars off the road. The gondola is thus unlikely to significantly reduce greenhouse gas emissions and traffic overall.

Methodology

The UCLA researchers — led by Dr. Brian Yueshuai He and Dr. Jiaqi Ma in the UCLA Mobility Lab at the UCLA Samueli School of Engineering — used the "LA Sim" model they created based on activity-based travel demand and agent-based simulation

models. The model is grounded in the theory of "discrete choice," for which Daniel F. McFadden won a Nobel Prize in economics in 2000. Based on real data about road network, traffic, public transportation, and other modes of moving around the city, including walking and bicycling, LA Sim simulates the individual choices that millions of travelers will make when something changes, such as adding another form of transportation, like a gondola to the Los Angeles transportation network.

The researchers caution that this simulation only models the probable use of the gondola for a sold-out night game and further research could reveal different scenarios for a day game or double-header, for example. But the research does model the most likely scenario for fans to choose the gondola — when traffic around the stadium is likely to be most heavy. Around 85% of baseball games played at Dodger Stadium are night games, starting at 7:10pm.

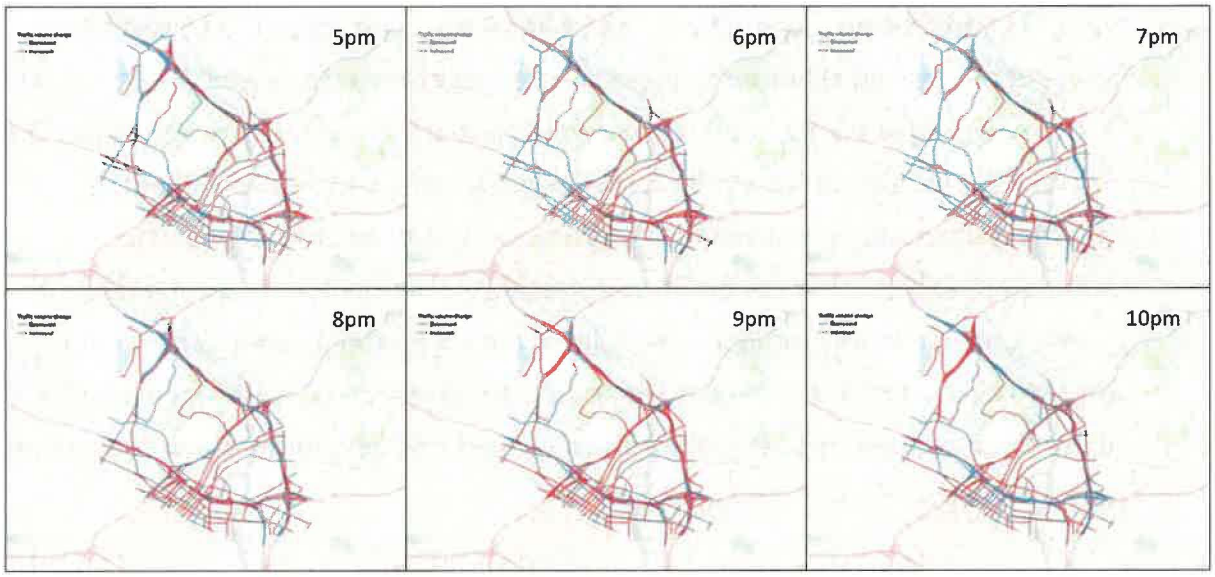


Figure 1: Traffic simulation results by the hour

Findings

- **Contrary to claims from LA ART, researchers found that the gondola would not significantly reduce traffic around Dodger Stadium.** Results showed the gondola would likely slightly reduce traffic on some roads around the stadium for a sold-out night game and increase traffic on others, leading to little

reduction in greenhouse gas emissions. The red lines in Figure 1 above indicate road segments that have a higher traffic volume after the proposed gondola is added to the traffic simulation. The blue lines indicate a decrease in traffic volume. According to the simulation, the total traffic volume would likely be reduced by around 0.9% (less than 1%) on the roads surrounding the stadium if the proposed gondola is built.

- **It's unlikely the gondola would contribute to a significant net decrease in greenhouse gas emissions.** Approximately 608 cars would be taken off the road, not nearly close to the 3,000 LA ART claims. Most of the people who choose the gondola in the simulation — 4,470 —board the gondola at Union Station, with another 220 passengers boarding at a station proposed to be located at Los Angeles State Historic Park near Chinatown. With only 4,690 people taking the gondola in total and of those 2,500 estimated to be regular users of the Dodger Stadium Express clean energy buses there would only be 2,190 new people taking public transportation to the game using the gondola. The average car parking at the stadium carries 3.6 people, which means that the approximate number of cars taken off the road would be around 608. The simulation only models the number of passengers connecting to the gondola via public transportation, on foot or by bike. It does not model people who would drive to Union Station or Chinatown to take the gondola. However, people who drive to those stations to take the gondola would not contribute to a net reduction in traffic or greenhouse gas emissions.

- **The gondola would carry fewer passengers than LA ART has claimed.** LA ART originally claimed that the gondola could carry up to 5,000 passengers per hour on game days. Researchers found that the gondola is likely to carry fewer than a total of 5,000 passengers to Dodger Stadium — 4,690 according to the simulation — even when the service is provided free with a game ticket for a sold-out night game like the playoffs. In a recent parking study, LA ART revised their claim, estimating that 6,000 would ride the gondola to games by 2026, with

4,350 arriving to the gondola via public transportation. The project's Draft Environmental Impact Report contains the same estimate, which corroborates the UCLA estimate of ridership if the gondola were in operation today.

- **Fewer people would take the gondola after the game – resulting in more traffic and emissions.** In the simulation, some fans — around 2,500 — seem to switch from the free Dodger Stadium Express buses to the gondola on the way from Union Station to a sold-out game, reducing the use of that service by close to half of the passengers it has carried to playoff games in the past. But about half of those passengers — more than 1,000 — seem to switch back to the Dodger Stadium Express on the way home, perhaps to avoid having to wait for a gondola car. Only 1,380 fans take the gondola on the way home in the simulation. This suggests that fans are unlikely to wait in line for the gondola after the game, instead taking the Dodger Stadium Express or perhaps opting for a ride-share, which would increase traffic and greenhouse gas emissions after the game.

- **Few people would use the gondola as a form of transportation other than to get to or from games.** The simulated use of the gondola during the daytime before the game suggests that very few people would use it as a form of transportation outside of getting to and from games: in the simulation, only 60 people — around one gondola carload — traveled to Dodger Stadium during the day, and only 140 passengers traveled from the stadium to Chinatown or Union Station during the day.

- **The model produced very similar results at different costs for a gondola trip.** LA ART previously announced that a gondola trip would cost $15. Later, they announced that game ticket holders could ride the gondola for free. They have also said that local rides could be purchased for a standard Metro fare. The researchers modeled two scenarios: 1) $10 for residents and free for game ticket holders, and 2) free to the public, and found very little difference in the results, indicating that residents are more likely sensitive to travel time rather

than cost. One key factor is that the service area of the gondola is limited and may not attract residents to choose it for daily travel.

About the Researchers

Dr. He is an Assistant Research Scientist at the UCLA Mobility Lab. He has extensive experience in big data analytics, transportation system analysis, and transportation policy evaluations. In the scope of cyber-physical systems, his research enables interactions between the physical infrastructure and virtual cyber systems by adopting data-driven techniques to support long-term urban system planning, management, and decision-making.

Dr. Ma is an Associate Professor in the UCLA Samueli School of Engineering and Associate Director of UCLA Institute of Transportation Studies. He has led and managed many research projects funded by U.S. DOT, NSF, state DOTs, and other federal/state/local programs covering areas of smart transportation systems, such as vehicle-highway automation, Intelligent Transportation Systems (ITS), connected vehicles, shared mobility, and large-scale smart system modeling and simulation, and artificial intelligence and advanced computing applications in transportation. He is an Associate Editor of the IEEE Transactions on Intelligent Vehicles and IEEE Open Journal of Intelligent Transportation Systems and Journal of Intelligent Transportation Systems. He is Member of the Transportation Research Board (TRB) Standing Committee on Vehicle-Highway Automation, Member of TRB Standing Committee on Artificial Intelligence and Advanced Computing Applications, Member of American Society of Civil Engineers (ASCE) Connected & Autonomous Vehicles Impacts Committee, Co-Chair of the IEEE ITS Society Technical Committee on Smart Mobility and Transportation 5.0.

ENCLOSURE 6

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January 17, 2023

Mr. Doug Carstens
Chatten-Brown, Carstens & Minteer, LLP
2200 Pacific Coast Highway, Ste. 318
Hermosa Beach, CA 90254

SUBJECT: Review of Draft EIR for the Los Angeles Aerial Rapid Transit Project

Dear Mr. Carstens:

Environmental Audit, Inc. (EAI) has reviewed portions of the October 2022 Draft Environmental Impact Report (Draft EIR) for the Los Angeles Aerial Rapid Transit (LA ART) Project in the City of Los Angeles prepared by AECOM for the Los Angeles County Metropolitan Transportation Authority (Metro).

Sections of the Draft EIR that we have reviewed include:

- Executive Summary
- Chapter 2 – Project Description
- Chapter 3.3 – Air Quality
- Chapter 3.6 – Energy
- Chapter 3.8 – Greenhouse Gas Emissions
- Chapter 3.11 – Land use and Planning
- Chapter 3.17 – Transportation
- Appendix A – Scoping Report
- Appendix B – Construction Assumptions
- Appendix D – Air Quality and Health Risk Assessment Technical Report
- Appendix H – Energy Technical Report
- Appendix J – GHG Technical Report
- Appendix N – Transportation

GO17-186

The following are our comments.

1. GENERAL COMMENT

The Draft EIR indicates that the tramway will move 5,000 people per hour, with 30-40 people per gondola. If that is correct, a total of approximately 143 gondolas per hour would be needed (35 people

GO17-187

x 143 gondolas = 5,005 people). To transport that many gondolas, a gondola would need to arrive, load and leave every 20 to 30 seconds. Each time a gondola arrived at Dodger Stadium, it would also have to empty every 20 to 30 seconds. This timing does not allow for the additional time required for children, the elderly or handicap people and would be difficult, if not impossible to achieve. These assumptions are overly aggressive and lead to an overestimate of the number of people that would use the LA ART as an alternative to driving vehicles or using other forms of transportation.

cont'd GO17-187

2. AIR QUALITY

- The air quality and GHG emission benefits of the project have been overstated. The mobile emissions take credit for non-Project (regulatory) related emissions reductions for future years. This misrepresents the actual impacts of the proposed Project. The actual analysis should only receive reductions for changes created by the proposed Project. For example, the proposed Project claims a reduction in vehicle miles travelled, therefore, emissions reductions were directly attributed to the proposed Project. This would be a correct application of reductions from the proposed Project. However, the proposed Project also compares 2019 mobile emission factors to 2026/2042 emissions factors. The latter emission factors get the benefit of regulatory/technology changes not related to the proposed Project. This mistakenly credits the proposed Project with emissions reductions that are not created by the proposed Project. Instead, the analysis should have used the same basis (emissions factors) to show the real impacts from the proposed Project, without influence from external sources (e.g., unrelated regulations).

GO17-188

- The haul trips to move soil during construction activities were based on 20 miles per trip. If any hazardous soil is encountered during the excavation, the mileage could be grossly inadequate since contaminated soil needs to be hauled to a hazardous waste facility, the closest of which is Clean Harbors in Buttonwillow, California approximately 140 miles from Union Station. Further, it is likely that the project construction team would know the distances to the landfills that will be used for clean soil. The likely landfills for clean soil in the area are the Azusa (21.7 miles from Union Station), Chiquita Canyon (40 miles from Union Station), and Simi Valley Landfills (42 miles from Union Station). The air quality impacts associated with these construction activities must be revised and updated with accurate assumptions.

GO17-189

- Emissions for the gondola operations are shown as a negative number (Table 4-8 of Appendix J), which is disingenuous. It would be understandable to calculate the potential emissions from the electricity use then apply GHG credits for a mitigation measure, but showing the value as a negative number implies the proposed Project is generating the GHG credits, which is false.

GO17-190

- Emissions for the backup battery system are shown as a negative number (Table 4-10 of Appendix J). The same logic applies. The proposed Project is not generating GHG credits for using backup batteries. Using battery power instead of diesel should be a mitigation measure.

- The DEIR relies on the 2016 AQMP, which is outdated. The 2022 AQMP has been drafted and is scheduled to be approved by the SCAQMD Governing Board on December 2, 2022. (Appendix D). GO17-191

3. ENERGY

- Appendix H Energy Technical Report (page 22). The Draft EIR indicates that electricity will be supplied using the LADWP's Green Power Program, indicating that the primary electricity for the project would come from renewable energy sources. As this is one of the primary ways the project is minimizing increases in GHG emissions, an enforceable mitigation measure must be provided to ensure this project assumption is enforced. GO17-192
- Section 3.0 of the Draft EIR indicates that the environmental setting is the physical conditions in the vicinity of the proposed project at the time of publication of the Notice of Preparation (NOP), which was October 1, 2020. However, data used to calculate baseline conditions varies. For example, 2019 was considered to be the baseline conditions for the energy analysis (see page 3.6-13). The Draft EIR must explain the appropriate environmental setting and why the impact analysis for different resources used different years. Further data regarding the existing fuel consumption was based on 2016 data, which is at least 8 years old (see page 3.6-13) and not consistent with the release of the NOP. GO17-193
- Page 3.6-15: The DEIR indicates that construction would result in a demand of approximately 864,544 kWh of electricity. Please provide the assumptions used to calculate the electricity use during construction. GO17-194
- DEIR page 3.6-15 and Appendix H: The DEIR states that the Project's construction electricity use represents a small percentage of regional estimates for the LADWP. It further states that: "The CEC estimates that energy demand in the LADWP planning area will increase to approximately 27,000 to 28,000 GWh in the 2024 to 2026 timeframe, meaning the proposed "project's demand contribution in that period would be approximately 0.002 percent of the projected demand." (see DEIR page 3.6-15). According to the footnote, the peak demand for LADWP is based on a CEC reference from 2016 and used data from 2015. With the move toward renewables and the problems that the electricity grid had maintaining electricity during peak demand periods in 2022, more recent data should be used. Further, for the same reason, the DEIR should explain whether the LADWP has excess RENEWABLE electricity available for the proposed project. Per the DEIR assumptions, it is assumed that all electricity use associated with the operation on the project will be renewable. A mitigation measure should be developed to enforce this assumption. GO17-195

  Further, the DEIR indicates that the peak demand in the LADWP planning area is expected to reach 6,400 to 6,500 MW in the 2024 to 2026 timeframe. Please note that the LADWP reports that the record peak demand was 6,502 MW on August 31, 2017.[1] Therefore this peak demand has already been reached and the data provided in the DEIR is not valid, likely because the GO17-196

FN GO17-194 [1] LADWP Facts and Figures. https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-power/a-p-factandfigures?_adf.ctrl-state=10n9mool8q_4&_afrLoop=494270252036354

information used for the baseline is outdated. The potential energy impacts are significant as LADWP does not currently have the excess electrical supply capacity to provide electricity to the proposed project.

cont'd GO17-196

Further evidence of the use of an inappropriate baseline is the Proclamation of a State of Emergency signed by Governor Gavin Newsom on August 31, 2022. The Proclamation declared that immediate action was required to reduce the strain on the energy infrastructure and increase energy capacity during the Extreme Heat Event (late August through early September, 2022). The California Independent System Operator (CASIO) forecasted high electric demand due to the extreme heat event with peak load projected to exceed 48,000 MW and which would exceed the available electricity.[2] Further, this event was classified as an "emergency event" which allowed existing portable generators (including diesel generators) to operate under emergency conditions, regardless of any permit conditions.

GO17-197

- Page 3.6-16. The DEIR indicates that the proposed project would result in electricity demand of approximately 6.9 GWh/year and dismisses the impact because the electricity increase would be 0.002 percent of the projected statewide demand in 2026. However, currently the electricity demand is not sufficient to meet current demands during peak electricity use periods (e.g., hot summer months). The DEIR should compare the proposed project's electricity use with the current electricity generation by LADWP, since LADWP will supply electricity to the project beginning in 2026 first. There is currently not sufficient electricity to power the grid during high or extreme heat periods. The impacts on the electricity system should not only be compared to the projected electricity production in 2042 (which may or may not actually occur).

GO17-198

- Assumption regarding the use of transit service. The DEIR assumes that ridership for transit will increase (need page no.). Since 1990, the SCAG region added over 100 miles of light and heavy rail in Los Angeles County and over 530 miles of commuter rail region-wide. These investments have not been matched by increases in transit ridership. Transit ridership in the southern California area reached its peak in 1985 and has been mostly declining since 2007, and has fallen consistently since 2013.[3]

  Further, about two percent of the population rides transit very frequently (averaging 45 trips/month), another 20 percent of the population rides transit occasionally (averaging 12 trips/month), and more than three-quarters of SCAG-region residents ride transit very little or not at all (less than 1 trip/month).

GO17-199

A defining attribute of regular transit riders is their relative lack of private vehicle access. Between 200 and 2015, households in the SCAG region, and especially lower-income households, dramatically increased their levels of vehicle ownership. Census data show that

GO17-200

FN GO17-195 [2] https://www.gov.ca.gov/wp-content/uploads/2022/08/8.31.22-Heat-Proclamation.pdf?emrc=78e3fc

FN GO17-197 [3] UCLA Institute of Transportation Studies, prepared for the Southern California Association of Governments, January 2018. Available at: https://scag.ca.gov/sites/main/files/file-attachments/its_scag_transit_ridership.pdf.

from 1990 to 2000, the region added 1.8 million people but only 456,00 vehicles (or 0.25 vehicles per new resident). From 2000 to 2015, the SCAG region added 2.3 million people and 2.1 million vehicles (or 0.95 vehicles per new resident). The results strongly indicated that increasing private vehicle access helped depress transit ridership. Further car ownership gas grown fastest among the most frequent transit riders.

From 2012 to 2016 the SCAG lost 72 million annual rides on public transportation. In addition, while fares on LA Metro's trains and bus have decreased, ridership has also decreased.[4]

cont'd GO17-200

The Green Power for Green LA program gives LADWP customers the opportunity to replace electricity from polluting power plants with energy generated from renewable resources like sun, wind and water. For a slightly higher price than power generated from conventional sources such as coal and oil, the program allows residential customers to choose 100 percent renewable energy with 20 percent coming from new sources. The Green Power for a Green LA Program has been offered since May 1999.

GO17-201

Please call Debbie Bright Stevens at 714/632-8521, extension 241, if you have any questions or need additional information.

Respectfully submitted,

ENVIRONMENTAL AUDIT, INC.

Debbie Bright Stevens

Debbie Bright Stevens
President

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FN GO17-200 [4]California Transit Association, Ridership Study Revisited, Stephanie Jordan. Available at: https://caltransit.org/news-publications/publications/transit-california/transit-california-archives/2019-editions/may/ridership-study-revisited/

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DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CHAVEZ RAVINE

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Exhibit

Exhibit A – Legal Description of Landco Parcels

Exhibit A-1 – Legal Description of Parcel 2

Exhibit A-2 – Legal Description of Parcel 3

Exhibit A-3 – Legal Description of Outlying Parcels

Exhibit A-4 – Depiction of Loge Terrace Bar

Exhibit B – Legal Description of Stadium Parcel (Parcel 1)

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Exhibit H –Location of Flag

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DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CHAVEZ RAVINE

THIS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CHAVEZ RAVINE ("**Declaration**") is made this 30th day of April, 2012 ("**Effective Date**"), by and among BLUE LANDCO LLC, a Delaware limited liability company ("**Landco**") and LA REAL ESTATE LLC, a Delaware limited liability company ("**Stadium Owner**"). Landco and Stadium Owner may be referred to herein individually as a "**Party**" and collectively as the "**Parties**".

RECITALS:

A. As of the date hereof, Landco owns that certain real property located in the City of Los Angeles, County of Los Angeles, as more particularly described in **Exhibit A** attached hereto (collectively, the "**Landco Parcels**"). The Landco Parcels consists of (i) two (2) parcels, which parcels are referred to herein individually as "**Parcel 2**" (as more particularly described in **Exhibit A-1** attached hereto) and "**Parcel 3**" (as more particularly described in **Exhibit A-2** attached hereto), plus (ii) certain additional parcels (as more particularly described in **Exhibit A-3** attached hereto) ("**Outlying Parcels**") which are within the vicinity of Parcel 2 and Parcel 3. As of the date hereof, Parcel 2, Parcel 3 and certain of the Outlying Parcels are primarily used for surface parking lots and related improvements to support the Stadium. Parcel 2 also contains a portion of that certain loge terrace bar, which is an integral part of the "Stadium," as that term is defined in Recital B, below, and depicted on **Exhibit A-4** attached hereto (the "**Loge Terrace Bar**"); provided that, notwithstanding the location of a portion of the Loge Terrace Bar onto Parcel 2, for so long as the Loge Terrace Bar remains in existence, the same shall be treated hereunder as part of the Stadium and as if it were entirely situated on the "Stadium Parcel," as that term is defined in Recital B, below, including, without limitation, that all revenues generated from the Loge Terrace Bar belong solely to the Stadium Owner and/or the "Team," as defined in **Article I**, below, as applicable (and in no event shall Landco have any right, title or interest in such revenues notwithstanding that a portion of the Loge Terrace Bar is actually located on Parcel 2). Any terms used in these Recitals A, B, C and D but not otherwise defined in these Recitals A, B, C and D, shall have the meanings as set forth in this Declaration.

B. As of the date hereof, LA Real Estate LLC, a Delaware limited liability company, owns that certain real property located in the City of Los Angeles, County of Los Angeles, as more particularly described in **Exhibit B** attached hereto (the "**Stadium Parcel**"). The Stadium Parcel consists of one (1) parcel referred to herein as "**Parcel 1**," on which presently exists certain improvements consisting primarily of the baseball stadium commonly known as "Dodger Stadium" (the "**Stadium**"). The term "**Project**" shall refer collectively to the Landco Parcels and the Stadium Parcel. A site plan of the entire Project (i.e., the Landco Parcels and the Stadium Parcel) is attached hereto as **Exhibit C** ("**Site Plan**").

C. The Parties acknowledge that the Landco Parcels and the Stadium Parcel are separately owned, and accordingly, the Parties desire to (i) provide the Stadium Parcel with certain rights to park vehicles on the Landco Parcels, (ii) facilitate the orderly development of the

Landco Parcels, and (iii) agree to other terms and conditions regarding the Parties' rights and obligations with respect to the Parcels.

D. The Parties further acknowledge that Stadium Owner shall initially be responsible to operate and maintain the entire Project, as more particularly set forth herein, and that responsibility to operate and maintain the portion of the Project consisting of the Landco Parcels (subject to Stadium Owner's rights set forth herein) shall be partially transferred to Landco upon the completion of construction of the first "Parking Structure" containing any of the "Required Parking Spaces," as each of those terms is defined in Article I, below, and entirely transferred to Landco once all or substantially all of the Required Parking Spaces are located in Parking Structures, all as more particularly set forth herein.

ARTICLE I

DEFINITIONS

The terms defined in this Article I shall, for all purposes of this Declaration, have the meanings herein specified (and any capitalized terms set forth in the following definitions shall have the meaning set forth in this Declaration).

1.1 "2012 Charge" shall have the meaning set forth in Section 5.4.1, below.

1.2 "AAA" shall have the meaning set forth in Section 13.2.2, below.

1.3 "Added Owner" shall have the meaning set forth in Section 11.1, below.

1.4 "Additional Parking Spaces" shall have the meaning set forth in Section 5.1.1, below.

1.5 "Annexation" shall have the meaning set forth in Section 11.1, below.

1.6 "Anniversary Date" shall have the meaning set forth in Section 5.2.4.1, below.

1.7 "Arbitrator" shall have the meaning set forth in Section 13.2.2, below.

1.8 "Base Index" shall have the meaning set forth in Section 5.2.4.1, below.

1.9 "Base Month" shall have the meaning set forth in Section 5.2.4.1, below.

1.10 "Building" shall mean and refer to any structure constructed on any Parcel which structure is or may be occupied, including, as of the date hereof, the Stadium.

1.11 "Bus/Shuttle/Taxi Zone" shall have the meaning set forth in Section 2.4.3, below.

1.12 "City" shall mean and refer to the City of Los Angeles, located in the State of California.

1.13 "Clean-Up" shall have the meaning set forth in Section 2.6.3, below.

1.14 "Common Easements" shall have the meaning set forth in Section 6.4, below.

1.15 "Condemnation" shall have the meaning set forth in Section 7.2, below.

1.16 "Construction Staging" shall have the meaning set forth in Section 3.4.1, below.

1.17 "CUP" shall mean and refer to that certain Conditional Use Permit issued by the City Re: Z.A. Case No. 15430, Dodger Baseball Stadium Site – Chavez Ravine Area dated August 4, 1960, together with all subsequent plan approvals issued by the City.

1.18 "Damaged Area" shall have the meaning set forth in Section 7.1.1, below.

1.19 "Declaration" shall mean and refer to this Declaration of Covenants, Conditions, Restrictions and Easements and Grant of Parking License for the Project as it may from time to time be amended, modified or supplemented. Such amendments, modifications and supplements are hereby incorporated herein and made a part hereof.

1.20 "Development" shall have the meaning set forth in Section 4.1, below.

1.21 Development Principles" shall have the meaning set forth in Section 2.1.1, below.

1.22 "Development Standards" shall have the meaning set forth in Section 4.1, below.

1.23 "Effective Date" shall have the meaning set forth in the introductory paragraph.

1.24 "Entitlements" shall mean and refer to all governmental, special district and public utility approvals, decisions, resolutions, ordinances, permits, agreements, conditions, requirements, exactions, entitlements, reports, maps, plans and orders, at any time adopted, amended or supplemented, governing, affecting or relating to the organization, zoning, use, development, improvement, operation or ownership of the Project, or any portion thereof. Each Owner and Occupant shall comply with and conform to the Entitlements.

1.25 "Existing Covenants" shall mean and refer to any covenants or restrictions of record or otherwise affecting the Project, as all of such documents may be amended, modified or supplemented from time to time.

1.26 "Existing Easements" shall mean and refer to all of various easements affecting the Project as set forth in the Existing Covenants or otherwise, as the same may be amended, modified or supplemented from time to time.

1.27 "Fiscal Year" shall mean and refer to the calendar year; provided, however, that the Fiscal Year is subject to change from time to time as Landco or Stadium Owner, as applicable, may determine.

1.28 "Flag" shall have the meaning set forth in Section 4.6, below.

1.29 "Flag Easement" shall have the meaning set forth in Section 6.3, below.

1.30 "Game Dates" or "Game Date Schedule" shall mean and refer to the dates of all Home Games.

1.31 "Governmental Requirements" shall mean and refer to all local, state and federal governmental, special district and public utility approvals, agreements, conditions, demands, entitlements, exactions, maps, laws, statutes, rules and regulations, building codes, ordinances (zoning or otherwise), permits, plans, orders and resolutions, which are, or will be, adopted, amended, modified or supplemented, and which govern, affect or relate to the organization, zoning, use, development, improvement, operation or ownership of the Project, or any portion thereof, including, without limitation, the Entitlements.

1.32 "Hazardous Materials" shall mean and refer to any hazardous or toxic substances, materials or wastes which are or become regulated by or subject to any local, state or federal governmental authority, including, without limitation, any materials or substances which are (a) defined as "hazardous wastes," "extremely hazardous wastes," "restricted hazardous wastes," "hazardous substances," "hazardous materials," "atomic materials" or "atomic substances" under any Laws, (b) petroleum and any petroleum by-products, (c) asbestos, (d) urea formaldehyde foam insulation, or (e) polychlorinated byphenals.

1.33 "Home Games" shall mean and refer to all exhibition, pre-season, charity, rescheduled, and/or regular season home games for the Team at the Stadium, including any MLB All-Star Game, and any play-off and World Series games.

1.34 "Improvements" shall mean and refer to all buildings, outbuildings, parking or loading areas, driveways, roadways or walkways, display or storage areas, arcades, stairs, escalators, decks, utility facilities, fences, walls, screening walls, retaining walls, barriers, poles, signs, canopies, supports, loading docks, truck ramps and other outward extensions of a building, and all other structures, installations, systems and landscaping of any kind (whether above or below the ground), including the Stadium, and any replacements, additions, repairs or alterations thereto of any kind whatsoever.

1.35 "Increase Month" shall have the meaning set forth in Section 5.2.4.1, below.

1.36 "Independent Owner Scenario" shall have the meaning set forth in Section 5.5, below.

1.37 "JAMS" shall have the meaning set forth in Section 13.2.2, below.

1.38 "JAMS Notice" shall have the meaning set forth in Section 13.2.2, below.

1.39 "Landco" shall have the meaning set forth in the introductory paragraph.

1.40 "Landco Controlled Parking Areas" shall have the meaning set forth in Section 5.3, below.

1.41 "Landco Full Takeover Date" shall have the meaning set forth in Section 5.4, below.

Supplemental AR 3006

1.42 "Landco Parcels" shall have the meaning set forth in Recital A, above.

1.43 "Landco Parking Area Sole Control Period" shall have the meaning set forth in Section 5.4, below.

1.44 "Loge Terrace Bar" shall have the meaning set forth in Recital A, above.

1.45 "Mail" shall have the meaning set forth in Section 14.4, below.

1.46 "Mass Transportation" shall have the meaning set forth in Section 5.1.2, below.

1.47 "Master Non-Major League Baseball Event Calendar" shall have the meaning set forth in Section 2.2.3, below.

1.48 "Media Connections" shall have the meaning set forth in Section 2.4.2, below.

1.49 "Media Connection Site" shall have the meaning set forth in Section 2.4.2, below.

1.50 "MLB" shall mean and refer to Major League Baseball.

1.51 "Mortgage" shall mean and refer to a fee or leasehold deed of trust or mortgage Recorded against any Parcel or Parcels.

1.52 "Mortgagee" shall mean and refer to a beneficiary or mortgagee under a Mortgage Recorded against any Parcel or Parcels.

1.53 "Non-Major League Baseball Events" shall have the meaning set forth in Section 2.2.2, below.

1.54 "Non-Major League Baseball Event Dates" shall have the meaning set forth in Section 2.2.2, below.

1.55 "Non-Major League Baseball Event Standard" shall have the meaning set forth in Section 2.2.2, below.

1.56 "Non-Parking Stadium Operational Uses" shall have the meaning set forth in Section 2.4, below.

1.57 "Non-Revenue Election Parking Areas" shall have the meaning set forth in Section 5.3.2, below.

1.58 "Notice" shall have the meaning set forth in Section 14.4, below.

1.59 "Objectionable" shall mean and refer to any company that is primarily identified with (i) the sale of tobacco products, (ii) the conduct of gaming operations, and/or (iii) adult entertainment with a sexual content.

1.60 "Occupant" shall mean and refer to any Person or Persons entitled, by leasehold interest, to the exclusive right to occupy all of any Parcel.

1.61 "Ongoing Representatives" shall have the meaning set forth in Section 2.1, below.

1.62 "Outlying Parcels" shall have the meaning set forth in Recital A, above.

1.63 "Owner" shall mean and refer to the Person or Persons holding record fee title to a Parcel (including, as applicable, Landco and Stadium Owner, but excluding any Mortgagee or Person holding such interest merely as security for the performance of an obligation) .

1.64 "Parcel" shall mean and refer to each parcel as designated herein. As of the date hereof, the Project shall consist of Parcels 1 through 3, and separately subdivided parcels that makes up the Outlying Parcels, as depicted on the Site Plan.

1.65 "Parcel 1" shall have the meaning set forth in Recital B, above.

1.66 "Parcel 2" shall have the meaning set forth in Recital A, above.

1.67 "Parcel 3" shall have the meaning set forth in Recital A, above.

1.68 "Parcel Designation" shall have the meaning set forth in Section 11.1, below.

1.69 "Parking Anniversary Date" shall have the meaning set forth in Section 5.4.1, below.

1.70 "Parking Areas" shall have the meaning set forth in Section 5.1.1, below.

1.71 "Parking Area Shared Control Period" shall have the meaning set forth in Section 5.3, below.

1.72 "Parking Base Month" shall have the meaning set forth in Section 5.4.1, below.

1.73 "Parking Base Index" shall have the meaning set forth in Section 5.4.1, below.

1.74 "Parking Costs" means all expenses, costs and amounts, of every kind and nature which are incurred by, or on behalf of Stadium Owner or Landco, because of or in connection with such party's management, maintenance, improvement, repair, replacement, restoration or operation of the Parking Areas or any portion thereof. Without limiting the generality of the foregoing, Parking Costs shall specifically include any and all of the following:

1.74.1 The cost of maintenance, management, operation, improvement, repair and replacement of the Parking Areas, including, but not limited to, the cost of parts and supplies, utilities, landscaping, cleaning, pest control, and hiring of any outside contractor services;

1.74.2 The cost of management and administration of the Parking Areas, including, but not limited to, compensation paid to managers, accountants, outside auditors, attorneys, consultants and employees, including employer's Social Security taxes, unemployment taxes or insurance, and any other taxes which may be levied on such compensation;

1.74.3 The cost of casualty, liability, workers' compensation, fidelity and directors' and officers' liability insurance and any other insurance (including deductibles) obtained and maintained in accordance with the terms and conditions of this Declaration;

1.74.4 Reasonable reserves as deemed appropriate by Stadium Owner and/or Landco, as applicable;

1.74.5 The cost of bonding of any professional managing agent;

1.74.6 All federal, state, county or local governmental or municipal taxes, fees, charges or other impositions of every kind and nature, whether general, special, ordinary or extraordinary (including, without limitation, real estate taxes, general and special assessments, transit taxes, personal property taxes imposed upon the fixtures, machinery, equipment, apparatus, systems and equipment, appurtenances, furniture and other personal property used in connection with the Parking Areas, or any portion thereof), which shall be paid during any Fiscal Year (without regard to any different Fiscal Year use by such governmental or municipal authority) because of or in connection with the Parking Areas or any portion thereof;

1.74.7 Any costs and expenses incurred in reasonably attempting to contest, protest, reduce or minimizes such real property taxes and/or assessments;

1.74.8 Amounts paid for discharging a lien or encumbrance levied against the Parking Areas or any portion thereof;

1.74.9 The cost of licenses, certificates, permits and inspections and the cost of contesting the validity or applicability of any governmental enactment which may affect Parking Costs;

1.74.10 Costs incurred in contracting with an outside agency or organization for the provision of a security force to patrol and protect the Parking Areas;

1.74.11 Payments under any equipment rental agreements;

1.74.12 Amortization (including interest on the unamortized cost) of the cost of acquiring or the rental expense of personal property used in the maintenance, operation and repair of the Parking Areas, or any portion thereof;

1.74.13 Costs, payments, fees or charges incurred by or assessed against Stadium Owner and/or Landco, as applicable, in preserving its rights or satisfying its obligations under any easement, license, operating agreement, declaration, covenant, condition or restriction or other instrument pertaining to all or any portion of the Parking Areas;

1.74.14 The cost of janitorial services, alarm and security service, trash removal, maintenance and replacement of curbs and walkways, incurred in connection with the Parking Areas;

1.74.15 The cost of capital improvements, or repairs to the Parking Areas;

1.74.16 Costs, fees, charges or assessments imposed by any federal, state or local government for fire and police protection, trash removal, community services, or other services which do not constitute taxes; and

1.74.17 Any other expenses incurred in connection with the Parking Areas.

1.75 "Parking Fee" shall have the meaning set forth in Section 5.2.3, below.

1.76 "Parking Increase Month" shall have the meaning set forth in Section 5.4.1, below.

1.77 "Parking Operator" shall have the meaning set forth in Section 5.2.1, below.

1.78 "Parking Passes" shall have the meaning set forth in Section 5.4.5.1, below.

1.79 "Parking Percentage Increase" shall have the meaning set forth in Section 5.4.1, below.

1.80 "Parking Spaces" shall have the meaning set forth in Section 5.1.1, below.

1.81 "Parking Structures" shall have the meaning set forth in Section 5.1.4, below.

1.82 "Party" or "Parties" shall have the meaning set forth in the introductory paragraph.

1.83 "Percentage Increase" shall have the meaning set forth in Section 5.2.4.1, below.

1.84 "Permittees" shall mean and refer to all Occupants and all customers, patrons, employees (including Team baseball players), concessionaires and other guests, licensees and invitees of the Occupants.

1.85 "Person" shall mean and refer to any individual, partnership, corporation, trust, estate or other legal entity.

1.86 "Price Index" shall have the meaning set forth in Section 5.2.4.1, below.

1.87 "Project" shall have the meaning set forth in Recital B, above.

1.88 "Record", "Recorded" or "Recordation" shall mean, with respect to any document, the recordation thereof, and with respect to any map, the filing thereof, in the Official Records of the office of the County Recorder of Los Angeles County, California.

1.89 ""Released Parking Areas" shall have the meaning set forth in Section 5.1.4, below.

1.90 "Relocation" shall have the meaning set forth in Section 5.1.4, below.

1.91 "Retail Tents" shall have the meaning set forth in Section 2.4.5, below.

1.92 "Retail Tent Permits" shall have the meaning set forth in Section 2.4.5, below.

1.93 "Required Parking Spaces" shall have the meaning set forth in Section 5.1.1, below.

1.94 "Revenue Election" shall have the meaning set forth in Section 5.5, below.

1.95 "Revenue Election Parking Areas" shall have the meaning set forth in Section 5.3.2, below.

1.96 "Scheduling Representative" shall have the meaning set forth in Section 2.2.3, below.

1.97 "Scoreboard Lights" shall have the meaning set forth in Section 3.2, below.

1.98 "Season" shall mean and refer to the period from the first regularly scheduled MLB home game of the Team in the Stadium in a calendar year to the last scheduled MLB home game (including MLB playoff games and World Series games) in the Stadium in such year.

1.99 "Shed" shall have the meaning set forth in Section 2.4.1, below.

1.100 "Site Plan" shall mean and refer to the Project Site Plan attached to this Declaration as **Exhibit C**.

1.101 "Sponsor(s)" shall have the meaning set forth in Section 3.1.1, below.

1.102 "Stadium Directional Signage" shall have the meaning set forth in Section 3.1.1, below.

1.103 "Stadium Name" shall have the meaning set forth in Section 3.1.1, below.

1.104 "Stadium Owner" shall have the meaning set forth in the introductory paragraph.

1.105 "Stadium Owner Controlled Parking Areas" shall have the meaning set forth in Section 5.4, below.

1.106 "Stadium Owner Maintenance Standard" shall have the meaning set forth in Section 3.5, below.

1.107 "Stadium Owner Parking Area Sole Control Period" shall have the meaning set forth in Section 5.3, below.

1.108 "Stadium Owner's Share" shall have the meaning set forth in Section 5.4.5.2, below.

1.109 "Stadium Parcel" shall have the meaning set forth in Recital B, above.

1.110 "State" shall mean and refer to the State of California.

1.111 "Suite" shall have the meaning set forth in Section 2.8.1, below.

1.112 "Surveillance Structure" shall have the meaning set forth in Section 2.4.4, below.

1.113 "Team" shall mean and refer to the MLB team known as the Los Angeles Dodgers.

1.114 "Work" shall have the meaning set forth in Section 3.4.1, below.

ARTICLE II

REGULATION OF USES AND OWNER COOPERATION

2.1 Owner Cooperation, Generally.

2.1.1 Development. The Parties hereby acknowledge and agree that it is contemplated that portions of the Landco Parcels will be developed for other purposes, including potentially in connection with other sports-related development opportunities. Such contemplated development is referred to herein as the "Development," as that term is further defined in Section 4.1, below. In connection with any such Development, the Parties shall work together in good faith to ensure that (i) the number of Required Parking Spaces shall not be materially reduced (except to the extent otherwise expressly permitted below), (ii) the sightlines enjoyed by the patrons of the Stadium shall not be materially adversely affected, (iii) such patrons' access to, and egress from, the Parking Areas (including any Parking Structures), and the proximity of such Parking Areas to the Stadium shall not be materially adversely affected, (iv) the contemplated uses of the Development shall be consistent with a first-class urban multi-use development, including one or more sports venues, and (v) the operation of the Parking Areas (including the quality of the Parking Spaces) as the same relate to the service of the Stadium Parcel on Game Dates shall otherwise be provided in a manner consistent with the parking areas that are controlled by MLB teams at other first-class urban MLB stadiums (collectively, the "**Development Principles**"). Further, the Development (or any portion thereof) shall in no event cause the Stadium Parcel to be in material violation (or cause additional material violations) of any legal requirement, including, without limitation, any ordinance, zoning requirement, setback or use permit. Notwithstanding any provision of this Declaration, whenever the term "Required Parking Spaces" is used herein, it shall initially mean 19,000 parking spaces, provided that (i) the Parties shall use commercially reasonable efforts, on an ongoing basis, to create additional methods for Stadium patrons to attend events at the Stadium which do not require such patrons' use of parking spaces, including various forms of mass transportation, which efforts shall be aimed at reducing the Required Parking Spaces hereunder from 19,000 to a lesser amount which will not be less than 16,500, subject to such reduction being in conformity with the Development Principles, (ii) solely for Mass Transportation as contemplated in Section 5.1.2, below, or other green initiatives the Parties shall extend such commercially reasonable efforts to reducing the Required Parking Spaces below 16,500, provided that any such further reduction below 16,500 shall require City approval and the reasonable approval of Stadium Owner, and (iii) to the extent such efforts referenced in sub-clauses (i) and/or (ii) are successful, then the term "Required Parking Spaces" hereunder shall thereafter mean such lesser amount of parking spaces benefitting the Stadium and located on the Landco Parcels. Any disputes among the Parties with respect to the foregoing shall be subject to binding arbitration as set forth in Section 13.2, below.

2.1.2 Representatives. In furtherance of the mutual intent of the Parties to satisfy their respective rights and obligations hereunder and to otherwise coordinate and harmonize the operation and use of their respective Parcels on a going-forward basis, the Parties hereby agree to reasonably cooperate and coordinate with each other, which shall include, promptly following the Effective Date, the designation by each Party of an Owner representative (collectively, the "**Ongoing Representatives**") (which designation may be changed by Notice to the other Party from time to time). Such Ongoing Representatives shall schedule regular

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meetings or conference calls, not less than quarterly (or on such other basis as the Ongoing Representatives otherwise agree), to discuss any and all matters relating to each Owner's Parcel and the rights and obligations of the Parties under this Declaration, with the goal of ensuring clear and effective communications between the Parties hereto.

2.2 Permitted Uses of the Stadium and Parking Areas by Stadium Owner.

2.2.1 Baseball Use. Subject to the terms of this Article 2, Stadium Owner (and its Permittees) shall use (i) the Stadium Parcel solely for a baseball stadium, with a maximum seating capacity of 56,000, for the Team on Game Dates (together with lawful uses incidental thereto, including, but not limited to, maintaining corporate offices within the Stadium for daily use in order to operate the Team, training, practices, maintenance and preparation of the Stadium and Parking Areas to suit such purposes, advertising and marketing of games, sale of concessions, tickets sales and the admissions of patrons), and (ii) the Parking Areas solely for parking Stadium attendees on Game Dates and on Non-Baseball Event Dates and to otherwise support permitted Stadium operations (such as daily parking for the Permittees and, as to any Parking Areas controlled by Stadium Owner under this Declaration, operation of advertising, merchandise and food concessions which are materially consistent with the concessions operations of MLB stadiums, generally). Landco shall have the right, from time to time, in its sole discretion, to designate a reasonable portion of the Parking Areas to be available for use (and in such event, Stadium Owner shall, and shall cause its Permittees to, comply with any such designation) in connection with the Stadium on non-Game and Non-Baseball Event Dates. Notwithstanding that changes to the Game Date Schedule may arise from a variety of causes (including, without limitation, rescheduling of regular season Games due to rain or other reasons, and the addition of playoff and World Series Games) and that such changes may occur with extremely short notice, the use of the Parking Areas pursuant to this Declaration by Stadium Owner on Game Dates shall always take precedence over any other use of the Parking Areas, without regard to when such other use was scheduled, the cost to reschedule or cancel such other use, or any other factor.

2.2.2 Non-Major League Baseball Use. Subject to Section 2.3, below, and in accordance with the "Non-Baseball Major League Event Standard," as that term is defined below, Stadium Owner shall also have the right to utilize the Stadium for non-MLB uses such as sports or athletic events (amateur or professional, including, without limitation, Los Angeles area high school baseball championship games), contests, concerts, exhibitions, entertainment, performances and other events, together with reasonable parking in the Parking Areas in connection with such events (provided that Landco shall have the right to reasonably designate, in advance, reasonable portions of the Parking Areas available for such incidental use (and in such event, Stadium Owner shall, and shall cause its Permittees to, comply with any such designation), if attendance is anticipated to be significantly less than maximum capacity), to the extent permitted by the CUP from time to time (collectively, the "**Non-Major League Baseball Events**" and the date of each such Non-Major League Baseball Event, a "**Non-Major League Baseball Event Date**"). Stadium Owner acknowledges that the CUP presently limits the occurrence of Non-Major League Baseball Events with an attendance of three thousand (3,000) or more persons to no more than four (4) per month and no more than two (2) per week without approval from the City's chief zoning administrator. Stadium Owner shall not submit any request to the City to increase the permitted number of Non-Major League Baseball Events

without the approval of Landco, which may be given or withheld in Landco's reasonable discretion. Any and all Non-Major League Baseball Events shall be materially consistent with the types of Non-Major League Baseball Events that have historically been held in the Stadium or are otherwise commensurate with the types of events held at first-class, professional baseball stadiums ("**Non-Major League Baseball Event Standard**").

2.2.3 Schedule – Game Dates and Non-Major League Baseball Events. Promptly following the date of adoption of the Game Date Schedule by the MLB, Stadium Owner shall provide to Landco a copy of the most current Game Date Schedule for the ensuing Season to facilitate planning and scheduling of development of the Landco Parcels. Stadium Owner shall advise Landco as soon as possible of any modification, or additional dates (including the dates for playoff and World Series games), to the Game Date Schedule. In addition, Stadium Owner shall also deliver to Landco, on a monthly basis, a copy of the most recently updated "Master Non-Major League Baseball Event Calendar," as that term is defined below. Stadium Owner shall designate a representative ("**Scheduling Representative**") to maintain a master calendar ("**Master Non-Major League Baseball Event Calendar**") which tracks all scheduled Non-Major League Baseball Events and corresponding anticipated attendance. In addition to sending such monthly update notices to Landco, as set forth above, the duties of the Scheduling Representative shall also include responding to any inquiry from the City pertaining to such Master Non-Major League Baseball Event Calendar, including providing a copy of the then current Master Non-Major League Baseball Event Calendar to the City promptly following City's request therefor.

2.3 Los Angeles Marathon Use. Notwithstanding anything to the contrary set forth in this Article 2, Landco is hereby granted the right to host the Los Angeles Marathon (together with uses incidental thereto) (the "**Marathon**") at the Stadium on an annual basis. The Marathon shall be considered a Non-Major League Baseball Event for purposes of the CUP, and shall have scheduling priority over all other Non-Major League Baseball Events held at the Stadium. The Marathon shall be held on the third (3rd) Sunday in March each calendar year, unless Landco otherwise notifies Stadium Owner in writing, at least one hundred twenty (120) days in advance. Stadium Owner shall, at no cost to Stadium Owner, reasonably cooperate and coordinate with Landco regarding the organization and services required to be supplied by Stadium Owner in connection with the Marathon. Landco shall pay (i) directly to the Parking Operator, the fee and reimbursable expenses of the Parking Operator which the Parking Operator charges for its services in connection the Marathon, and (ii) a flat fee of $40,000 to Stadium Owner in consideration for such use of the Project for the Marathon, and, except as provided in the immediately following sentence, Landco shall have no other obligation to pay or reimburse Stadium Owner for costs or expenses relating to such use of the Project. Notwithstanding anything in this Section 2.3 to the contrary, Landco shall, at Landco's sole cost and expense, repair any damage to the Project to the extent resulting from the Marathon, ordinary wear and tear excepted, and further shall indemnify and hold Stadium Owner and the Project harmless from any and all costs, loss, damages or expenses of any kind or nature to the extent arising out of or resulting from the Marathon activities upon the Project by Landco.

2.4 Permitted Uses of the Landco Parcels. Subject to the terms of this Section 2.4, Stadium Owner shall be permitted to utilize the designated portions of the Landco Parcels (which may or may not be part of the Parking Areas at any given time) for certain Stadium-support

operational purposes (collectively, the "**Non-Parking Stadium Operational Uses**") as set forth below. Notwithstanding anything herein to the contrary, other than the easement and other rights to use the Parking Areas and Parking Spaces granted hereunder and the Non-Parking Stadium Operational Uses (which include the Retail Tents as set forth in Section 2.4.5, below) and the Loge Terrace Bar as set forth in Recital A, Landco shall have no obligation to provide, and Stadium Owner shall not be entitled to use, any physical item or improvements or areas presently located outside the Stadium Parcel whether or not such items or improvements or areas have been used in connection with the Stadium operations.

2.4.1 Landscape Shed Use. Subject to the terms of this Section 2.4.1, Stadium Owner shall have the right to utilize, at Stadium Owner's sole cost and expense, the existing landscape and parking maintenance shed (the "**Shed**") in its current "as is" condition and in its current location on the Landco Parcels, as depicted on **Exhibit D** attached hereto. Landco shall have the right from time to time, in Landco's sole discretion and at Landco's sole cost and expense, to relocate the Shed elsewhere on the Landco Parcels (including, without limitation, into one or more future Parking Structures), in a location determined by Landco, in its sole discretion, provided that, in any event, Landco shall ensure that Stadium Owner has reasonable access to the Shed, as reasonably designated by Landco, unless or until such time as adequate public access thereto exists. Stadium Owner shall, at its sole cost and expense, maintain the Shed in a good, sanitary and sightly condition. Upon Landco's request, including, without limitation, during the Parking Area Shared Control Period, Stadium Owner shall reasonably share its use of the Shed with Landco, and the costs of maintaining and repairing the Shed shall be equitably shared between the Parties for so long as such shared use continues. Immediately following expiration of the Stadium Owner Parking Area Sole Control Period or the Parking Area Shared Control Period, whichever is later, Stadium Owner shall have no further right to utilize the Shed and shall promptly turn over to Landco the Shed and all materials relating thereto and contained therein.

2.4.2 Media Station Connections. Notwithstanding that the existing media connections ("**Media Connections**") are located within the Stadium Parcel, as a practical matter, the media vehicles and their related equipment that connect to such Media Connections on Game Dates and certain Non-Baseball Events by necessity must park on and access the Media Connections by means of the surrounding portions of the Landco Parcels, as depicted on **Exhibit E** attached hereto (the media connections and related parking, collectively, the "**Media Connection Site**"). Accordingly, to the extent that all or a portion of the Media Connection Site is not already then included within the Parking Areas, then Stadium Owner shall have the right to utilize, at Stadium Owner's sole cost and expense, the portion of the Media Connection Site located outside of the Stadium Parcel. Landco shall have the right, in Landco's sole discretion and at Landco's sole cost and expense, to relocate the Media Connection Site in whole or in part (including the purchase and installation of new connections, as necessary) from time to time elsewhere on the Landco Parcels (including, without limitation, on the top, unobstructed level of the Parking Structures) and/or the Stadium Parcel, in a location determined by Landco, in its sole discretion (except that, if such desired relocation shall be wholly or partially located within the Stadium Parcel, then the Parties shall mutually and reasonably identify an appropriate relocation site within the Stadium Parcel), provided that, in any event, Landco shall ensure that Stadium Owner has reasonable access to the Media Connection Site, as reasonably designated by Landco, unless or until such time as adequate public access thereto exists; provided, further, however, any

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relocation of the Media Connection Site shall not unreasonably interfere or interrupt with the telecast or performance of a game or other permitted event in the Stadium, including without limitation, pre- and post-telecast or performance in terms of setup or removal of equipment. Stadium Owner shall, at its sole cost, maintain, repair and replace, as the case may be, all connections located within the Media Connection Site (excepting Landco's responsibility to install new connections in connection with a relocation of the Media Connection Site). Notwithstanding anything to the contrary in this Section 2.4.2, the new location of the Media Connection Site shall be comparable to the existing Media Connection Site in terms of size, ability to accommodate media vehicles, and functionality (including number and type of available connections).

2.4.3 Bus/Shuttle/Taxi Use. Stadium Owner shall have the right to utilize, at Stadium Owner's sole cost and expense, the existing area for bus, shuttle and taxi stops and loading and waiting areas on Game Dates and Non-Baseball Event Dates (the "**Bus/Shuttle/Taxi Zone**"), located in the portion of the Landco Parcels as depicted on **Exhibit F** attached hereto. Landco shall have the right, in Landco's sole discretion and at Landco's sole cost and expense, to relocate the Bus/Shuttle/Taxi Zone from time to time elsewhere on the Landco Parcels, in a location determined by Landco, in its sole discretion. Notwithstanding anything to the contrary in this Section 2.4.3, the new location of the Bus/Shuttle/Taxi Zone shall be comparable to the existing Bus/Shuttle/Taxi Zone in terms of walking distance to the Stadium, and size and ability to accommodate bus, shuttle and taxi vehicles based on historical usage. Further notwithstanding anything to the contrary in this Section 2.4.3, Landco shall have no further obligation to provide Stadium Owner with a Bus/Shuttle/Taxi Zone once public transportation operators are able to access the area in the general vicinity of the Stadium by means of public streets and corresponding public transportation stops.

2.4.4 Surveillance Structure Use. Subject to the terms of this Section 2.4.4, Stadium Owner shall have the right to utilize, at Stadium Owner's sole cost and expense, the existing electronic surveillance monitoring equipment and structure ("**Surveillance Structure**") on the Landco Parcels and in and around the Stadium. Landco shall have the right, in Landco's sole discretion and at Landco's sole cost and expense, to relocate all or any portion of the Surveillance Structure contained on the Landco Parcels (including the purchase and installation of new surveillance equipment, as necessary), to another location determined by Landco (to the extent such relocation is to another portion of the Landco Parcels), in its sole discretion, provided that any such relocation shall provide Stadium Owner with materially similar surveillance control over the Parking Areas. Stadium Owner shall, at its sole cost and expense, maintain the Surveillance Structure in good working order and repair (excepting Landco's responsibility to install new surveillance equipment in connection with a relocation of the Surveillance Structure). Upon Landco's request during the Parking Area Shared Control Period, Stadium Owner and Landco shall reasonably cooperate to transfer the portion of the then existing Surveillance Structure, if any, which services the Landco Controlled Parking Areas to Landco, and Landco shall be responsible for all costs of maintaining such portion of the Surveillance Structure. Immediately following the expiration of the Stadium Owner Parking Area Sole Control Period or the Parking Area Shared Control Period, whichever is later, Landco shall have sole control over the portion of the Surveillance Structure relating to the Parking Areas, and the Parties shall reasonably cooperate, each at their own cost, to effectuate the same.

2.4.5 Retail Tents Use. Stadium Owner shall have the exclusive right to utilize, at Stadium Owner's sole cost and expense, the two (2) retail merchandising tents located on the Landco Parcels as depicted on **Exhibit G** attached hereto (collectively, the "**Retail Tents**") for so long as Stadium Owner maintains permits issued by the City which allow the continued use of the same (the "**Retail Tent Permits**"). Notwithstanding the location of the Retail Tents on Parcel 2, for so long as the Retail Tents remain in existence pursuant to the Retail Tent Permits, the Retail Tents shall be treated hereunder as part of the Stadium and as if it were entirely situated on the Stadium Parcel, below, including, without limitation, that the Stadium Owner shall have exclusive control over the Retail Tents and all revenues generated from the Retail Tents belong solely to the Stadium Owner and/or the Team (and in no event shall Landco have any right, title or interest in such revenues notwithstanding that a portion of the Retail Tents is actually located on Parcel 2). Landco shall cooperate with Stadium Owner for any filings or permits required for the continued operation of the Retail Tents. Upon the final expiration of such Retail Tent Permits, Stadium Owner shall remove the Retail Tents and return the area in which the Retail Tents are located to a safe and sightly condition. To the extent that Stadium Owner thereafter desires to install temporary or permanent merchandising structures, the same shall be located entirely within the Stadium Parcel.

2.5 Restrictions and Prohibited Uses, Generally. The Project shall not be used, operated or developed in any way which is inconsistent with, or in violation or breach of, the Governmental Requirements or this Declaration. Further, (i) no nuisance shall be permitted to exist or operate upon any Parcel or any portion thereof so as to be offensive or detrimental to any Person or activity on any other Parcel or on any public street, (ii) no rubbish, trash, waste, residue, brush, weeds or undergrowth (except brush, weeds and undergrowth growing naturally on any Parcel prior to development) or debris of any kind or character shall ever be placed or permitted to accumulate upon any portion of any Parcel, so as to render said premises a fire hazard, unsanitary, unsightly, offensive, or detrimental to any Person or activity on any other Parcel or on any public street, (iii) no Improvement shall be permitted to fall into disrepair and all Improvements shall at all times be kept in good condition and repair (including, without limitation, free of the presence of wood-destroying pests and organisms) and adequately painted or otherwise finished, (iv) no condition shall be permitted to exist upon any Parcel which shall induce, breed or harbor infectious plant diseases, rodents, or noxious insects, (v) subject to Governmental Requirements, no structure of a temporary character trailer, tent (other than the Retail Tents during the time period expressly permitted hereunder), shack, barn or other outbuilding (other than the Shed) shall be used by any Person on any portion of the Project at any time, either temporarily or permanently, unless such structure is being used in connection with the construction of an Improvement, (vi) no tools, equipment, or other structure designed for use in boring for water, oil, gas or other subterranean minerals or other substances, or designed for use in any mining operation or exploration, shall hereafter be erected or placed upon or adjacent to any Parcel, (vii) no new adverse environmental condition shall be permitted to exist on any Parcel, nor shall any Hazardous Materials be permitted to be generated, treated, stored, disposed of, or otherwise deposited in or on or allowed to emanate from any Parcel or any portion of the Project, including, without limitation, the surface waters and subsurface waters thereof; provided, however, that Hazardous Materials may be stored or used, so long as such storage or use is conducted in compliance with Governmental Requirements, (viii) Stadium Owner shall not in any way interfere with Landco's use of the Flag Easement or do any act or thing inconsistent with such use, including, without limitation, by constructing any Improvement

(other than landscaping) thereon, and (ix) no Owner shall permit anything to be done or kept on its Parcel that violates any of the Governmental Requirements.

2.6 Hazardous Materials.

2.6.1 General and Specific Prohibitions. Neither Owner shall: (i) generate, use, release, store, transport or handle any Hazardous Material within any portion of the Project except in accordance with all applicable Governmental Requirements; (ii) dispose of any Hazardous Material within any portion of the Project or operate a Hazardous Materials treatment facility within the Project; or (iii) install, operate or maintain any above, below or at grade tank, sump, pit, pond, lagoon or other storage or treatment vessel or device on or about the Project unless plans therefor have been submitted to and approved by the other Owner.

2.6.2 Duty To Notify. Each Owner shall immediately notify the other Owner of any of the following with respect to the Project: (i) any condition, occurrence or release at, on, under or from the Stadium or the Parking Areas, or beyond the Stadium or the Parking Areas which affects the Stadium or the Parking Areas, whether or not such condition, occurrence or release was pre-existing on the Effective Date, and whether or not it was caused or contributed to by Landco, that could reasonably be expected to result in any material expense relating to, or material noncompliance with, any applicable Governmental Requirements or that could reasonably be expected to result in a material environmental claim, (ii) any notices of violation or potential or alleged violation of any Governmental Requirements which such Owner shall have received from any governmental agency concerning the use, storage, release and/or disposal of Hazardous Materials; (iii) any and all inquiry, investigation, enforcement, cleanup, removal or other governmental or regulatory actions instituted or threatened with respect to Hazardous Materials relating to the Project; and (iv) all claims made or threatened by any third party relating to any Hazardous Materials relating to the Project.

2.6.3 Compliance with Hazardous Materials Laws. Each Owner shall, at such Owner's sole cost and expense: (i) be responsible for the cleanup, removal, remediation and investigation (collectively, the "**Clean-Up**") of any Hazardous Materials contamination of each Owner's Parcels (including any contamination pre-existing as of the Effective Date) which arises in connection with the use, handling, storage, generation, release, disposal or transport of Hazardous Materials; (ii) use its good faith diligent efforts to comply with all orders, directives and requests of applicable governmental agencies with respect to the cleanup, removal, remediation and/or investigation of such contamination; and (iii) comply with all Governmental Requirements governing the use, handling, storage, generation treatment, transport, release or disposal of Hazardous Materials. Notwithstanding anything in this Section 2.6.3 to the contrary, during the Stadium Owner Parking Area Sole Control Period, Stadium Owner shall be responsible for any Clean-Up, and the costs thereof, with respect to the entire Project; provided, however, that Stadium Owner shall not be responsible for any such Clean-Up with respect to (a) any Hazardous Materials contamination arising or resulting from Landco's negligence or willful misconduct, (b) the plume resulting from the gas station located on the Landco Parcels, (c) any other identified environmental condition on the Project as of the Effective Date, (d) any Outlying Parcels and other portions of the Landco Parcels not used for Parking Areas, and (e) any Hazardous Materials or other environmental condition discovered, existing or incurred in, on or

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under the Landco Parcels in connection with the Development (except to the extent such condition was caused by Stadium Owner).

2.6.4 Landco Self-Help During Stadium Owner Parking Area Sole Control Period. If, during the Stadium Owner Parking Area Sole Control Period, Stadium Owner does not comply with the requirements set forth in this Section 2.6, then, to the extent the Landco Parcels are affected (or would in the future be reasonably expected to be affected), and in addition to any other rights and remedies available to Landco, Landco shall have the right, but not the obligation, upon at least thirty (30) days' prior written notice to Stadium Owner, to take any actions necessary to cure or remediate any such non-compliance, including by undertaking required environmental assessments and by undertaking any actions required to remediate Hazardous Materials that have been released at, on, in, under or from the Stadium or the Parking Areas, in each case at Stadium Owner's sole cost and expense. Stadium Owner hereby unconditionally and irrevocably grants full access to the Stadium and the Parking Areas to Landco and any agents, representative, contractors or consultants of Landco for the purpose of any such actions.

2.7 Insurance and Indemnification Obligations. Notwithstanding anything to the contrary in this Declaration, Stadium Owner's insurance obligations set forth in Section 2.7.1 through 2.7.9, below, shall apply only during (i) the Stadium Owner Parking Area Sole Control Period with respect to the Parking Areas, and (ii) during the Shared Parking Area Control Period with respect to the Stadium Owner Controlled Parking Areas.

2.7.1 Duty to Carry Fire Insurance. Stadium Owner, at its sole cost and expense, shall keep and maintain, or cause to be kept and maintained, valid and enforceable fire and extended coverage insurance on all of the Parking Area (including all Improvements thereon). The insurance required to be carried pursuant to this Section 2.7.1 shall include standard all-risk property insurance with replacement costs coverage in amounts as reasonably required by Landco from time to time.

2.7.2 Duty to Carry Liability Insurance. Stadium Owner, at its sole cost and expense, shall keep and maintain, or cause to be kept and maintained, valid and enforceable commercial general liability insurance against claims of bodily injury, personal injury or property damage arising out of (i) the use of the Parking Areas by Stadium Owner, or (ii) the operations, assumed liabilities or contractual liabilities of Stadium Owner, including Stadium Owner's liability arising under any indemnity set forth in this Declaration. The insurance required to be carried pursuant to this Section 2.7.2 shall be in amounts as required by Landco from time to time, but in no event less than Ten Million Dollars ($10,000,000) for each occurrence and Ten Million Dollars ($10,000,000) for all occurrences each calendar year.

2.7.3 Duty to Carry Workers' Compensation Insurance. Stadium Owner, at its sole cost and expense, shall keep and maintain, or cause to be kept and maintained, valid and enforceable workers' compensation and employer liability insurance of other similar insurance pursuant to the Governmental Requirements covering all Persons employed in connection with the construction, alteration, maintenance, repair or general operation of the Parking Area, and with respect to whom death or bodily injury claims could be asserted against Landco or the Project.

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2.7.4 Duty to Carry Automobile Insurance. Stadium Owner, at its sole cost and expense, shall keep and maintain, or cause to be kept and maintained, valid and enforceable comprehensive automobile liability insurance having a combined single limit of not less than One Million Dollars ($1,000,000) per occurrence and insuring Stadium Owner against liability for claims arising out of ownership, maintenance, or use of any owned, hired, borrowed or non-owned automobiles.

2.7.5 Duty to Carry Other Insurance. Stadium Owner, at its sole cost and expense, shall keep and maintain, or cause to be kept and maintained, valid and enforceable other forms of insurance that Landco may reasonably require from time to time with respect to the Parking Areas, in form and amounts and for insurance risks against which a prudent tenant of comparable size and in a comparable business would protect itself.

2.7.6 Insurance Coverage During Construction. During such times as Stadium Owner is performing work or having work or services performed in or to the Parking Areas, Stadium Owner shall require its contractors, and their subcontractors of all tiers, to obtain and maintain commercial general liability, automobile, workers compensation, employer's liability, builder's risk, and equipment/property insurance in such amounts and on such terms as are customarily required of such contractors and subcontractors on similar projects. The amounts and terms of all such insurance are subject to Landco's written approval, which approval shall not be unreasonably withheld. The commercial general liability and auto insurance carried by Stadium Owner's contractors and their subcontractors of all tiers pursuant to this section shall name Landco and such other Persons as Landco may reasonably request from time to time as additional insureds with respect to liability arising out of or related to their work or services. Such insurance shall provide primary coverage without contribution from any other insurance carried by or for the benefit of Landco or other additional insureds. Such insurance shall also waive any right of subrogation against each additional insured. Stadium Owner shall obtain and submit to Landco, prior to the earlier of (i) the entry onto the Parking Areas by such contractors or subcontractors or (ii) commencement of the work or services, certificates of insurance evidencing compliance with the requirements of this section.

2.7.7 General Requirements for Insurance Policies. Each policy of insurance carried by Stadium Owner pursuant to this Section 2.7 shall (i) name Landco and any other parties Landco so specifies by written notice to Stadium Owner as additional insureds; (ii) be issued by an insurance company licensed to do business in the State of California and having a rating of not less than A-VII in Best's Insurance Guide or which is otherwise acceptable to Landco; (iii) be primary insurance as to all claims thereunder and provide that any insurance carried by Landco is excess and is non-contributing with any insurance requirement of Stadium Owner; (iv) be in form and content reasonably acceptable to Landco; (v) commence on the Effective Date; (vi) provide that said policy shall not be canceled or coverage changed unless thirty (30) days' prior written notice shall have been given to Landco and any Mortgagee who has requested such notice; and (vii) provide that, to the extent such policy provides for payment of losses, such losses payable to a Mortgagee shall be payable notwithstanding any act or negligence of Landco. Stadium Owner shall, at the request of Landco, promptly furnish Landco a certificate evidencing Stadium Owner's compliance with the insurance requirements set forth in this Section 2.7. Stadium Owner may satisfy its insurance obligations under this Section 2.7, in

whole or in part, by means of a so-called blanket policy which is in conformity with the requirements of this Section 2.7.

2.7.8 Use of Policy Proceeds. Subject to the rights of any Mortgagee to such proceeds, fire and extended coverage insurance proceeds paid to Stadium Owner by reason of damage to or destruction of the Parking Area shall be used by Stadium Owner for the repair or replacement of the same.

2.7.9 Waiver of Subrogation. The Parties each hereby agree to look solely to, and seek recovery only from, their respective insurance carriers in the event of a property loss to the extent that such insurance is required to be carried pursuant to this Section 2.7 or if higher, to the extent such insurance has been obtained. The Parties each hereby waive all rights and claims against each other for such losses, and waive all rights of subrogation of its insurance providers, provided such waiver of subrogation shall not affect the right of such party to recover thereunder from such insurance providers. The Parties each hereby agree that its insurance policies shall be endorsed such that the waiver of subrogation shall not affect the right of such party to recover thereunder. If Stadium Owner fails to carry the amounts and types of insurance required to be carried pursuant to this Section 2.7, in addition to any remedies Landco may have under this Declaration, such failure shall be deemed to be a covenant and agreement by the Stadium Owner failing to carry such insurance to self-insure with respect to the type and amount of insurance such party so failed to carry, with full waiver of subrogation with respect thereto.

2.7.10 Landco's Election to Carry Insurance. Landco may, but shall not be required to, at its own expense, carry insurance with respect to its interest in the Parking Areas and the use, maintenance or operation thereof; provided that such insurance does not interfere with Stadium Owner's ability to insure the Parking Areas and the use, maintenance or operation thereof as required hereunder or adversely affect Stadium Owner's insurance or the cost thereof, it being understood that all primary subrogation rights to the extent not waived hereunder, shall remain with Stadium Owner's insurers, as the case may be, at all times. Any insurance payments received from policies maintained by Landco pursuant to the previous sentence shall be retained by Landco without reducing or otherwise affecting Stadium Owner's rights hereunder. Notwithstanding anything in this Section 2.7.10 to the contrary, Landco shall carry the insurance set forth in Section 5.4.3, below, during (i) the Shared Parking Area Control Period with respect to the Landco Controlled Parking Areas, and (ii) the Landco Parking Area Sole Control Period with respect to all of the Parking Areas.

2.7.11 Indemnification. Stadium Owner shall indemnify, hold harmless and defend Landco against and from any loss, cost or expense of any sort or nature, and from any liability to any person or legal entity, on account of any damage to person or legal entity or property arising out of any failure of Stadium Owner to perform and comply in any respect with any of the provisions of this Declaration or arising from Stadium Owner's use and/or occupancy, to the extent applicable, of the Project, and/or Stadium Owner's acts or omissions otherwise occurring on the Landco Parcels, except to extent of the negligence or willful misconduct of Landco or Landco's Permittees. Landco shall indemnify, hold harmless and defend Stadium Owner against and from any loss, cost or expense of any sort or nature, and from any liability to any person or legal entity, on account of any damage to person or legal entity or property arising from the negligence or willful misconduct of Landco in, on or about the Project, except to the

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extent caused by the negligence or willful misconduct of Stadium Owner or Stadium Owner's Permittees.

ARTICLE III

REGULATION OF IMPROVEMENTS

3.1 Name and Signage.

3.1.1 Stadium Name and Signage. Stadium Owner shall have the sole, exclusive right to name the Stadium, any component thereof and all other portions of and improvements on the Stadium Parcel (but not the balance of the Project) at all times, including licensing such naming rights to one or more sponsors (the "**Sponsor(s)**") of the Team (the "**Stadium Name**") in accordance with the terms of the CUP existing as of the Effective Date and/or other applicable Governmental Requirements; provided, however, that in no event shall such Stadium Name or Sponsor(s) be Objectionable. In addition, Stadium Owner and/or the Team shall have the right, at their sole cost and expense, to install and/or maintain, as the case may be, an unlimited amount of identification, directional and/or sponsorship signage on the Stadium Parcel in accordance with the terms of the CUP existing as of the Effective Date and/or other applicable Governmental Requirements. In addition, Stadium Owner and/or the Team shall have the right, at their sole cost and expense, to maintain all existing vehicular and pedestrian directional and way finding signage for the Stadium located on the Landco Parcels (including signage designating specific parking lots within the Parking Area, i.e., Lot A, B, etc.) ("**Stadium Directional Signage**"). Landco shall have the right from time to time, at Landco's sole cost and expense, to remove and/or relocate any Stadium Directional Signage in connection with the relocation of the Parking Areas pursuant to Section 5.1.4, below, provided that there shall be reasonable and appropriate Stadium Directional Signage at all times (other than during the temporary removal of the same). During the Stadium Owner Parking Area Sole Control Period, Stadium Owner shall control and maintain all Stadium Directional Signage located on the Landco Parcels. During the Parking Area Shared Control Period, Stadium Owner shall control and maintain all Stadium Directional Signage located in the Stadium Owner Controlled Parking Areas. During the Parking Area Shared Control Period and Landco Parking Area Sole Control Period, Landco shall control and maintain all Stadium Directional Signage located in the Landco Controlled Parking Areas, provided that Landco shall maintain reasonable and appropriate Stadium Directional Signage at all times (other than during the temporary removal of the same).

3.1.2 Development Name and Signage. Landco shall, with the prior consent of Stadium Owner (such consent not to be unreasonably withheld, conditioned or delayed), have the right to name the Development, or any component thereof (provided that, for purposes of clarity, such foregoing right shall under no circumstance include the right to name the Stadium) at all times, including licensing such naming rights to one or more Sponsors, occupants, or developers of the Development in accordance with the terms of applicable Governmental Requirements; provided, however, that in no event shall such Development name or Sponsor(s) be Objectionable. In addition, Landco shall, with the prior consent of Stadium Owner (such consent not to be unreasonably withheld, conditioned or delayed), have the right, at its sole cost and expense, to install and/or maintain, as the case may be, an unlimited amount of exterior signage in connection with the Development or the Occupants thereof (collectively, the "**Development**

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Exterior Signage") in accordance with applicable Governmental Requirements (provided that, for purposes of clarity, such foregoing right shall under no circumstance include the right to place advertising on the exterior of the Stadium). Without limiting the reasonableness standard for consent set forth in the preceding two sentences, Stadium Owner hereby covenants and agrees that Stadium Owner shall not withhold any request for consent pursuant to this Section 3.1.2 unless the proposed name or signage materially conflicts with existing or proposed stadium advertising or promotional activities; provided, however, that, notwithstanding the foregoing, if a non-baseball professional sports facility is constructed on the Landco Parcels, then the consent rights of Stadium Owner set forth in this Section 3.1.2 with respect to naming (including Sponsors) and signage shall not apply to the naming (including Sponsors) and signage for such non-baseball professional sports facility.

3.2 Exterior Lighting. All exterior lighting, including the location, design, type and size thereof shall conform to all Governmental Requirements. If Stadium Owner desires to install any additional exterior lighting located on the Landco Parcels for Stadium operational and/or safety purposes, the same shall be subject to the written approval of Landco (except to the extent required by Governmental Requirements), which may be given or withheld in Landco's sole discretion. Exterior lighting shall be controlled and maintained in good working condition by the Owner or Occupant of the Parcel where such exterior lighting is located in accordance with this Declaration and Governmental Requirements (provided that, for purposes of clarity, during the Stadium Owner Parking Area Sole Control Period only, Stadium Owner shall control and maintain all such exterior lighting located on the Landco Parcels). In addition, to the extent the parking lights presently located on the back of the Stadium scoreboard ("**Scoreboard Lights**") materially and unreasonably interfere with the use of the Landco Parcels by Landco, as reasonably determined by Landco, Stadium Owner shall reasonably cooperate with Landco, at no cost to Stadium Owner, to re-design the Scoreboard Lights subject to, and in compliance with, Governmental Requirements.

3.3 Storage and Loading Areas and Services Entrances. No materials, supplies or equipment shall be stored in any area on any Parcel except inside a closed building or visual barrier screening such areas from public view. Loading areas shall not encroach into any setback areas (except to the extent of any presently existing encroachment). Loading docks shall be set back and screened and/or recessed to minimize the visual effect from the street and other public areas. Loading docks shall not encroach upon or extend into setback areas (except to the extent of any presently existing encroachment). Loading will not be permitted in the setback area fronting any street. In no event, however, will loading areas, docks or facilities be located or designed so as to necessitate backing maneuvers by vehicles into or on public streets.

3.4 Cooperation on Construction.

3.4.1 Generally. The Parties hereby acknowledge that each Party may, from time to time, perform and construct renovations, improvements, alterations or modifications (collectively, "**Work**") to the Parcel or Parcels owned by such Party, and utilize certain construction staging areas and materials in connection with any such Work on the Parcel or Parcels owned by such Party ("**Construction Staging**"). Each Party shall use commercially reasonable and diligent efforts to have all such Work performed on a continuous basis, and once started, to be completed reasonably expeditiously, with such Work and related Construction

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Staging being organized and conducted in a manner which will not unreasonably interfere with the other Party's business operations in, or access to, the Parcel or Parcels owned by such Party, including the implementation of industry standard construction procedures utilized in the construction and development of first-class, mixed use projects in Los Angeles County intended to reduce the amount of noise and dust generated by such Work and appropriate safety precautions (as further discussed in Section 4.3.4, below). Each construction site shall be planned in a manner that minimizes the land area needed for Construction Staging.

3.4.2 Incurred Expenses. In the event that, as a result of any Work and/or Construction Staging by a Party, it is reasonably necessary for the other Party to incur additional costs with respect to the Parcel or Parcels owned by such Party, or any portion thereof, including, without limitation, costs for increased security or increased traffic control services, then the Party performing such Work and/or Construction Staging shall pay the other Party, within thirty (30) days after receipt of an invoice thereof, the actual, reasonable out-of-pocket costs incurred by such Party for such additional services and items.

3.4.3 Work Barricades. Each Party agrees to install or construct appropriate barricades, for purposes of safety and screening views of the Work and Construction Staging from the Stadium and Parking Area, in connection with any Work and/or Construction Staging that such Party performs. Such barricades shall be kept in good condition and repair and shall not be removed until the Work and/or Construction Staging is completed or otherwise secure from unauthorized intrusion and not in an unsightly condition.

3.4.4 Workmanship. Each Party agrees that all Work shall be done in a good and workmanlike manner, with commercially appropriate materials and in accordance with all Governmental Requirements. Each Party shall pay all costs, expenses, liabilities and liens arising out of or in any way connected with such Work and any related Construction Staging.

3.4.5 Lien Releases. The Parties shall not cause or permit to be filed, recorded or enforced against the other Party's owned Parcel or Parcels, any mechanics', materialmen's, contractors' or subcontractors' liens arising from the Work, including any Construction Staging related thereto, or any claim or action affecting the title to any such Parcel or Parcels arising from the Work, including any Construction Staging related thereto, and the Parties shall pay or cause to be paid or otherwise removed the full amount of all such liens or claim within ten (10) business days of receiving notice thereof.

3.4.6 Insurance. The Parties shall comply with the applicable insurance provision set forth in this Declaration with respect to any Work and/or Construction Staging hereunder.

3.4.7 Casualty. The terms of this Section 3.4 shall apply in connection with any Work performed or Construction Staging related thereto as a result of an event of casualty.

3.4.8 Restrictions on Construction. Notwithstanding anything to the contrary set forth in this Section 3.4, any Work (i) occurring in the immediate vicinity of the Stadium, or (ii) the continuation of which would (A) materially interfere with parking in the Parking Area, or ingress and egress to and from the Stadium, by Stadium patrons attending a Home Game or other

event occurring at the Stadium, or (B) pose a material health or safety risk to such foregoing Stadium patrons, must cease and be vacated at least four (4) hours before any Home Game or other event occurring at the Stadium is scheduled to occur and may not re-commence until at least three (3) hours after a Home Game or other event occurring at the Stadium has ended.

3.5 Maintenance Standard for Stadium Owner. Stadium Owner, at Stadium Owner's sole cost and expense, shall, and shall exercise all rights, powers, elections and options available to it to, at all times use, maintain, operate, repair, overhaul, inspect, test and service, or cause to be maintained, operated, repaired, overhauled, inspected, tested and serviced, the Stadium and, during the Stadium Owner Parking Area Sole Control Period and the Shared Parking Area Control Period, the Parking Areas, and any part or portion thereof, as applicable, in good condition, repair and working order, in accordance with the terms of any applicable insurance policies required to be maintained under this Declaration, and any applicable warranties (the "**Stadium Owner Maintenance Standard**").

3.6 Utilities. Hookups for water, sewer, gas, electricity and telecommunications, whether to main lines running under the public right of way or otherwise (including, without limitation, to conduits, wires, lines, pipes, mains pump stations, meters or other structures, stations or improvements located in, on or under the Landco Parcels for the benefit of the Project), shall be the sole responsibility of the Owner or other Occupant of each Parcel.

ARTICLE IV

REGULATION OF DEVELOPMENT

4.1 Development of Landco Parcels. The Parties acknowledge that Landco, in the future, may apply for governmental approvals for future development on the Landco Parcels (the "**Development**"), which Development may include, but shall not be limited to, (i) office buildings, (ii) hotel and exhibition facilities, (iii) residential buildings, (iv) medical buildings, (v) academic buildings, (vi) parking structures, and/or (vii) retail, dining and entertainment facilities. The Parties further acknowledge and agree that it is in the Parties' best interest to harmonize the future development of the Landco Parcels with the on-going operation of the Stadium and Parking Areas, and ensure that Stadium Owner's investment in the Stadium and the Team are reasonably protected (including with respect to Home Games attendance) and, to the extent such Development occurs on the Landco Parcels, that such Development shall not unreasonably interfere with the design and operation of the Stadium (other than potential temporary interruptions for construction purposes). Accordingly, the Parties hereby acknowledge and agree that the development on the Landco Parcels shall materially conform to (i) the foregoing and the guidelines and standards set forth in this Article IV (collectively, the "**Development Standards**"), and (ii) the Development Principles. The goals of the Development Standards and the Development Principles are to (A) provide appropriate parking, and ingress and egress for and to the Project, including the Stadium, to enhance the quality of the Project experience (particularly during arrival or departure) for all Project guests, and (B) although the Stadium is a major component of the Project, provide the necessary flexibility to Landco in the design and utilization of the Landco Parcels.

4.2 Design of Improvements. Landco shall ensure that future construction of any portion of the Development shall not unreasonably interfere with operation of the Stadium (other than potential temporary interruptions for construction purposes). No shadows from the Development Improvements shall be permitted to be cast on the Stadium playing field. No non-Stadium lighting shall be allowed which would create glare within the Stadium; in particular, no lighting shall be allowed to project upwards or across the playing field of the Stadium, or which would otherwise adversely affect television broadcasting, during evening or nighttime Stadium events or to directly illuminate the interior of the Stadium. Further, the Development will not interfere with transmission capability (both uplinks and downlinks) from the Stadium.

4.3 Vehicular Circulation and Access. The obligations of Landco set forth in this Section 4.3, below, shall continue until such time as the ownership of a material portion of the entrance, exist, ingress and egress routes to the Parking Areas are transferred to the City or other governmental or public entity, such that the public can reasonably access the Stadium and Parking Areas by means of public roads and access routes.

4.3.1 Access. Landco shall ensure that access to the Stadium and Parking Areas continues to be provided as set forth in Section 5.1.1, below.

4.3.2 Site Entrance Queuing and Ingress/Egress Lanes. Landco shall ensure that the overall vehicular queuing capacity in the Project will be provided for the Development without unreasonable interference to queuing for events at the Stadium. Landco shall ensure that adequate vehicular lanes will be provided for the Development without interference to ingress and egress for events at the Stadium.

4.3.3 Emergency Access. Appropriate emergency access to the Stadium and Parking Areas shall be provided at all times in accordance with Governmental Requirements.

4.4 Parking Areas. The design of the Parking Areas (including any Parking Structures) shall comply with the provisions of Section 5.1.4, below.

4.5 Service and Loading Areas. New service areas (including storage, special equipment, maintenance and loading areas) must be screened with landscaping or architectural elements such as walls to screen these areas from the Stadium and pedestrian areas contiguous to the Stadium to the extent practicable. Use of service and loading areas shall not disrupt the Stadium event traffic flow. Utility equipment and communication devices (antennae, satellite dishes, etc.) must be screened from ground level view to the extent practicable. New refuse collection areas must be screened from the Stadium with a solid fence or wall (maximum of eight (8) feet high) using materials or colors compatible with adjacent Improvements.

4.6 Relocation and/or Removal of "Flag". Subject to the terms of this Section 4.6, Stadium Owner shall reasonably cooperate with Landco if, at any time during the course of the Development, Landco desires to relocate or remove the "flag" portion of the Stadium Parcel (the "**Flag**"), as depicted on **Exhibit H** attached hereto; provided, however, that any such proposal to relocate or remove the Flag shall be subject to (i) reasonably comparable access to the Stadium and Parking Areas being provided from the Sunset Gate, whether by public streets or otherwise, (ii) obtaining all necessary governmental consents, (iii) Mortgagee consent (if required), (iv) the

ability of Stadium Owner to obtain title insurance (at Landco's sole cost) on the reconfigured Stadium Parcel, (v) the consent of Stadium Owner, which shall not be unreasonably withheld, delayed or conditioned, and (vi) conformity with the Development Principles. All costs in connection with such relocation or removal of the Flag shall be borne by Landco.

ARTICLE V

PARKING

5.1 Parking Areas. Subject to all of the terms and provisions of this Declaration, including, but not limited to, Section 2.1.1, Stadium Owner and Landco agree to the following with regard to the Parking Areas.

5.1.1 Required Parking Spaces. Landco hereby grants to Stadium Owner (i) the right to use and a non-exclusive easement to not less than 16,500 parking spaces (subject to reduction in accordance with Section 5.1.2, below) located on the Landco Parcels for the benefit of the Stadium and use by Stadium Owner, its Occupants and their respective Permittees for parking on Game Dates and Non-Major League Baseball Event Dates ("**Required Parking Spaces**") (and regardless of whether Stadium Owner or Landco then has operational control of the Parking Areas pursuant to this Article V, Stadium Owner (and its Permittees and Occupants) shall have exclusive use of the Required Parking Spaces (as may be located as set forth in this Article V) on all such Game Dates and Non-Major League Baseball Event Dates), the exact location of which shall be reasonably designated by Landco from time to time subject to, and in accordance with, the terms of this Declaration, and (ii) the right to use and a non-exclusive easement for accessing the overall area (which area shall include vehicular and pedestrian ingress, egress and other passage, such as driveways and pedestrian walkways, in order to enter and exit the Project and proceed to the Parking Areas and the Stadium as contemplated herein) in which the Required Parking Spaces are located (the "**Parking Areas**"). Notwithstanding the foregoing, Landco and Stadium Owner acknowledge and agree that the initial location of the Parking Areas (depicted on **Exhibit I-1** attached hereto) includes parking spaces in addition to the Required Parking Spaces (such additional parking spaces which are the spaces in excess of the approximately 19,000 spaces referenced in Section 2.1.1 hereof, if any, the "**Additional Parking Spaces**"). Landco hereby grants Stadium Owner the right to utilize and a non-exclusive easement for parking in such Additional Parking Spaces for the uses permitted hereunder so long as the same remain open and available; provided that Landco shall have the right, at any time after giving the Stadium Owner at least six (6) months prior written notice, to remove all or a portion of the Additional Parking Spaces from the Parking Areas in accordance with Section 5.1.4, below. The Required Parking Spaces and the Additional Parking Spaces (if any) shall be collectively referred to herein as the "**Parking Spaces**". The easements granted herein shall be permanent and appurtenant to the Stadium Parcel.

5.1.2 Reduction of Required Parking Spaces. As provided in Section 2.1.1, above, the Parties acknowledge that Landco and/or the City may in the future desire (or be required) to connect the Stadium and Project generally with other areas of Los Angeles by means of mass transportation ("**Mass Transportation**"), including, without limitation, a subway or a lightrail. The Parties shall reasonably cooperate with the City and each other in connection with any such proposal, whether generated by Landco and/or the City, as Mass Transportation would

benefit the Project as a whole by allowing the public to more easily and efficiently access the Project. In connection with the construction of any such Mass Transportation, and only to the extent expressly permitted by the City and approved by Stadium Owner in its reasonable discretion, Landco shall have the right to provide less than the 16,500 Required Parking Spaces, in which event the term **"Required Parking Spaces"** hereunder shall mean such lesser amount of parking spaces benefitting the Stadium and located on the Landco Parcels as then required by the City and approved by Stadium Owner in its reasonable discretion.

5.1.3 As-Is Condition. Landco shall not be obligated to provide or pay for any work upon or otherwise prepare the Parking Areas for Stadium Owner's use commencing as of the Effective Date, and Stadium Owner shall accept the Parking Areas in their presently existing, "as-is" condition. Landco expressly disclaims any warranty or representation with regard to the condition, safety, security or suitability of the Parking Areas for Stadium Owner's intended use. Stadium Owner shall have no right to alter, improve or modify the Parking Areas, except as otherwise expressly set forth herein.

5.1.4 Relocation of Parking Areas and Parking Structures. Landco shall have the right from time to time to relocate, reconfigure, reduce and/or remove portions of the Parking Areas (collectively, the **"Relocation"**) to accommodate the Development, including, without limitation, the complete removal of the Additional Parking Spaces from the Parking Areas and the relocation of the Required Parking Spaces to one or more Parking Structures, so long as the Required Parking Spaces continue to be provided upon the Landco Parcels. Subject to Section 2.1.1, above, the Required Parking Spaces may be Relocated to any portion of the shaded area depicted on **Exhibit I-2** attached hereto. Upon Landco's election to effectuate a Relocation, Landco shall provide written notice thereof to Stadium Owner, which notice shall set forth (i) the portion of the Parking Area subject to such Relocation (such portion, the **"Released Parking Area"**), (ii) details regarding how the Relocation will be effectuated (e.g., 3,000 of the Required Parking Spaces shall be relocated into a Parking Structure to be constructed by Landco on the Landco Parcels, and/or the Additional Parking Spaces shall be removed from the Parking Areas entirely), including reasonable evidence that the requirement to provide the Required Parking Spaces shall continue to be fully satisfied upon the effectuation of such Relocation, and (iii) the anticipated timing of such Relocation. Notwithstanding anything to the contrary set forth herein, in connection with a reconfiguration of any surface Parking Areas, (A) the circulation aisles (that is, an aisle without direct access to parking spaces) and the parking aisles (that is, aisles with direct access to a parking space) within such surface Parking Areas shall be appropriate sizes to maintain at least as efficient vehicle circulation as presently in place, and (B) Landco shall be responsible for any necessary restriping of such surface Parking Areas. Further, as part of a Relocation hereunder, Landco may construct one or more parking structures (**"Parking Structures"**) and designate all or a portion of the parking spaces contained therein toward satisfaction of Landco's obligation to provide the Required Parking Spaces, at no construction cost or expense to Stadium Owner, on the Landco Parcels, in a location designated by Landco; provided that such Parking Structures conform to the Development Principles. Any such Parking Structure shall (i) be materially commensurate with parking structures located within first-class, mixed use projects in Los Angeles County and include speed ramps and speed parking design, (ii) be constructed on a legal parcel which has been separately subdivided from Parcel 2 and/or Parcel 3, as applicable; and (iii) be a Landco Controlled Parking Area. All Parking Structures serving the Stadium shall be designed to permit the public to enter and leave the Parking

Structure quickly and conveniently. Typically, vehicles will be directed to parking spaces and will not be permitted to circulate freely searching for a parking space. Upon such Relocation and corresponding satisfaction of the obligation to provide the Required Parking Spaces, the Parking Areas shall be deemed not to include the Released Parking Area, and the parties shall reasonably cooperate to memorialize such Relocation and Released Parking Area in writing on or about the date of such Relocation and Record an amendment to this Declaration attaching a new exhibit which depicts the then current location of the Parking Areas.

5.2 Stadium Owner Parking Area Sole Control Period. Commencing on the Effective Date, and continuing until the day immediately preceding the commencement of the "Parking Area Shared Control Period," as defined in Section 5.3, below, or, if there is no Parking Area Shared Control Period in accordance with Section 5.3, below, then the day immediately preceding the commencement of the Landco Parking Area Sole Control Period (in either case, the **"Stadium Owner Parking Area Sole Control Period"**), the Parking Areas shall be controlled, operated and maintained by Stadium Owner in accordance with the express terms of this Declaration and as follows.

5.2.1 Control, Operation and Maintenance, Generally. Stadium Owner shall have exclusive control over the use, maintenance, pricing, operation, charges and hours of operation of the Parking Areas (including landscaping, if any), including the right to retain a reputable, properly licensed single third party operator (**"Parking Operator"**) to operate the Parking Areas. Stadium Owner, at Stadium Owner's sole cost and expense, shall conduct all repair, maintenance and improvements necessary or desirable to maintain the Parking Areas in compliance with the Stadium Owner Maintenance Standard and this Declaration, which maintenance, repair and improvements may include, without limitation, resurfacing, patching potholes, restriping, sealing, repairing, painting, lighting, cleaning, sweeping, removing trash, replacing appropriate directive signage, markers and lines and lighting systems, and payment and repair of all utilities, water, sewer and mechanical and electrical equipment in the Parking Areas.

5.2.2 Access, Security & Traffic Control Staffing. Stadium Owner shall, at its sole cost and expense, (i) maintain minimum staffing levels of access personal, private security officers and/or uniformed City of Los Angeles (sworn) police officers as Stadium Owner reasonably determines is necessary for crowd control and arrest purposes, and (ii) maintain minimum staffing levels of City of Los Angeles traffic control and traffic management personnel as Stadium Owner reasonably determines is necessary for public safety and traffic control within the Parking Area and public streets immediately surrounding the Project. For security purposes, subject to the terms of this Section 5.2.2, all entrances to the Project shall remain closed on all dates other than Game Dates and Non-Baseball Event Dates; provided, however, that notwithstanding the foregoing, at least one (1) entrance (which may be reasonably designated by Stadium Owner) shall remain open on all dates other than Game Dates and Non-Baseball Event Dates to the extent necessary to admit Stadium Owner and its Permittees and Stadium Owner shall be responsible to provide appropriate access/security personnel to prevent unauthorized entry by third parties onto the Project. In addition, the Parties acknowledge and agree that during the Stadium Owner Parking Area Sole Control Period and/or the Parking Area Shared Control Period, Landco, as owner of the Landco Parcels, may desire, or require, access to the Landco Parcels from time to time, in which event the Parties shall coordinate the entry by Landco and Landco's Permittees onto the Project in a manner consistent with the entry of Stadium Owner and

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its Permittees on to the Project, such as card access (and Landco shall pay a reasonable and equitable share of any incremental access/security personnel costs incurred by Stadium Owner which are directly attributable to such entries).

5.2.3 Parking Fee. Commencing retroactively as of January 1, 2010 and for the remainder of the term of this Declaration (subject to Sections 5.3 and 5.4, below), Stadium Owner covenants and agrees to pay without notice or demand, and without set-off, deduction or abatement, an annual parking fee (the "**Parking Fee**") at the rate of $14,000,000 per annum payable in equal monthly installments on the first day of each month during the term of this Declaration. The Parking Fee shall be paid to Landco or Landco's designee, as designated in writing by Landco to Stadium Owner from time to time. The Parking Fee for any partial month will be prorated based on the actual number of days in such month. Notwithstanding the foregoing, the Parties acknowledge and agree that Stadium Owner shall be deemed to have paid the Parking Fee commencing on January 1, 2010 and continuing through and including the date immediately preceding the Effective Date. Notwithstanding anything contained herein to the contrary, in the event the Required Parking Spaces are less than 16,500 pursuant to Section 5.1.2 hereof, there shall be a proportionate reduction in the annual Parking Fee.

5.2.4 Parking Fee Escalation.

5.2.4.1 Definitions. For purposes of this Section 5.2.4.1, the following definitions will apply:

- "**Base Month**" means the month beginning January 1, 2010.
- "**Price Index**" means the "Consumer Price Index – All Urban Consumers" published by the Bureau of Labor Statistics of the United States Department of Labor, for Los Angeles-Riverside-Orange County, CA, All Items, (1982-94 = 100) or any renamed local index covering the Los Angeles metropolitan area or any other successor or substitute index appropriately adjusted.
- "**Base Index**" means the Price Index in effect in the Base Month.
- "**Anniversary Date**" means the first day of the month which is the fifth (5th) anniversary of the Base Month and each five (5)-year anniversary of such date thereafter.
- "**Increase Month**" means the month immediately preceding any Anniversary Date.
- "**Percentage Increase**" means the percentage equal to the fraction, the numerator of which will be the Price Index in the Increase Month less the Base Index, and the denominator of which will be the Base Index.

5.2.4.2 Parking Fee Adjustment. If the Price Index in an Increase Month exceeds the Base Index, the Parking Fee payable beginning on the Anniversary Date

immediately following such Increase Month and through the last day of the next Increase Month, or through any earlier termination date under this Declaration, will increase by the Percentage Increase.

5.2.4.3 Formula and Example. The following illustrates the intentions of the parties as to the computation of the escalation of the Parking Fee:

- Formula. The formula used to calculate the escalation of the Parking Fee pursuant to this Section 5.3.4 will be as follows: (Increase Month Price Index – Base Index/Base Index x Parking Fee) + Parking Fee = Adjusted Parking Fee.

- Example. By way of example only, assume the Parking Fee is $14,000,000; the Base Index (January 2010) is 220.719 and the Price Index for December 2014 is 253.599; 253.599 – 220.719 = 32.88; 32.88 divided by 220.710 = 0.15; 0.15 x $14,000,000 = $2,100,000; and $14,000,000 + $2,100,000 = $16,100,000.

5.2.4.4 Figures Unavailable. In the event that the Price Index is unavailable as of any Anniversary Date, Stadium Owner will continue to make monthly Parking Fee payments based on the rate calculated for the preceding escalation of the Parking Fee until such Price Index is made available; at that time the Parking Fee will escalate in accordance with this Section 5.2.4 and Stadium Owner shall make a retroactive payment to Landco equal to the difference between:

- the Parking Fee due from the date the increase in the Parking Fee became effective until the increase was finally computed; and

- the Parking Fee actually paid by Stadium Owner from the date the increase became effective until the date such increase was finally computed.

5.2.4.5 No Recomputations. No subsequent adjustments or recomputations, retroactive or otherwise, will be made to the Price Index due to any revisions that may later be made to the first published figure of the Price Index for any month.

5.2.4.6 No Parking Fee Decrease. In no event will the Parking Fee in a given five (5)-year period be less than $14,000,000 per annum (except as otherwise expressly provided in Section 5.2.3, above, and Sections 5.3 and 5.4, below).

5.2.5 Parking Costs and Revenues. Stadium Owner shall be responsible, at its sole cost and expense, for all Parking Costs attributable to the Parking Areas, and shall be entitled to retain all revenues and proceeds generated from the Parking Areas.

5.3 Parking Area Shared Control Period. The Parties acknowledge and agree that the Development may occur in several phases, and as a result, there may be a period of time during which the Required Parking Spaces are located both on surface parking lots and in Parking Structures, and further, as set forth in Section 5.1.4, above, and in conformance with the

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Development Principles, Landco shall have operational control over the portions of the Parking Areas consisting of the Parking Structures ("**Landco Controlled Parking Areas**"). Until such time that all or substantially all of the Required Parking Spaces are located in Parking Structures, Stadium Owner shall continue to control the portions of the Parking Areas consisting of surface parking lots (such portion of the Parking Areas controlled by Stadium Owner, the "**Stadium Owner Controlled Parking Areas**"). The date on which all or substantially all of the Required Parking Spaces are located in Parking Structures shall be referred to as the "**Landco Full Takeover Date.**" The period of time, if any, during which control of the Parking Areas is shared between Landco and Stadium Owner, as contemplated above, shall be referred to herein as the "**Parking Area Shared Control Period,**" and, during any such Parking Area Shared Control Period, the Parties shall control the operations and maintenance of their respective portions of the Parking Areas in accordance with the terms of this Section 5.3.

5.3.1 Operation, Control and Maintenance of the Parking Areas. Stadium Owner shall control the operations and maintenance of the Stadium Owner Controlled Parking Areas in accordance with the terms of Sections 5.2.1 and 5.2.2, above, and all other express provisions of this Declaration, as if the "Stadium Owner Controlled Parking Areas" were the "Parking Areas." Landco shall control the operations and maintenance of the Landco Controlled Parking Areas in accordance with the terms of Sections 5.4.1, 5.4.2, 5.4.3 and 5.4.6, below, as if the "Landco Controlled Parking Areas" were the "Parking Areas."

5.3.2 Parking Fee. If the "Independent Owner Scenario" applies and the "Revenue Election," as those terms are defined in Section 5.5, below, has been made as to all or a portion of the Landco Controlled Parking Areas (the portion of the Landco Controlled Parking Areas to which the Revenue Election applies, the "**Revenue Election Parking Areas,**" and the portion of the Landco Controlled Parking Areas to which the Revenue Election does not apply, if any, the "**Non-Revenue Election Parking Areas**"), then the Parking Fee shall be proportionately reduced pursuant to the following calculation so that the reduced parking fee shall equal (the sum of (A) the number of Required Parking Spaces located in the Stadium Owner Controlled Parking Area plus (B) the number of Required Parking Spaces located in the Non-Revenue Election Parking Areas) divided by (the number of Required Parking Spaces) multiplied by (the Parking Fee). If the Revenue Election has not been made, then all of the Landco Controlled Parking Areas shall be Non-Revenue Election Parking Areas and accordingly, Stadium Owner shall continue to pay the Parking Fee in full in accordance with the terms of Sections 5.2.3 and 5.2.4, above.

5.3.3 Parking Revenues and Parking Costs.

5.3.3.1 Stadium Owner Controlled Parking Areas. Stadium Owner shall be responsible, at its sole cost and expense, for all Parking Costs attributable to the Stadium Owner Controlled Parking Areas, and shall be entitled to retain all revenues and proceeds generated from the Stadium Owner Controlled Parking Areas.

5.3.3.2 Landco Controlled Parking Areas. If the Revenue Election has been made as to all or a portion of the Landco Controlled Parking Areas, then the Parties' respective rights and obligations, as applicable, with respect to the Parking Costs and revenues which pertain to Landco Controlled Parking Areas that are also Revenue Election Parking Areas

shall be as set forth in Section 5.4.5.1, below. With respect to the Landco Controlled Parking Areas as to which the Revenue Election has not been made, the Parties' respective rights and obligations, as applicable, with respect to the Parking Costs and revenues which pertain to such Non-Revenue Election Parking Areas shall be as set forth in Section 5.4.5.2, below.

5.3.4 Cooperation. During the Parking Area Shared Control Period, the Parties shall reasonably cooperate and coordinate their respective operations of the Stadium Owner Controlled Parking Area and the Landco Controlled Parking Area, including, without limitation, with respect to their respective Parking Operators and additional security and traffic personnel. Such cooperation may include, without limitation, meetings between the Ongoing Representatives in accordance with Section 2.1, above.

5.4 Landco Parking Area Sole Control Period. Commencing on the Landco Full Takeover Date, and continuing until the expiration of the term of this Declaration (the "**Landco Parking Area Sole Control Period**"), the Parking Areas shall be managed, operated and maintained by Landco as follows, in accordance with the Development Principles.

5.4.1 Management, Operation and Maintenance, Generally. Subject to Landco's continuing obligation to provide the Required Parking Spaces to Stadium Owner in accordance with this Declaration and Stadium Owner's right to determine pricing for Parking Passes which pertain to the Non-Revenue Election Parking Areas, Landco shall have exclusive management over the use, maintenance, pricing (provided that Landco shall not charge more than the higher of (i) the highest charge for single, premium Parking Passes for Home Games in 2012 ("**2012 Charge**") (provided further that if the Price Index in a "Parking Increase Month" exceeds the "Parking Base Index," as those terms are defined below, then the highest charge for single, premium Parking Passes for Home Games beginning on the "Parking Anniversary Date," as that term is defined below, immediately following such Parking Increase Month and through the last day of the next Parking Increase Month, or through any earlier termination date under this Declaration, will increase by the "Parking Percentage Increase," as that term is defined below, but in no event shall such charge ever be less than the 2012 Charge), and (ii) the highest charge then in effect and established by Stadium Owner for single, premium Parking Passes for Home Games (as applicable, "**Maximum Rate**")), operation, charges and hours of operation of the Parking Areas (including landscaping, if any), including the right to retain a Parking Operator to operate the Parking Areas; provided, however, that (A) Landco shall use commercially reasonable efforts to operate the Parking Structure in a manner to accommodate Stadium attendees and consistent with the Development Principles, and (B) the Parking Operator may either be the Owner of the Parking Structure or a third-party operator, but in either case must be experienced in operating first-class parking structures in urban and suburban markets. Landco shall conduct all repair, maintenance and improvements necessary or desirable to maintain the Parking Areas in good working condition and repair and otherwise in compliance with this Declaration, which maintenance, repair and improvements may include, without limitation, resurfacing, patching potholes, restriping, sealing, repairing, painting, lighting, cleaning, sweeping, removing trash, replacing appropriate directive signage, markers and lines and lighting systems, and payment and repair of all utilities, water, sewer and mechanical and electrical equipment in the Parking Areas. Any costs of temporary relocation suffered by Stadium Owner as a result of the repair or maintenance of the Parking Areas by Landco shall be borne entirely by Stadium Owner. For purposes of this Section 5.4.1, (i) "**Parking Base Month**" shall mean the

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month beginning January 1, 2012, (ii) **"Parking Base Index"** shall mean the Price Index in effect in the Parking Base Month, (iii) **"Parking Increase Month"** shall mean the month immediately precedent any Parking Anniversary Date, (iv) **"Parking Anniversary Date"** shall mean the first day of the month which is the first (1st) anniversary of the Parking Base Month and each one (1)-year anniversary of such date thereafter, and (v) **"Parking Percentage Increase"** shall mean the percentage equal to the fraction, the numerator of which will be the Price Index in the Parking Increase Month less the Parking Base Index, and the denominator of which will be the Parking Base Index.

5.4.2 Access, Security & Traffic Control Staffing. Landco shall maintain staffing levels of access personal, private security officers and/or uniformed City of Los Angeles (sworn) police officers as Landco reasonably determines is necessary in connection with the operation of the Parking Areas and the Development. Stadium Owner may elect from time to time to supplement such personnel at and around the Stadium, and shall reasonably cooperate with Landco to coordinate each Party's respective access and security forces.

5.4.3 Insurance and Indemnification Obligations.

5.4.3.1 Insurance Policies. Landco shall keep and maintain the following policies of insurance: (i) valid and enforceable commercial general liability insurance against liability for bodily injury, personal injury or property damage arising out of the ownership or use of the Parking Areas or the activities of Landco in connection with this Declaration, in such amounts and with such deductible as reasonably determined by Landco from time to time, but in no event in amounts less than Ten Million Dollars ($10,000,000) for each occurrence and Ten Million Dollars ($10,000,000) for all occurrences each year; (ii) valid and enforceable fire and extended coverage insurance on all of the insurable Improvements (including the Parking Structures), if any, now or hereafter located within the Parking Areas, which insurance shall include standard all-risk property insurance with replacement costs coverage in such amounts as reasonably determined by Landco from time to time; and (iii) such other insurance as Landco shall deem necessary or expedient to carry out the functions of Landco as set forth in this Declaration.

5.4.3.2 General Requirements for Parking Area Insurance Policies. Every policy of insurance obtained by Landco, whether or not required to be obtained pursuant to the provisions of this Declaration, shall expressly waive any and all rights of subrogation against Landco, its representatives and employees, and Stadium Owner if permitted under the terms of such policy. Landco is granted full right and authority to compromise and settle any claim or endorse any claim by legal action or otherwise and to execute releases in favor of any insurer.

5.4.4 Parking Fee. Stadium Owner shall continue to be obligated to pay the Parking Fee in full unless the Revenue Election is made as to all or a portion of the Parking Areas (as more particularly set forth hereinafter). If such Revenue Election is made with respect to the entirety of the Parking Areas, then Stadium Owner shall have no further obligation to pay the Parking Fee. If such Revenue Election is made with respect to only a portion of the Parking Areas, then the Parking Fee shall be proportionately reduced pursuant to the following calculation so that the reduced parking fee shall equal (the number of Required Parking Spaces

located in the Non-Revenue Election Parking Areas) divided by (the number of Required Parking Spaces) multiplied by (the Parking Fee).

5.4.5 Parking Revenues and Parking Costs.

5.4.5.1 Revenue Election Parking Areas. If the Revenue Election has been made as to all or a portion of the Parking Areas, then Landco shall be responsible, at its sole cost and expense, for all Parking Costs attributable to the Revenue Election Parking Areas, and shall be entitled to retain all revenues generated from the Revenue Election Parking Areas (including, without limitation, sales of all general, reserved, special or preferred parking passes). In furtherance of the foregoing, the Parties shall reasonably cooperate to transfer control of the sale of all parking passes for Stadium events (collectively, the "**Parking Passes**") which pertain to the Revenue Election Parking Areas to Landco, if any, but if the same is not reasonably feasible as to all or a portion of such Parking Passes, then Stadium Owner shall continue to sell all or the non-transferable portion of the Parking Passes at rates established by Landco and shall deliver to Landco, on a monthly basis, and together with reasonable accounting detail, all revenues generated from Stadium Owner's sale of such Parking Passes which pertain to the Revenue Election Parking Areas.

5.4.5.2 Non-Revenue Election Parking Areas. The Stadium Owner shall control the sale, and shall be entitled to set the pricing, and retain all revenues generated from the sale by Stadium Owner, of the Parking Passes which pertain to the portions of the Parking Areas which are Non-Revenue Election Parking Areas. All such Parking Passes which pertain to the Non-Revenue Election Parking Areas shall be accepted by Landco for parking by Stadium patrons within the Non-Revenue Election Parking Areas, and Landco shall in no event impose any additional charge for parking with respect to the Stadium patrons who hold such Parking Passes. However, to the extent any Person desires to park within the Non-Revenue Election Parking Areas and such Person does not hold an appropriate Parking Pass, then Landco shall be entitled to charge (subject to the limitations set forth in Section 5.4.1, above) for such parking and retain all revenues generated from the same. In addition, Stadium Owner shall be responsible to pay to Landco (or its designee) "Stadium Owner's Share," as that term is defined below, of all Parking Costs attributable to the Non-Revenue Election Parking Areas. Landco's allocation of as the elements of "Parking Costs" hereunder (including property taxes) to the Landco Controlled Parking Areas, Stadium Owner Controlled Parking Areas, Revenue Election Parking Areas and Non-Revenue Election Parking Areas shall be in accordance with sound real estate management and accounting principles applied by owners of urban, mixed-use projects. Landco shall deliver to Stadium Owner, on a monthly basis, and together with reasonable accounting detail, an invoice setting forth the Parking Costs incurred or accrued by Landco for the Non-Revenue Election Parking Areas for the prior calendar month, and Stadium Owner shall pay the same to Landco (or Landco's designee) within thirty (30) days following Stadium Owner's receipt thereof. For purposes of this Section 5.4.5.2, "**Stadium Owner's Share**" shall mean a percentage, the numerator of which is the number of Required Parking Spaces contained in the Non-Revenue Election Parking Areas, and the denominator of which is the total number of parking spaces contained in the parking area in which the Non-Revenue Election Parking Areas are located, multiplied by 100. For illustration purposes only, if (A) 1,000 parking spaces are contained in a Parking Structure, (B) only 500 of such spaces are designated Required Parking Spaces hereunder, and (C) the portion of the Parking Structure in which such 500 Required

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Parking Spaces are contained is a Non-Revenue Election Parking Area, then the calculation of Stadium Owner's Share would be as follows: 500/1,000 x 100 = 50%.

5.4.6 Landco Use of Parking Areas. Subject to Landco's continuing obligation to provide the Required Parking Spaces to Stadium Owner on Game Dates and Non-Major League Baseball Event Dates, the Parties acknowledge and agree that, during the Parking Area Shared Control Period and the Landco Parking Area Sole Control Period, Landco shall have the right to enter into use agreements between Landco and other parties which pertain to the Landco Controlled Parking Areas. In addition, promptly following the commencement of any portion of the Development, the Parties shall reasonably agree upon a parking operation system (1) to prevent Stadium attendees from utilizing parking intended for patrons and tenants at other uses in the Development, and (2) to ensure that the parking spaces intended for the use of Stadium attendees are available for their use.

5.5 The Revenue Election. The Revenue Election may only be made by Landco (or its designee) and Stadium Owner (or its designee), acting jointly, if the Independent Owner Scenario applies. If the Independent Owner Scenario does not apply or Landco and Stadium Owner (or their respective designees) do not make the Revenue Election then the Parking Areas shall be considered Non-Revenue Election Parking Areas. If the parties cannot agree on whether or not to make the Revenue Election within a reasonable period of time after the initiating party notifies the other party of its desire to make the Revenue Election, then the parties will be deemed not to have made the Revenue Election. For purposes of this Declaration, (i) the "**Independent Owner Scenario**" shall mean that the subject Parking Areas are not directly or indirectly owned by Frank McCourt, The McCourt Group or an affiliate thereof, and (ii) the "**Revenue Election**" shall mean that Landco (or its designee) and Stadium Owner (or its designee), acting jointly, elect, upon written notice to the Parties, to cancel Stadium Owner's obligation to pay the portion of the Parking Fee (as such reduction is calculated hereunder) and the Parking Costs which pertain to the Revenue Election Parking Areas in exchange for the right of the Owner of the Revenue Election Parking Areas under the Independent Owner Scenario to receive all revenue generated from the Revenue Election Parking Areas (inclusive of any revenue collected by Stadium Owner in connection with the Stadium Owner's sale of Parking Passes which pertain to the Revenue Election Parking Areas).

ARTICLE VI

GRANT OF EASEMENTS

6.1 Easements for the Benefit of Governmental Agencies and Public Utilities. Certain easements (in perpetuity or otherwise) have been, and may in the future be, granted by Landco to private parties in connection with the Development and/or to certain local governmental agencies, including the City and public utilities, which easements may include, without limitation, easements for drainage, sewer and water lines, and which easements may affect some or all of the Parcels. Landco shall be entitled, without the consent of Stadium Owner, to grant any such future easements over the Landco Parcels which Landco determines are in the best interests of the Project. Stadium Owner shall fully and faithfully comply with all requirements of governmental agencies or public utilities in connection with the easements granted pursuant to this Section 6.1.

or delivered, as the case may be, to the intended party at the addresses set forth below (or other address provided in writing from time to time):

If to Landco:

Blue Landco LLC
c/o The McCourt Group
9420 Wilshire Boulevard, Suite 300
Beverly Hills, CA 90212
Attention: Frank McCourt

With a copy to:

Allen Matkins Leck Gamble Mallory & Natsis LLP
1901 Avenue of the Stars, Suite 1800
Los Angeles, California 90067
Attention: Anton N. Natsis, Esq.

If to Stadium Owner:

LA Real Estate LLC
1000 Elysian Park Avenue
Los Angeles, California 90012
Attention: Operations Manager

If personally delivered or delivered by courier, then such Notice shall be effective upon delivery. If sent by telecopy, facsimile or other form of electronic transmission, then such Notice shall be effective upon transmission (if prior to 6:00 p.m. in the recipient's time zone; but if after 6:00 p.m., then such Notice shall be effective at 9:00 a.m. on the next business day after such transmission), provided that such transmission is promptly followed by a Notice sent by Mail. If sent by Mail, then such Notice shall be effective on the third day after it is deposited in the Mail in accordance with the foregoing. Any correctly addressed Notice that is refused, unclaimed or undelivered because of an act or omission of the party to be notified shall be considered to be effective as of the first date that such Notice was refused, unclaimed or considered undeliverable by the postal authorities, messenger, officer of the law or overnight delivery service. With respect to any Notice, or any document or instrument delivered or made available to any Owner pursuant to this Declaration which might concern one or more Occupants of such Owner's Parcel, it shall be the sole responsibility of such Owner to make a copy thereof available in a timely manner to any such Occupants.

14.5 Agreement for Exclusive Benefit Of Parties. Except as expressly provided herein, the provisions of this Declaration are for the exclusive benefit of the Parties hereto and not for the benefit of any other Person nor shall this Declaration be deemed to have conferred any rights, express or implied, upon any third person.

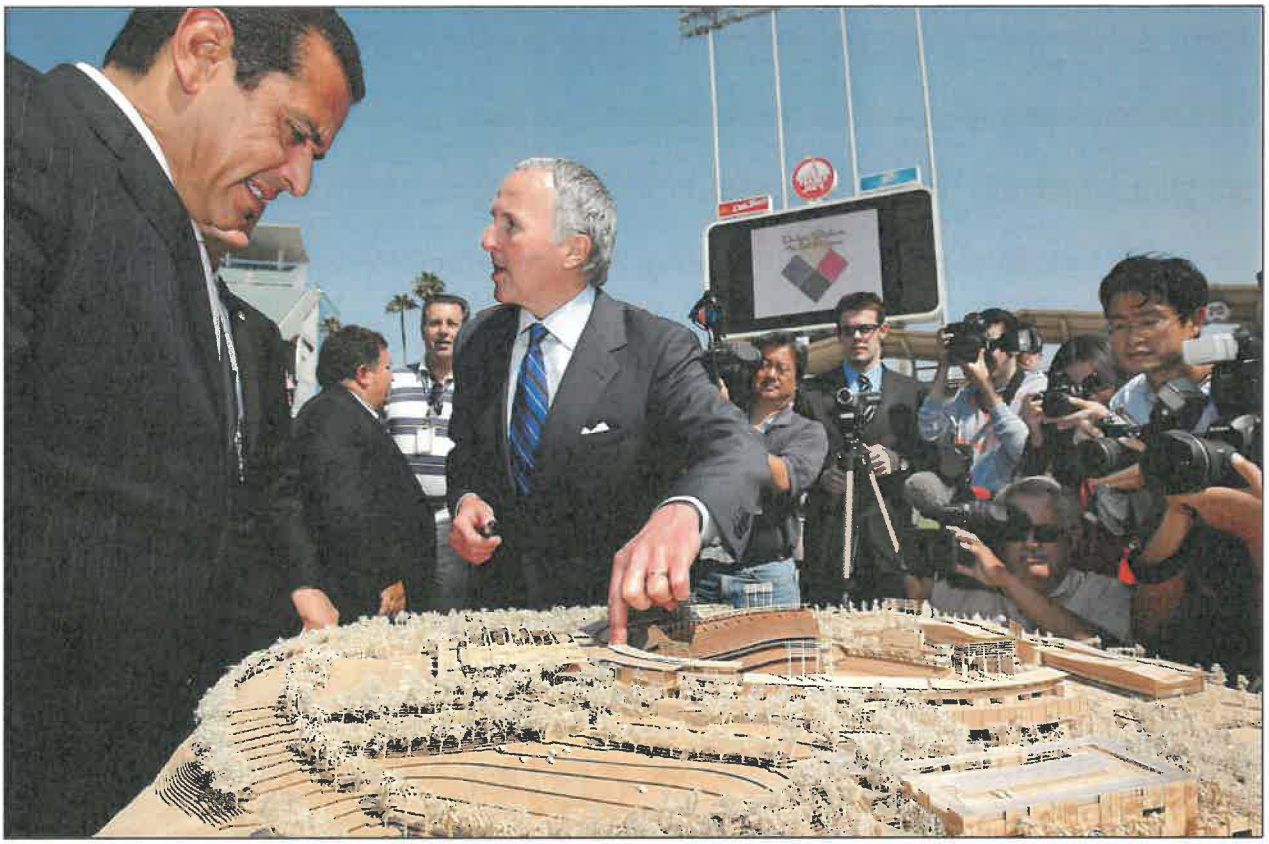
14.6 No Partnership, Joint Venture or Principal-Agent Relationship. Nothing in this Declaration contained nor any acts of the Parties hereto shall be deemed or construed by the

ENCLOSURE 8

See attached flash drive

ENCLOSURE 9

Frank McCourt's Past and Future Schemes for Chavez Ravine



Frank McCourt shows then-L.A. Mayor Antonio Villaraigosa a model of proposed developments in the parking lots surrounding Dodger Stadium at a press conference in 2008. Newly uncovered court documents reveal that McCourt still has permission from the current owners of the Dodgers and plans to develop a massive retail, entertainment, and hotel complex at Chavez Ravine. And a gondola he has proposed from Union Station to the stadium would pave the way for the development. Photograph by Brian Vander Brug, *Los Angeles Times*, April 25, 2008, via Getty Images.

By Leo Hecht and Jon Christensen, August 9, 2022[1]

LOS ANGELES — Former Dodgers owner Frank McCourt is proposing to build a gondola from Union Station to Dodger Stadium, where he still owns a 50% share in 260 acres of land surrounding the stadium. That land, known as Chavez Ravine, represents a

[1] Leo Hecht is an independent, investigative researcher and environmental policy analysis and planning student at UC Davis. Jon Christensen is an adjunct assistant professor in the Institute of the Environment and Sustainability at UCLA.

huge financial opportunity for the owners of the property if development ever occurs there.[2] Currently, it is used for surface parking, and the McCourt Global company proposing the gondola — Los Angeles Aerial Rapid Transit — makes no mention of future development plans. But McCourt has long had plans for an ambitious retail and entertainment complex around the stadium. Those plans are evident in McCourt's "Next 50" plan, which was unveiled when he owned the Dodgers, and in court documents that he tried to hide from public scrutiny during the bankruptcy proceedings that forced him to sell the team. McCourt failed to secure funding for "Next 50," but the agreements revealed in the bankruptcy proceeding are still in force and tell a very different story about the relationship between the proposed gondola, McCourt's plans to develop the parking lots around Dodger Stadium, and the future of Chavez Ravine.

This report examines McCourt's history with the Dodgers, the stadium, and his documented intentions to develop the parking lots in light of his current proposal to build a gondola from Union Station to Dodger Stadium. McCourt Global's denial of any current intention to develop the parking lots are belied by McCourt's previous plans, his 50% ownership of the land, and the fact that the gondola makes little or no sense without a major development at Dodger Stadium, which a gondola could facilitate through provisions in the court document that McCourt tried to keep secret. There are only 81 home games in the regular baseball season. And even adding a maximum of 12 post-season games, a couple of exhibition games, a maximum of four special events a month permitted under the Conditional Use Permit issued by the City of Los Angeles for the stadium, and the Los Angeles Marathon, at most the gondola is likely to be used at

[2] Vincent, Roger & Bensinger, Ken. "Developing Chavez Ravine is likely in play for new Dodgers owner" *Los Angeles Times,* 16 Apr. 2012

or near capacity on only 144 days per year.[3] Unless, that is, the Dodger Stadium parking lots are developed as an entertainment, retail, and hospitality district like L.A. Live as Frank McCourt has long envisioned.

In 2004, McCourt bought the Los Angeles Dodgers from Newscorp for $430 million. The purchase was financed primarily with loans, with over a third of the purchase price lent directly from Newscorp.[4] At the time of McCourt's purchase, no specific plans for development of the parking lots surrounding the stadium were made public. However, on April 25, 2008, McCourt unveiled a sprawling development plan for the stadium itself and the surrounding lots. Marketed as the "Next 50" plan, the proposed development was slated to include a Dodger museum, a Dodger retail store, office space, and two new parking structures. In addition, the project was advertised as a green initiative, including the addition of 2,000 trees in the area around the stadium.[5] The development was expected to cost $500 million, more than McCourt's purchase price for the team.

The "Next 50" plan would have turned the stadium into a retail and entertainment venue to attract customers outside of game times, expanding the use of Dodger Stadium beyond baseball.[6] The William Morris Agency, a Los Angeles talent agency, partnered with the Dodgers to obtain branding deals with companies in an attempt to fund the project by naming parts of the new development after corporate

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[3] The McCourt Global subsidiary proposing the gondola, Los Angeles Aerial Rapid Transit (LA ART), claims that it will transport up to 5,000 passengers per hour in each direction and remove 3,000 car trips from neighborhood streets before and after Dodger games. See: https://www.laart.la/benefits/, accessed on 17 July 2022.
[4] Wharton, David. "Dodgers' New Owner Steps Up to the Plate" *Los Angeles Times,* 30 Jan 2004
[5] Smith, Dakota. "New Dodgers Stadium Reveal: We Got Trees!" *Curbed LA,* 24 Apr. 2008
[6] Hernandez, Dylan & Shaikin, Bill. "Stadium makeover is unveiled" *Los Angeles Times,* 25 Apr. 2008

sponsors.[7] Photographs of McCourt presenting a scale model of development plans at a press conference beside then Mayor of Los Angeles Antonio Villaraigosa show the proposed changes, including large, terraced plazas lined with trees and new buildings outside of the stadium. McCourt's planned development was designed to make use of the parking lots surrounding the stadium to increase the economic productivity of the land and turn Chavez Ravine into a year-round destination.

As part of his plans for the "Next 50" development, McCourt discussed a desire to connect Dodger Stadium to public transit, saying he "hoped local leaders would 'tweak and adjust subway lines' to add a Dodger Stadium stop and provide 'bus access in the interim.'" Then city council member Ed Reyes further endorsed connecting the development to new public transit lines, saying that the "renovation 'hopefully can stimulate a whole new transit system that gets us in and out of this great place.'"[8] In developing plans for his additions to Dodger Stadium and the surrounding land, McCourt clearly identified expanded public transit options as increasing potential visitors as well as revenue in new retail and entertainment destinations.

Under McCourt's ownership the Dodgers fell deep into debt, ultimately filing for bankruptcy on June 27, 2011. In addition to bankruptcy court conflicts with Major League Baseball, McCourt was ordered to pay $150 million in a divorce settlement, and defended a suit by a San Francisco Giants fan who was badly beaten in the Dodger Stadium parking lot.[9] The "Next 50" development never materialized, as McCourt failed to secure funding.

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[7] Vincent, Roger. "Naming rights could turn Dodger diamond into gold" *Los Angeles Times,* 14 Oct. 2008
[8] Hernandez, Dylan & Shaikin, Bill. "Stadium makeover is unveiled"
[9] Shaikin, Bill. "Frank McCourt appears close to agreeing he'll sell Dodgers" *Los Angeles Times,* 31 Oct. 2011

McCourt was very resistant to selling the Dodgers, and only agreed to a sale in November 2011 after a series of long court battles. After several rounds of negotiations, a group led by Magic Johnson and financed by Guggenheim Partners won the bid to purchase the Dodgers for $2 billion. As part of the deal, Guggenheim Partners entered into a venture with a McCourt entity to jointly own the stadium parking lots.[10]

The terms of the parking lot sale and any potential future development of the land around the stadium was filed under court seal as part of the supplement to the Dodger's chapter 11 bankruptcy plan on April 6, 2012. Of nine sections totaling 139 pages, the exhibit titled the "Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine," consisting of 93 pages of terms and agreements relating to the current usage and future development of Chavez Ravine, is the only piece of the document not available in public court records.[11] After objecting to the Dodger's attempt to block public viewing of the land use plans, the Los Angeles Times was able to obtain the document in 2012.[12] The exhibit was subsequently recorded by the Los Angeles County Recorder's Office, which is where it was obtained for this report.

The exhibit shows that Guggenheim Partners pays $14 million a year to the McCourt entity Blue Landco LLC to rent the stadium parking lots. The document also details possible future developments that "may include, but are not limited to (i) office buildings, (ii) hotel and exhibition facilities, (iii) residential buildings, (iv) medical buildings, (v) academic buildings, (vi) parking structures, and/or (vii) retail, dining, and

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[10] Shaikin, Bill. "Few new details in Dodgers' sale court documents" *Los Angeles Times*, 6 Apr. 2012
[11] "Plan Supplement" for Case No. 11-12010 (KG) in the Delaware Bankruptcy Court, filed 6 Apr. 2012
[12] Shaikin, Bill. "L.A. Times objects to Dodgers' bid to seal conditions of land use" *Los Angeles Times*, 11 Apr. 2012

entertainment facilities."[13] The document includes a provision stating that Guggenheim Partners agrees "to cooperate with Landco, and to take all steps reasonably requested by Landco, in connection with the general plan of improvement and development of the Landco Parcels," and "not to oppose, or to interfere in any fashion (including, without limitation, by speaking out at public hearings) with any efforts by Landco to complete development of the Landco Parcels."[14] This provision effectively grants Landco the sole discretion to develop the stadium parking lot lands.

Although McCourt and Guggenheim Partners claimed at the time of the sale that they did not have plans for development in the immediate future, McCourt's attorney said that the document outlining potential plans was created to keep possibilities for development open. The document includes an agreement with Guggenheim Partners for a 99-year lease of the land with the Landco LLC half-owned by McCourt. The agreement states that the parking lots contain 19,000 parking spaces, and that any reduction of the number of parking spaces below 16,500 must be approved by Major League Baseball and the City of Los Angeles.[15]

An additional section of the exhibit, however, provides a workaround for this provision that is especially significant in light of McCourt's proposed gondola. It states that "in connection to any Mass Transportation...Landco shall have the right to provide less than the 16,500 Required Parking Spaces."[16] This would allow for developments in

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[13] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 4.1, Los Angeles County Recorder's Office, Document #20120642991
[14] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 14.3, Los Angeles County Recorder's Office, Document #20120642991
[15] Shaikin, Bill. "Dodgers' owners to pay $14 million a year to rent parking lots from McCourt entity" *Los Angeles Times*, 4 May 2012
[16] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 5.1.2, Los Angeles County Recorder's Office, Document #20120642991

the parking lots that could significantly reduce the number of parking spaces if the developments were completed after or concurrent with the addition of a mass transit connection to Dodger Stadium. Under this agreement, construction of a gondola to the stadium from Union Station could enable McCourt's vision for additional development in Chavez Ravine to be realized.

McCourt Global's website trumpeted its ownership interest in the 260-acre Chavez Ravine land as a "current real estate project" through at least October 2021, though that statement appears to have been removed from the website once the company began facing significant opposition to its proposed gondola project.[17] McCourt's proposal for a gondola from Union Station to land he co-owns at Dodger Stadium could be a necessary first step to allow development there.

On April 26, 2018, Aerial Rapid Transit Technologies LLC submitted an unsolicited proposal to Los Angeles County Metropolitan Transportation Authority ("Metro") for an aerial gondola from Union Station to Dodger Stadium that it calls Los Angeles Aerial Rapid Transit or "LA ART." LA ART was founded by Drew McCourt, Frank McCourt's son. The company claims that the estimated $125 million project will be privately funded by Frank McCourt's investment firm and others.

According to LA ART, each gondola cabin will hold 30 to 40 people and the system will be able to move up to 5,000 people per hour to or from the stadium. LA ART claims the gondola will take 3,000 cars off of neighborhood streets and reduce traffic on the 110 freeway before and after Dodger games. Current plans show gondola cars suspended from cables 150 to 175 feet above the ground from Union Station to Dodger

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[17] "Our Company" *McCourt Global*, http://web.archive.org/web/20210724150915/https://www.mccourt.com/mccourt-global-overview Accessed via The Wayback Machine

Stadium with an intermediate station at Los Angeles State Historic Park adjacent to Chinatown.[18]

The Los Angeles Times noted that even though the project director Martha Welborne claimed no future development is planned in 2018, "lenders might be more receptive to finance a gondola that goes to Dodger Stadium 365 days a year — rather than just on 81 home-game dates."[19] At that time McCourt Global still listed the parking lots as a "current real estate project."[20]

Despite LA ART's insistence that the gondola is not a precursor to future development, the gondola project would generate significantly more revenue for McCourt if it could deliver consumers to a commercial development with restaurants, retail, entertainment, and hospitality venues on the approximately 220 days of the year when the stadium does not host home games, exhibition games, post-season games, or special events. And McCourt's share of profit from the real estate development would vastly exceed any profit from a gondola.

The "Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine" that McCourt secured and tried to hide from the public in the Dodgers' bankruptcy case shows the proposed gondola is not the end game at Dodger Stadium, but a means to yet another end.

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[18] "FAQs" *LA ART*, http://www.laart.la/faqs/

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[20] See footnote 17.

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Developing Chavez Ravine is likely in play for new Dodgers owner

BY ROGER VINCENT AND KEN BENSINGER, LOS ANGELES TIMES

APRIL 16, 2012 12 AM PT

It's a developer's dream — nearly 300 empty acres above downtown Los Angeles, close to three major freeways and visited by millions each year.

Could Chavez Ravine be the next big real estate play in town?

The new owner of the Dodgers, Guggenheim Baseball Management, is keeping tight-lipped about its plans for the parking lots and hillsides surrounding Dodger Stadium, which it will own jointly with departing team owner Frank McCourt if the sale closes as expected April 30.

INTERACTIVE: Breakdown of Dodger property

The Dodgers disclosed some details of the McCourt-Guggenheim land partnership in the team's

bankruptcy case, but those documents were under seal — and the team quickly withdrew them after The Times asked the bankruptcy judge to release them publicly.

Real estate experts, however, say it's likely the new owner is looking to do more with the land than simply park cars. They point out that the rich price paid by Guggenheim — at $2.15 billion, a record for a sports franchise — suggests it will need to add new revenue streams in addition to what is expected to be a lucrative television contract.

"There is probably a media or a real estate play," said Stan Ross, chairman of the USC Lusk Center for Real Estate, who was quick to add that any development would likely take years to realize.

One doesn't have to scout far for a glimpse of potential development plans. Four years ago, McCourt proposed a $500-million plan to ring the stadium with restaurants, shops and a Dodgers museum. The surface parking spaces lost to new buildings would be replaced by twin nine-story garages.

The plans never went anywhere amid the economic downturn and the team's precarious finances, but it's clear that McCourt wasn't the only one to see new development possibilities.

Among those in the bidding for the Dodgers were real estate entrepreneurs Rick Caruso, Jared Kushner and Tom Barrack. And Magic Johnson, one of the nation's most prominent urban developers, has a minority stake in the Guggenheim partnership.

Developer Ken Lombard, a former business partner of Johnson, said the Dodgers property is ideally situated for an urban development.

"You could create a community up there," said Lombard, who runs the Baldwin Hills Crenshaw Plaza shopping center. "You have the chance to do something very interesting, probably a mixture of residential and retail."

There would be even more potential if the baseball stadium were to be relocated downtown, as many have suggested. AEG Entertainment President Tim Leiweke, who is leading plans to build an NFL football stadium downtown, said a downtown baseball stadium would be among other

possible options if the football stadium were derailed.

Beverly Hills apartment developer Alan Casden, another unsuccessful bidder for the Dodgers, had made relocating the stadium a cornerstone of an earlier proposal to buy the team in 2003.

At that time, Casden criticized Dodger Stadium for convoluted parking lots, a poor seating plan and a location inconvenient for both fans and nearby residents who bear the brunt of traffic, noise and litter in their neighborhood.

Tearing down Dodger Stadium, the third-oldest major league ballpark, would likely draw opposition from preservationists. The Los Angeles Conservancy has not taken a position on the issue, but its executive director, Linda Dishman, has a soft spot for the 50-year-old stadium.

"My favorite thing is looking out from the top deck. It feels like you're so close you can touch the skyline of downtown," Dishman said.

At 50, Dodger Stadium is now eligible to be listed on the National Register of Historic Places. If it achieved such a designation, the owner would find it more difficult to get city approval to destroy it, make substantial changes or sell naming rights.

In 2004, Chicago's Wrigley Field was landmarked, a move the Cubs' ownership opposed. The team was sold in 2009 and the new owners have asserted that the status costs the Cubs $30 million a year in lost sponsorship opportunities.

Even if the stadium doesn't get official landmark designation, earning the backing to raze it or build additions on the parking lots such as condos or a shopping center would not be an easy feat, said Gail Goldberg, former city planning director.

Owners can be expected to look for "higher and better" uses for their property that will produce more financial rewards, she said. Their challenge is to convince local officials that their plans are good for economic development and to convince local stakeholders such as neighbors that the plan will improve their quality of life.

That the publicly unpopular McCourt is still involved is an added hurdle to building support for

real estate development, she said.

"I think nobody wants to help him make more money," Goldberg said. "As long as his name is out there, the public benefit [of development] would have to be extraordinary."

Although the Boston native is giving up half his interest in the parking lots, Bankruptcy Court filings show that McCourt will retain complete control of five parcels comprising nearly 20 acres of land immediately adjoining them.

McCourt also owns an entire city block between College Street and Figueroa Terrace, just down the hill from the stadium. Purchased in 2008 for $9.1 million, the block holds a small house and a commercial building with the offices of the L.A. Marathon, which McCourt also owns.

The price McCourt paid is more than triple what the land sold for in 2004 and 2005; the block borders the 110 Freeway and its Sunset Boulevard exit, which could be an attractive feature should the city ever expand road access to Dodger Stadium.

Major roadwork and other large-scale improvements to ease ingress and egress to the ravine would probably be necessary for meaningful development to take place, architect and real estate advisor Ann Gray said.

"It's not an easy site to get in and out of," Gray said. "The paradox is that the only way to relieve traffic is to build more. It will alleviate the bottleneck at the start and end of games. Even great mass transit will not do that."

With the exception of the Figueroa Terrace properties, almost all of McCourt's holdings are zoned as agricultural or open space, as are the parking lots. To build on them, a potentially difficult rezoning would be required.

City Councilman Ed Reyes, whose district includes Chavez Ravine, is taking a wait-and-see approach to development around the stadium, though he did voice support for McCourt's plan in 2008.

"There is a critical path that we have to cross that speaks to our ability to create jobs while making

it better for everybody, not just the people who come for three hours and then go," he said.

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Stadium makeover is unveiled

BY DYLAN HERNANDEZ AND BILL SHAIKIN
APRIL 25, 2008 12 AM PT

TIMES STAFF WRITERS

Dodgers owner Frank McCourt unveiled plans Thursday for a historic makeover of the 275-acre Dodger Stadium site in Chavez Ravine, describing new features designed to transform the ballpark by 2012 into a year-round destination for dining, shopping and recreation that will be fan- and environment-friendly.

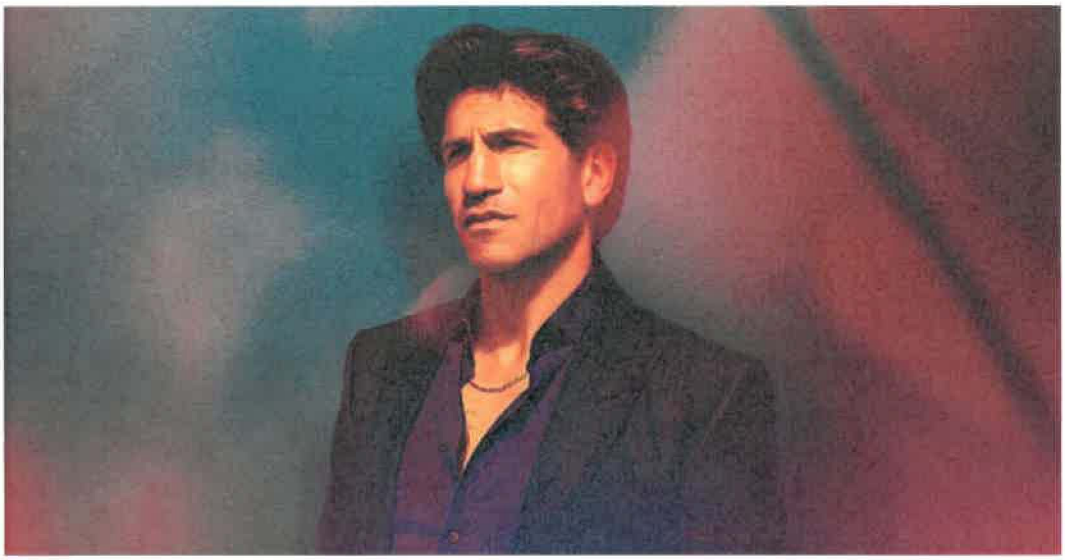
Speaking at a morning news conference in the Dodger Stadium outfield, McCourt outlined a sweeping $500-million project that would include parking structures, a Dodgers history museum and a landscaped plaza behind center field connecting to shops and restaurants.

"It's not just for the fans," he said. "It's for the entire community."

McCourt said the improvements would allow the 46-year-old landmark -- the second-oldest park in the National League after Chicago's Wrigley Field -- to flourish for another 50 years.

The privately financed makeover would cost more than the $430 million McCourt paid for the team and stadium four years ago.

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He challenged civic leaders to follow his investment by extending bus and subway lines to the ballpark.

"The ultimate way to improve access to Dodger Stadium is public transit," McCourt said.

Mayor Antonio Villaraigosa said he would be happy to work with the Dodgers on finding ways other than driving to get people to the stadium.

"That clarion call, that challenge, I like that," Villaraigosa said at the news conference. "Isn't it amazing that we built a public transportation system and it never connected to Dodger Stadium? Wouldn't it be great if we said, 'This city is going to also rectify the errors of the past' and do something to change that? I like that idea. Let's get working on it."

McCourt said the loss of about 15 acres of parking, or about 2,000 spaces, would be offset by the construction of two parking garages -- a first for Chavez Ravine -- and additional underground parking. The renovations would include a dedicated bus lane running directly to a transit plaza

next to the stadium.

McCourt said he hoped local leaders would "tweak and adjust subway lines" to add a Dodger Stadium stop and provide "bus access in the interim."

City Councilman Ed Reyes, whose district includes Dodger Stadium, said the ballpark renovation "hopefully can stimulate a whole new transit system that gets us in and out of this great place."

It remains unclear who would pay for such transit. The Los Angeles County Metropolitan Transportation Authority faces a $1-billion deficit over the next 10 years, spokesman Rick Jager said.

There are no plans to redirect a rail line toward Dodger Stadium, he added.

City transportation officials last month said they were exploring ways to reroute a DASH line to the ballpark but that there were two issues: money and the inconvenience to regular riders.

However they arrive at the stadium, fans would find new, environmentally friendly features that drew praise from Joel Reynolds, director of the Natural Resources Defense Council's urban program.

Citing the expanded use of water- and energy-conserving fixtures and the planting of 2,000 trees, Reynolds said Dodger Stadium has the potential to be "the most environmentally sustainable stadium in the country." He also cited the environmental benefits of preserving rather than tearing down the stadium itself.

By creating new public gathering spots such as the outfield promenade, museum and top-of-the-park terrace, the Dodgers are seeking to bring customers out early, keep them there late and even attract visitors on non-game days.

"It's increasingly clear that fans want these types of amenities," said David Carter, a sports marketing consultant and executive director of the USC Sports Business Institute.

Barry Prevorne of Moorpark, who shares season tickets and estimates that he attends 25 games a

season, said he would consider visiting Dodger Stadium in the off-season.

"It depends on what kind of facilities they put there," he said.

"I live 45 minutes away. So if the facilities are worthwhile, I might come out. If it's not worth 45 minutes, there's no way. A game? Of course I'm going to come."

McCourt said the Dodgers filed paperwork Thursday to acquire the necessary permits for the stadium improvements and that he hoped work could begin after the 2009 season.

The Dodgers already plan to renovate the stadium's loge level, as well as the home and visiting clubhouses, during the next off-season. McCourt said the club was also considering installing high-definition scoreboards.

McCourt has spent at least $110 million in stadium improvements in the last four years, including at least $70 million since last season upgrading the field level.

The owner said the economic downturn would not affect his plans.

"Economies go up and down, they're not static," McCourt said.

"We look at this thing in a very, very long-term, also generational fashion. We're not making these decisions based on what the economy is like today. We're making these decisions as huge optimists in the future of the Dodgers."

He declined to comment on whether he would pursue additional projects on the rest of the site, and refused to say whether he would rule out residential development or the addition of an NFL stadium.

--

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Supplemental AR 3185

Times staff writers Steve Hymon and Kevin Baxter contributed to this report.

Bill Shaikin

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Bill Shaikin, a California Sportswriter of the Year honoree, covers baseball and sports business for the Los Angeles Times.

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Supplemental AR 3188

ENCLOSURE 10



LA Dodgers Stadium Next 50

Location: Los Angeles, California

Client: The McCourt Company

Johnson Fain designed a multi-faceted stadium improvement plan that will bring the most modern amenities to Dodger fans, while preserving the tradition of the historic venue, first opened in 1962. The improvements will solidify Dodger Stadium's place as the home of Los Angeles baseball for the next 50 years. The new facilities were designed to LEED Silver sustainability standards.

The Dodger Stadium "Next 50" plan features Dodger Way, a ceremonial new "front door" and urban plaza surrounded by an administrative office building for the Dodgers organization; the Dodger Experience an interactive museum showcasing the history

of the Dodgers and baseball in Los Angeles; a 20,000 square foot flagship Dodger Store; and the Dodger Cafe. Connecting all the elements of the project is The Green Necklace – a ring of gardens, open plazas, and amenities around the stadium, which moves the fan experience outside the walls of the stadium so they have activities which can extend their time at the ballpark beyond the game. The Top of Park plaza located at the highest elevation on site will feature breathtaking 360 degree views spanning the

Downtown skyline and Santa Monica Bay, the Santa Monica and San Gabriel Mountains, and the Dodger Stadium diamond. Other features within the Green Necklace are two, 8-level, 900-car parking structures and a series of food service /retail concession clusters.

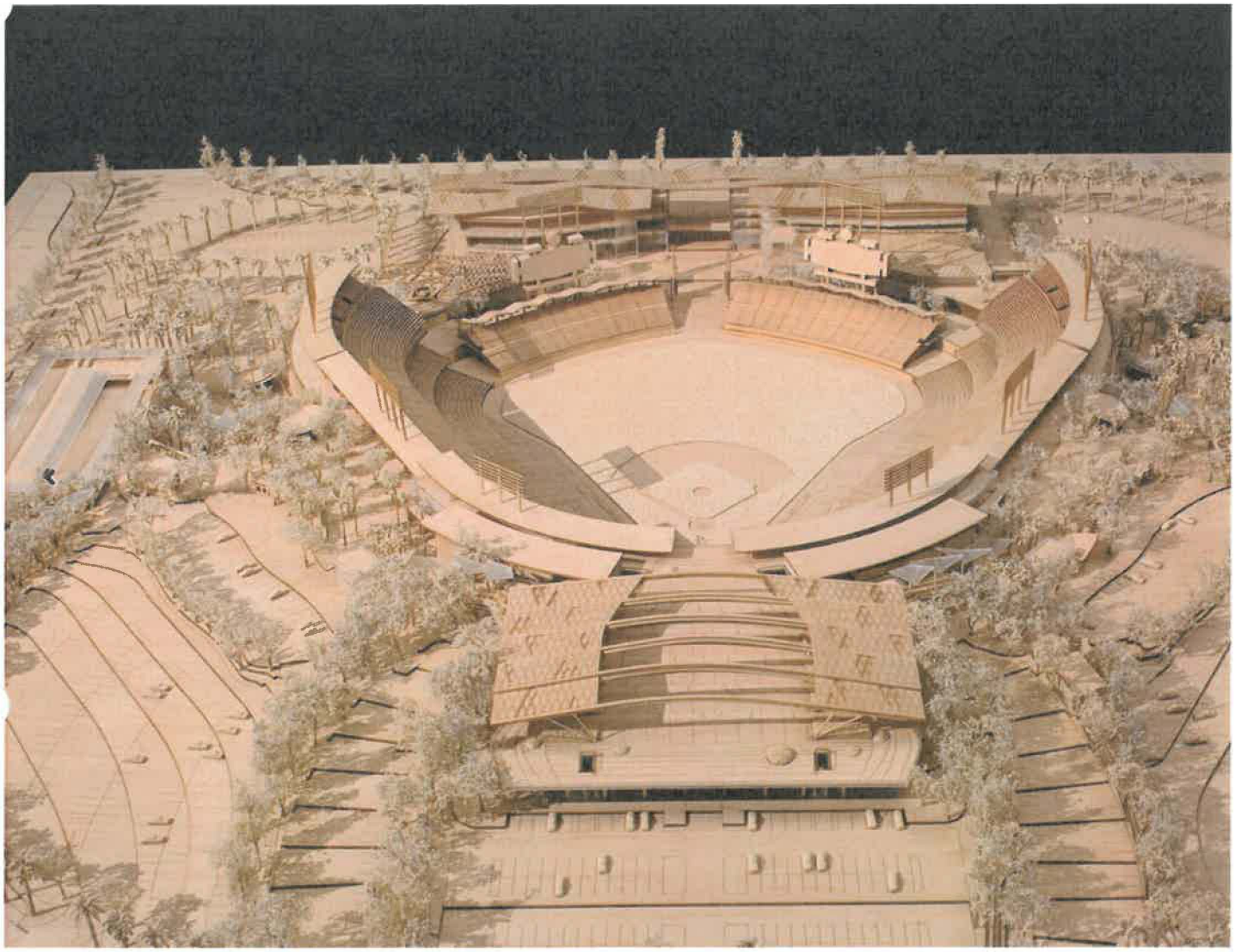
Project Facts

- Multi-faceted stadium improvement plan would include:
- Urban plaza surrounded by administrative office buildings
- Dodger Experience museum
- 20,000 square foot Dodger Store
- Dodger Café
- The Green Necklace – gardens, open plazas and amenities
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Los Angeles 12, California

Los Angeles Dodgers, Inc.
Attn.: Walter O'Malley, Pres.
930 Wilshire Boulevard
Statler Hotel
Los Angeles, California

Department of Building and Safety

Re: Z. A. CASE NO. 15430
Dodger Baseball Stadium
Site - Chavez Ravine Area

Greetings:

In the matter of the joint application of the City of Los Angeles and the Los Angeles Dodgers, Inc., for Conditional Use approval on a site comprising an approximately 275-acre area of land located in the Chavez Ravine area northeasterly of the complicated intersection of Elysian Park Avenue, Chavez Ravine Road, Lilac Terrace, and Boylston Street, and classified in the C2-1, P-1, and P-0-1 Zones, to permit the construction, maintenance and operation on said site of a Major League baseball stadium having a seating capacity of 56,000 persons instead of the maximum 3,000-seat stadium automatically permitted on the C2 zoned portion thereof, together with incidental automobile and transportation vehicle parking facilities and various appurtenant and accessory structures and uses, please be advised that the Chief Zoning Administrator has made the following finding of facts and determination and has conditionally granted the request.

FINDING OF FACTS AND DETERMINATION

After thorough consideration of the statements contained in the application and the various exhibits, maps and plans accompanying the same, the report of the City Planning Engineer thereon, the statements made at the public hearing before the Chief Zoning Administrator on July 5, 1960, correspondence with the applicants with respect to the tentative determination and suggested terms and conditions and the proceedings and reports and documents attached to the files in the following matters:

Supplemental AR 3096

Ordinance No. 110,204 authorizing and approving the contract between the City of Los Angeles and the Los Angeles Dodgers which was sustained by referendum election and adjudicated by the Courts;

City Plan Case No. 9908, Council File No. 78067, and Ordinance No. 114,949 which resulted in the reclassification of the subject property to the present C2 and P Zones;

Tentative Tract No. 25130 and Council File No. 96293 which on appeal affirmed the Director of Planning and Planning Commission's conditional approval of the tentative tract map for the involved property;

Vacation File Nos. 807 and 1277 involving vacation of numerous former streets within the Stadium area;

Council File Nos. 91802, 91908, and 96194, all of which include various reports of the City Administrative Officer, the General Manager of the Department of Traffic and the City Engineer analyzing various traffic and access road problems incidental to the proposed Stadium development including map Exhibit "A" accompanying the City Engineer's report showing proposed access roads to the site to be financed from funds allocated by the County Board of Supervisors and private roadways within the site area to be financed and operated by the Los Angeles Dodgers organization;

The Stanford Research Institute's report to the Friends of the Zoo regarding the proposed World Zoo in Elysian Park; and

The "Definitive Statement" issued by Walter O'Malley, President of the Dodgers, when the zone change matter was before the City Council;

all of which are by reference made a part hereof, as well as conferences with the Director of Planning, City Planning Engineer, the City Engineer, the President of the Board of Public Works, the General Manager of the Departments of Traffic and Recreation and Parks, the City Attorney, several high-level technical staff members of the various involved City departments, and representatives of the Los Angeles Dodgers organization, and personal inspection of all portions of the Stadium site area and the immediately adjacent and surrounding areas, I find that the requirements for authorizing a Conditional Use under the provisions of Section 12.24-C of the Municipal Code for the proposed Stadium project have been established by the following facts:

1. The legislative bodies of both the City of Los Angeles and the County of Los Angeles through encouragement, appropriation of funds, and by contract have caused the former Brooklyn National Baseball Club (now known as the Los Angeles Dodgers) to move its franchise to and make Los Angeles its home. This move was premised upon the opportunity of constructing in the City of Los

Angeles and near the central business district of a modern baseball stadium to seat a minimum of 50,000 persons with ample offstreet automobile parking facilities for patrons. The area here in question located in Chavez Ravine has for several years been considered and discussed as the site for such a stadium and was the subject of a contract between the City of Los Angeles and the Los Angeles Dodgers, which contract upon referendum was approved by a considerable majority of the citizens of Los Angeles. The City Planning Commission, by official action, and the City Council, through enactment of ordinances, have both given official endorsement to this particular area as the most desirable site considering all circumstances for the construction of the proposed modern baseball stadium. The area has been rezoned from former residential classifications to commercial and parking classifications so that there would be authority for the consideration of a Conditional Use permit for this development as herein contemplated. The record is clear that the area was purposely not reclassified to an M1 Zone which would have automatically permitted construction of the Stadium so that various conditions, controls and limitations could be placed upon the development of the Stadium area and the operation of the Stadium and its various appurtenant facilities, and furthermore, so that other commercial or industrial uses would not be permitted to occupy the area under consideration.

2. The Comprehensive Zoning Ordinance under Section 12.24 recognizes that there are certain special types of land uses which are necessary to provide a well-rounded community plan but sites for which cannot be contemplated in advance and set forth on the Comprehensive Zoning Plan but which because of their unusual characteristics or the large parcels of land needed for their operation require special consideration under the procedure set up by said sections. Stadiums, arenas, auditoriums and the like having seating capacities of more than 3,000 persons, due to the traffic generated and other considerations which are readily understood, are among these special uses and are permitted in the commercial and CM Zones only if the location is first approved and conditions devised under the Conditional Use procedure. Considering the dominant position of the City of Los Angeles within the rapidly developing metropolitan area and the interest evidenced by a majority of the citizens in clean, wholesome sports which has given this area the title of "The Sports Capital of the World", it is inevitable that a modern Major League baseball stadium must be constructed in the community. The subject site is unique in that it is the only large undeveloped parcel of land close to the central section of the City and in essentially a common ownership which has sufficient area to provide a site for the Stadium and the extensive and essential automobile parking facilities incidental thereto.

It is near the confluence of the freeway network serving the metropolitan area. Engineering and Traffic Department studies have shown that access roads can be constructed under the appropriation made by the Board of Supervisors for this purpose so that it will be accessible to the existing Pasadena and Hollywood Freeways, Sunset Boulevard, North Broadway, Glendale Boulevard, and Riverside Drive and also to the Golden State and Glendale Freeways now under construction. The State Highway Department is also studying means of improving off-ramp facilities from the Pasadena Freeway to the Stadium access roads. The topography of the general area is such that the site is well-buffered and screened from all but a few of the surrounding residential properties. The planned access roads are such that only short stretches of a few local residential streets will be directly utilized and hence fewer residential property owners will be inconvenienced by traffic during events at such a stadium on this site than on any other conceivable and conveniently located site in the community. Considering all of the above factors and previous negotiations with respect to the Stadium site, the granting of the requested Conditional Use under proper conditions and limitations would be in harmony with the general purpose and intent of the Comprehensive Zoning Plan and permit a community center landmark and economic asset on this presently dormant close-in section of the City.

3. Granting the request and permitting the development of the subject property with a stadium having even considerably less than the seating capacity here proposed would be materially detrimental to public welfare and to the character of the existing and potential development in the immediate neighborhood unless detailed conditions and limitations are imposed governing among other things the following matters:

   (a) Approval of plans, plot plans, and landscaping plans for the Stadium, various buildings and development of the site;

   (b) Provision of adequate offstreet automobile parking facilities and public transportation facilities;

   (c) The recording of Tentative Subdivision Tract No. 25130 including dedication and improvement of certain boundary streets, the installation of various public utility and drainage facilities and the opening and widening of access roads to the Stadium site as recommended by the City Engineer and Traffic Department for handling generated traffic, all prior to utilization of the Stadium for public assembly purposes;

(d) Relieving the City police and traffic officials of responsibility for directing and controlling pedestrian and vehicular traffic on the private streets and roads within the Stadium facility;

(e) The control of lights, public address systems, and signs so as to prevent annoyance to occupants of adjacent properties;

(f) Control over the frequency of large crowd events in the Stadium, other than baseball, and control over the timing of events to reduce conflict with the peak evening traffic rush on weekdays and anticipated weekend and holiday traffic during the daytime if the World Zoo is built in Elysian Park; and

(g) Retention of essentially the entire property as the site for the Stadium and its accessory and appurtenant structures;

however, under the detailed conditions and limitations hereinafter set forth, granting the request will not be materially detrimental but will assure for Los Angeles a modern Major League baseball stadium of which it can be proud as a home for its "Dodgers". Furthermore, development of this property as proposed will return this dormant area to the tax rolls and provide a "paying partner" for other taxpaying citizens of the community.

Therefore, by virtue of authority contained in Section 98 of the City Charter and Section 12.24-C of the Municipal Code, the development and use of that approximately 275-acre area of land described as Parcels 1 through 7, inclusive, in Exhibit "A" attached to the application and as depicted on the 300-ft. radius map marked Exhibit "B", attached to the application, both of which are by reference included in and made a part hereof, and which, when recorded, will include all of the land constituting Tentative Tract No. 25130, except for the area depicted thereon as Lots 2, 3, 4, 10, the northeasterly 85 ft. of Lot 13, any additional land adjacent to Lot 2 necessary to provide the full 40-acre recreation area in compliance with Condition No. 16 of the subdivision tract approval, and portions thereof to be dedicated or reserved for public streets or public ways; and all located in that general area known as "Chavez Ravine" and located northeasterly of the complicated intersection of Elysian Park Avenue, Chavez Ravine Road, Lilac Terrace, and Boylston Street, as a site for the construction, maintenance and operation of a Major League baseball stadium having a seating capacity of not to exceed 56,000 persons instead of the maximum 3,000-seat stadium automatically permitted, together with automobile and transportation vehicle parking facilities and the following appurtenant and accessory structures and uses:

1. Staff Quarters buildings,

2. Hall of Fame museum type building,

3. Will Call and advance ticket sales buildings,

4. "Knot Hole" gang clubhouse,

5. Ticket and parking booth structures including souvenir sales facilities and security guard gate houses,

6. Automobile service and filling station,

7. Greenhouses and maintenance yard facilities,

8. "Mule Train" Depot,

is hereby authorized as far as zoning regulations are concerned, all upon the following terms and conditions:

1. That the baseball stadium herein authorized shall have a maximum seating capacity of 56,000 persons and shall be constructed and located on the C2 zoned portion of the site in substantial conformity with the plot plan (Exhibit "M"), the architectural rendering (Exhibit "K"), and the architectural plans (Exhibits F-1 and 2) submitted with the application. Furthermore, that complete plans for the Stadium building together with general plot plan for developing the site showing location and arrangement of offstreet automobile parking areas, on-site roadways and other details be first submitted to and approved by the Chief Zoning Administrator before any building permit for the Stadium development is issued or construction work thereon is started.

2. That all accessory and appurtenant buildings and structures shall be of attractive design to harmonize with the general stadium atmosphere, not exceeding two stories in height, and all located on the C2 zoned portion of the site and at least 75 ft. from the exterior boundary of the site area. Furthermore, that plans for each of these buildings and uses together with plot plan showing the location on the site shall be first submitted to and approved by the Chief Zoning Administrator before building permit is issued for the particular building or construction thereof if started.

3. That automobile parking facilities for a minimum of one (1) automobile for each 3.6 seats provided in the Stadium shall be provided and maintained on the site generally as shown on Exhibit "G" (1). Furthermore, that the parking facility shall be so laid out and improved that each parking space is readily accessible for self-parking and removal purposes in full compliance with the regulations of Section 12.21-A, 4 and A, 6 of the Municipal Code, except that not to exceed 15 per cent of the minimum parking spaces required above may be designed and arranged to accommodate the modern "compact" automobile,

with such spaces having minimum dimensions of 7.5 ft. x 16 ft., provided such spaces are arranged in groups to which only drivers of such compact cars may be directed.

4. That in addition to the above required automobile parking facilities, ample space shall be provided for loading and unloading of public transit busses, taxicabs and other mass transportation devices. Furthermore, the operators of the Stadium facility shall collaborate with the Metropolitan Transit Authority and other transportation agencies as well as the Traffic Department in devising mass transportation service to the Stadium site which will be sufficiently efficient to encourage patronage thereof and thus reduce the number of private automobiles driven to the Stadium events.

5. That the area around the Stadium building and parking areas, together with all portions of the site not utilized for buildings, parking area, driveways, streets, and maintenance yards shall be attractively landscaped and maintained in first-class condition at all times, said landscaping to include the space not used for paved sidewalks or driveways between the property line and curb along all public streets within the site or bordering on the site. The areas around the borders of the immediately to be developed portions of the site and which are held for future expanded parking facilities shall be kept free of weeds and debris with slopes created by grading operations covered with lawn, ivy, or other green ground cover. Furthermore, that a professionally prepared landscape plan for the entire site shall be first submitted to and approved by the Chief Zoning Administrator after rough grading is completed and prior to final grading and surfacing of the parking areas.

6. That prior to the issuance of a Certificate of Occupancy for the use of the Stadium or the use thereof for any spectator event or any public assembly purpose:

   a. The street dedications and improvements, the relocation and/or reconstruction of utilities, etc., required in connection with the approval of Tentative Tract 25130 be completed in a manner satisfactory to the concerned agencies and that Final Map of said Tract be recorded;

   b. That the access roads to the site be in an opened, widened and improved condition satisfactory to the City Engineer subject to the limitations of the $2,740,000 being provided by the County of Los Angeles to finance said improvements; it being understood that the City Engineer will consult with the General Manager of the Department of Traffic

concerning the adequacy of such access roads and that the use of any existing roads or opening of new roadways through adjacent Elysian Park shall be subject to approval of the Department of Recreation and Parks;

c. That the general site improvements including appearance of buildings, landscaping, lighting, and interior circulation and arrangements be reviewed and approved by the Chief Zoning Administrator.

7. That responsibility for the direction and control of both pedestrian and vehicular traffic on the private streets, roadways, and walks within the Stadium site area shall rest with the operators of the Stadium facilities subject to correlation with traffic control measures of the Police Department and the Traffic Department on the public streets providing access to the Stadium area.

8. That all lights installed in connection with the Stadium and the incidental automobile parking areas shall be so designed and deflected as to prevent annoyance to occupants of adjoining properties or interference with passing traffic. Furthermore, considering the predominant night use of the Stadium area and the elevated nature of most of the automobile parking areas, a hedge row of compact evergreen shrubs or a solid ornamental fence or wall having a height of approximately 42 in. shall be installed and maintained where necessary for the purpose of diffusing automobile headlight beams which otherwise would be disturbing and objectionable to existing or future residential developments on adjacent properties.

9. That all loudspeaker and public address systems utilized on the site shall be so modulated and directed that the sound emanating therefrom will not be detrimental to occupants of adjacent properties.

10. That considering the proximity of the immediately planned facilities to the homes along the easterly side of Boylston Street and the Barlow Sanitarium properties, special attention shall be given in the over-all landscaping plan to the planting and maintenance of hedge rows of broadleaf evergreen trees or dense evergreen foliage of sufficient height to screen the Stadium and related activities from these properties and to give the occupants thereof reasonable protection from noises, reflected lights, etc., emanating from the Stadium site. Furthermore, when the parking areas for expanded seating along the easterly and northerly portions of the site as indicated on Exhibit "G" (1) are developed, additional landscaping similar to that discussed above shall be installed to protect the adjoining residential property in the Yale Street-Lookout Drive area, the Figueroa Terrace-White Knoll Drive area,

the Amador-Solano Canyon area, and the adjacent Elysian Park areas, with the landscaping adjacent to Elysian Park meeting the approval of the Department of Recreation and Parks.

11. That the use of the Stadium and accessory and appurtenant facilities shall be limited primarily to the conduct of baseball games and activities incidental and accessory thereto. Any other use of the Stadium or premises for public assemblage events or spectacles which could attract in excess of 3,000 persons shall be limited to an average throughout the calendar year of not exceeding four (4) such events per month but under no circumstance shall there be more than two (2) such events in any one (1) week except on infrequent occasions when first approved by the Chief Zoning Administrator. Provided, however, that if, as, and when a zoo is developed in adjacent Elysian Park, consideration should be given to making the automobile parking facilities on the Stadium site available for automobile parking by visitors to the zoo. The Chief Zoning Administrator reserves jurisdiction to modify the provisions of this condition and to authorize an increase in the number of other events permitted throughout the year or in each week, if after actual observation of and experience with the Stadium in operation under varied crowd conditions, it is ascertained from reports of other concerned public agencies that a serious traffic problem would not result from such increased use.

12. That in order to avoid conflicts with the evening traffic rush hours, reasonable endeavor shall be made to avoid the scheduling of games or events which would begin earlier than 7:00 p.m. on weekdays Monday through Friday (legal holidays excluded); it being understood that some daytime games would be necessary to comply with League rules and schedules. Furthermore, that if, as, and when the proposed World Zoo is constructed and opened in adjacent Elysian Park, reasonable endeavor shall be made to avoid scheduling daytime games or other daytime events on Saturdays, Sundays or holidays unless in the opinion of the City Department of Traffic ingress and egress roads designed to be used jointly for those patronizing the Stadium area and the World Zoo area, are adequate to prevent the creation of a serious traffic problem or adequate traffic control systems are set up and enforced to prevent traffic conflicts between groups attending both installations; provided, however, that when necessary to hold daytime baseball games or other events on a Saturday, Sunday, or holiday, the operators of the Stadium shall cooperate with the Departments of Police, Traffic and Recreation and Parks in devising and enforcing traffic control systems which will minimize traffic conflicts between persons attending the game and those visiting such a World Zoo.

13. That the entire site described in Exhibit "A" attached to the application and which is the subject of this Conditional Use, except for such areas as may be dedicated for public streets, easements, or ways, the minimum five-acre oil drilling site referred to in the contract and sufficient land to provide the 40-acre recreational area also referred to in the contract, shall be utilized as a site for the Stadium development, the offstreet automobile parking areas and the accessory and appurtenant structures and uses, all as herein authorized; provided, however, that if and when approval is first obtained in each instance from the Chief Zoning Administrator, sliver and residue parcels resulting from the grading and development of the property may be utilized for other purposes permitted under the applicable zoning regulations.

14. All signs established and maintained on the property and which can be seen from outside of the Stadium shall be limited to identification or directional signs or a sign to identify a sponsor of Stadium broadcasts, all of a conservative nature and in harmony with the site development. Furthermore, that the design, nature, and location of all such signs except nonilluminated directional type signs shall be first submitted to and approved by a Zoning Administrator before being placed on the property.

15. That in view of the extensive grading operations to yet be performed on the site and difficulty of visualizing the final grade level of the various portions of the property with that of adjoining properties in both public and private ownership and the effect the use of final graded property might have upon these adjoining properties, the Chief Zoning Administrator reserves the right to specify additional conditions such as provision of additional landscaping or enclosing fixtures or to require corrective measures to be taken if he finds after actual observation or experience with the finished development and its operation that such additional conditions are necessary to afford more effective protection to surrounding property or to better integrate the use with that of adjacent property.

16. That the landscaped areas on the property shall be equipped with a well-designed watering or irrigation system which shall be installed prior to the issuance of any certificate of occupancy. Furthermore, that all the landscaped areas and the grounds, structures and improvements on the site shall be maintained in a first-class, attractive and safe condition at all times.

17. That the maintenance yard for the development shall be so located in a depressed area of the property or so enclosed and screened as to provide no unsightly appearance to adjacent properties including Elysian Park, with

the details of the location and enclosures approved by the Chief Zoning Administrator.

18. The use hereby authorized is conditional upon the privileges being utilized within one hundred-eighty (180) days after the effective date hereof, and if they are not utilized or construction work is not begun within said time, and carried on diligently to completion of at least one usable unit, this authorization shall become void, and any privilege or use granted hereby shall be deemed to have lapsed, unless a Zoning Administrator has granted an extension of the time limit, after sufficient evidence has been submitted that there was unavoidable delay in taking advantage of the grant. Once any portion of the privilege hereby granted is utilized, the other conditions thereof become immediately operative and must be strictly complied with. Furthermore, that this Conditional Use approval shall be subject to revocation in the same manner as provided under Section 12.27-B, 7 of the Municipal Code for revocation of zone variances, if the conditions herein contained are not strictly complied with.

The applicants' attention is called to the fact that this grant is not a permit or license, and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, that if any condition of this grant is violated, or if the same be not complied with in every respect, then the applicants or their successors in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code. In the event the property is to be sold, leased, rented, or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. The Chief Zoning Administrator's determination in this matter will become effective after an elapsed period of ten (10) days from the date of this communication, unless an appeal therefrom is filed with the Board of Zoning Appeals.

Very truly yours,

HUBER E. SMUTZ
Chief Zoning Administrator

HES:at

cc: Director of Planning
City Attorney
City Engineer
Department of Traffic
Department of Recreation and Parks
Health Department

cc: Fire Department
Councilman Edward R. Roybal
Councilman John Holland
Press Reporters
Phill Silver
Joe Astier

CPC 99-0

Attachment No. 3 to
Plan Approval Application for Dodger Stadium

A. Additional Relevant ZA Cases

1. Ordinance No. 114,949, adopted by City Council on November 10, 1959, changing the zoning of the subject property to C2-1, P-1, and P-O-1.

2. ZA No. 15430-0, dated August 4, 1960, granting a CUP for the baseball stadium and related uses.

3. Plan approval dated May 24, 1961 (Smutz), disapproving plans for the outfield bleachers and approving a revision to the stadium plans.

4. Plan approval dated January 16, 1962 (Smutz), approving revised plans for outfield bleachers.

5. Plan approval dated February 9, 1962 (Smutz), approving plans for Union Oil Company automobile service center.

6. ZA No. 16225 dated July 17, 1962, granting a variance to permit the construction of an advance and will-call ticket facility on the property zoned P-1.

7. Plan approval dated August 23, 1962 (Devorian), approving revised plan of the outfield bleachers and additional seats at the field level.

8. Plan approval dated December 4, 1962 (Smutz), approving revised general landscaping plans.

9. ZA No. 16358, dated December 12, 1962 granting a variance for periodic holding of midget, sport car and/or race car, and motorcycle racing events, together with incidental temporary grandstands and accessory facilities.

10. Plan approval dated September 30, 1963 (Smutz), authorizing temporary field seats displaced by auxiliary press box area.

11. Plan approval dated March 28, 1963 (Smutz), approving plans for lubrication canopy on Union Oil Company automobile service center.

12. Plan approval dated February 4, 1964 (Smutz), approving plans for the remodeling of the Stadium Club dining room area.

ENCLOSURE 12

R/W 20001-315
2-12 Bd Accepts

When Recorded Mail To:

State Department of Parks and Recreation
P. O. Box 942896
Sacramento, CA 94296-0001

Attn: Betty Paris, Acquisition Division

Space above for Recorder's Use

SSL-403

STATE OF CALIFORNIA

QUITCLAIM DEED

Pursuant to the provisions of Chapter 1358, Statutes of 1987, the STATE OF CALIFORNIA, acting through its Director of General Services, hereby quitclaims to CITY OF LOS ANGELES, all its right, title and interest in and to the real property described in Exhibit A hereto, which Exhibit is incorporated herein by this reference, in the County of Los Angeles, State of California.

EXCEPTING AND RESERVING to the State of California all mineral deposits as defined in Section 6407 of the Public Resources Code below a depth of 500 feet, without surface rights of entry.

This deed is subject to the following express conditions subsequent:

1. The property shall be known as El Pueblo de Los Angeles Historic Monument and shall be used as a public park or monument.

2. The development and operation shall conform to the General Plan for El Pueblo de Los Angeles State Historic Park adopted April 11, 1980 pursuant to Section 5002.2 of the Public Resources Code. The Plan may be amended by the CITY in accordance with procedures for amendment set forth in Article 8 (commencing with Section 65450) and Article 9 (commencing with

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5408-11-907908
5408-7-901904
5408-6-900

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

85 34789

Form and Purpose
Checked by [illegible]
Date FEB 8 1990

Section 6500) of Chapter 3 of Division 1 of Title 7 of the Government Code. The CITY shall consider the development criteria of Section 5019.59 of the Public Resources Code.

3. The City of Los Angeles shall operate, improve, maintain, construct, remodel, and perform any and all necessary activities at the Historic Monument in compliance with the U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures".

4. The State of California shall be allowed, at the STATE'S option, free occupancy of the existing STATE offices on the entire first and second floors of the Hellman Quan Building, located at 128 Paseo De La Plaza, Los Angeles, California (See Exhibit B, Sheet 1) incorporated herein by this reference, with the exception of the CITY Archives Room on the second floor (See Exhibit B, Sheet 2) together with four existing parking spaces located along Sanchez Street. Upon termination of parking along Sanchez Street, the CITY will provide four new parking spaces to be identified within future parking Lot No. 2 located on the corner of Main Street and Macy Street.

Should any of said express conditions be violated, the State of California shall have the right to reenter and take possession of the real property and upon such re-entry title thereto shall revert to the STATE.

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STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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IN WITNESS WHEREOF, The STATE has caused this Quitclaim Deed to be executed this 27th day of October, 1988.

STATE OF CALIFORNIA
DEPARTMENT OF GENERAL SERVICES
W. J. ANTHONY, DIRECTOR

By: _____
PAUL V. SAVONA, Chief
Office of Real Estate
and Design Services

APPROVED:

DEPARTMENT OF PARKS AND RECREATION

By _____

Attachment

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

85 34769

STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO } SS.

On this 1st day of November, 19 88, before me, the undersigned, a Notary Public in and for the State of California, personally appeared PAUL V. SAVONA personally known to be or proved to me on the basis of satisfactory evidence to be the person who executed this instrument as Chief of the Office of Real Estate and Design Services, Department of General Services of the State of California, and acknowledged to me that the State of California executed it.

WITNESS my hand and official seal.

OFFICIAL SEAL
EUNICE I. MATLOCK
NOTARY PUBLIC - CALIFORNIA
SACRAMENTO COUNTY
My Comm. Expires July 12, 1991

Eunice I. Matlock

EUNICE I. MATLOCK
NOTARY PUBLIC IN AND FOR THE STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

On this 27th day of October, in the year of 1988 before me, SUSAN P. HARRINGTON, a Notary Public in the State of California, duly commissioned and sworn, personnally appearred Les McCargo, known to me to be the Deputy Director of Parks and Recreation of the State of California and acknowledged to me that he executed the within instrument in the name of and in behalf of the State of California.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said county, the day and year first written above.

OFFICIAL SEAL
SUSAN P. HARRINGTON
NOTARY PUBLIC - CALIFORNIA
SACRAMENTO COUNTY
My Comm. Expires Sept 25, 1990

Susan P. Harrington

Notary Public

EXHIBIT "A"

All that real property situate in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

PARCEL 1

All those lands conveyed to the State of California by the McLaughlin Corporation by Corporation Grant Deed dated July 17, 1953 and recorded December 29, 1953 in Book 43478 at Page 430, Official Records of said County.

PARCEL 2

All those lands conveyed to the State of California by the Union Bank and Trust Company of Los Angeles, as Executor of the Estate of Constance D. Simpson, also known as Constance Doria Simpson, deceased, by Deed dated September 17, 1953 and recorded December 29, 1953 in Book 43481 at Page 359, Official Records of said County, and by Irving M. Walker, as Trustee, under the Will of Doria C. Lankershim, by Quitclaim Deed dated March 5, 1963 and recorded May 27, 1963 in Book D2043 at Page 496, Official Records of said County.

PARCEL 3

All those lands conveyed to the State of California by James A. Rimpau, Trustee, by Deed dated July 14, 1953 and recorded December 31, 1953 in Book 43498 at Page 295, Official Records of said County.

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STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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PARCEL 4

All those lands conveyed to the State of California by Los Nietos, Company, a corporation, by Deed dated August 4, 1953 and recorded December 31, 1953 in Book 43498 at Page 287, Official Records of said County and by Final Order of Condemnation dated March 2, 1961 and recorded March 3, 1961 as Document No. 4201 in Book D1143 at Page 905, Official Records of said County.

PARCEL 5

All those lands conveyed to the State of California by Mae N. Lombardi, et al. by Deed dated November 4, 1953 and recorded February 1, 1954 in Book 43717 at Page 437, Official Records of said County.

PARCEL 6

All those lands conveyed to the State of California by Quon How Shing by Deed dated August 28, 1953 and recorded February 26, 1954 in Book 43939 at Page 247, Official Records of said County.

PARCEL 7

All those lands conveyed to the State of California by Audette Marie Garnier and Yvonne Garnier by Deed dated January 11, 1954 and recorded April 22, 1954 in Book 44389 at Page 74, Official Records of said County.

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STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

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PARCEL 8

All those lands conveyed to the State of California by Stella Anne Valla Hamilton, et al. by Deed dated November 2, 1953 and recorded April 30, 1954 in Book 44460 at Page 218, Official Records of said County and by Final Order of Condemnation dated February 21, 1958 and recorded February 27, 1958 as Document No. 3409 in Book D27 at Page 369, Official Records of said County.

PARCEL 9

All those lands conveyed to the State of California by G. Pagliano and Dora C. Pagliano by Deed dated September 4, 1953 and recorded June 4, 1954 in Book 44735 at Page 317, Official Records of said County, and by Anita Brodrick, et al. by Quitclaim Deed dated April 21, 1958 and recorded September 18, 1958 in Book D220 at Page 181, Official Records of said County.

PARCEL 10

All those lands conveyed to the State of California by Paul Mance and Amalia Mance by Deed dated June 3, 1954 and recorded December 21, 1954 in Book 46434 at Page 81, Official Records of said County.

PARCEL 11

All those lands conveyed to the State of California by Title Insurance and Trust Company by Grant Deed dated March 13, 1956 and recorded September 28, 1956 in Book 52429 at Page 437, Official Records of said County.

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STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

64 32915

PARCEL 12

All those lands conveyed to the State of California by Final Order of Condemnation dated November 24, 1958 and recorded November 28, 1958 as Document No. 5617 in Book D289 at Page 777, Official Records of said County.

PARCEL 13

All those lands conveyed to the State of California by Final Order of Condemnation dated December 22, 1958 and recorded December 23, 1958 as Document No. 4426 in Book D313 at Page 894, Official Records of said County.

PARCEL 14

All those lands conveyed to the State of California by Virginia Nicolas Miles, et al. by Deed dated September 4, 1958 and recorded January 26, 1959 in Book D343 at Page 528, Official Records of said County.

PARCEL 15

All those lands conveyed to the State of California by Final Order of Condemnation dated January 22, 1959 and recorded January 30, 1959 as Document No. 4155 in Book D350 at Page 540, Official Records of said County.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

64 32915

PARCEL 16

All those lands conveyed to the State of California by Dora C. Pagliano, et al. by Quitclaim Deed dated February 10, 1958 and recorded February 17, 1959 in Book D367 at Page 644, Official Records of said County.

PARCEL 17

All those lands conveyed to the State of California by Justino Jimenez by Deed dated December 3, 1958 and recorded February 20, 1959 in Book D372 at Page 869, Official Records of said County.

PARCEL 18

All those lands conveyed to the State of California by Final Order of Condemnation dated May 25, 1959 and recorded May 25, 1959 as Document No. 4400 in Book D479 at Page 210, Official Records of said County.

PARCEL 19

All those lands conveyed to the State of California by Final Order of Condemnation dated July 17, 1959 and recorded July 20, 1959 as Document No. 3818 in Book D542 at Page 155, Official Records of said County.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

84 33515

PARCEL 20

All those lands conveyed to the State of California by Louis Foix, et al. by Deed dated May 14, 1959 and recorded August 17, 1959 in Book D573 at Page 537, Official Records of said County.

PARCEL 21

All those lands conveyed to the State of California by Rose Segale by Deed dated June 16, 1959 and recorded September 24, 1959 in Book D612 at Page 293, Official Records of said County.

PARCEL 22

All those lands conveyed to the State of California by the City of Los Angeles by Grant Deed dated April 17, 1959 and recorded September 22, 1959 in Book D609 at Page 712, Official Records of said County and by Quitclaim Deed dated January 26, 1961 and recorded April 15, 1961 in Book D1178 at page 907, Official Records of said County.

PARCEL 23

All right, title and interest to Sanchez Street between Arcadia Street and Plaza Street and to Plaza Street between Main Street and Los Angeles Street which the State of California may have acquired from Isabel J. Sepulveda Lugo, et al. by unrecorded Quitclaim Deed dated October 10, 1954.

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

85 34769

PARCEL 24

All those lands conveyed to the State of California by the Los Angeles Metropolitan Transit Authority by Grant Deed dated July 30, 1964 and recorded October 1, 1964 in Book D2647 at Page 939, Official Records of said County, and by Los Angeles Transit Lines by Quitclaim Deed dated June 1, 1955 and recorded October 21, 1955 in Book 49303, at Page 341, Official Records of said County.

0-1545Q

COURT PAPER
STATE OF CALIFORNIA
STD. 113 (REV. 8-72)

85 34759

Form 939—2400—2-74 (R)

R/W No. 28001-514

State of California

TO

The City of Los Angeles

JOB TITLE Acquisition of El Pueblo de Los Angeles Historic Monument

NOT A STANDARD INSTRUMENT
Checked as to parties, marital status, dates, natures, acknowledgments and corporate s

Engineering
Bureau of Right of Way and Land

By _____
TITLE OFFICER Title Officer.

Approved as to Authority FEB 8 19[illegible]

Engineering
Bureau of Right of Way and Land

By _____
TITLE OFFICER Principal Real Estate Agent.

Approved as to descriptions _____, 19.

ROBERT S. HORII City Engineer.

By _____ Deputy.

Approved as to form

_____, 19.

JAMES K. HAHN BURT PINES City Attorney.

By _____ Deputy.

Council File No. _____

DO NOT WRITE ON THIS SIDE OF LINE. LEAVE FOR BINDING.

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant to The City of Los Angeles, a municipal corporation, is hereby accepted under the authority of the City Council of The City of Los Angeles, pursuant to Ordinance No. 123655, approved January 23, 1963, and the grantee consents to the recordation thereof by its duly authorized officer.

By _____ Authorized Officer
TITLE OFFICER

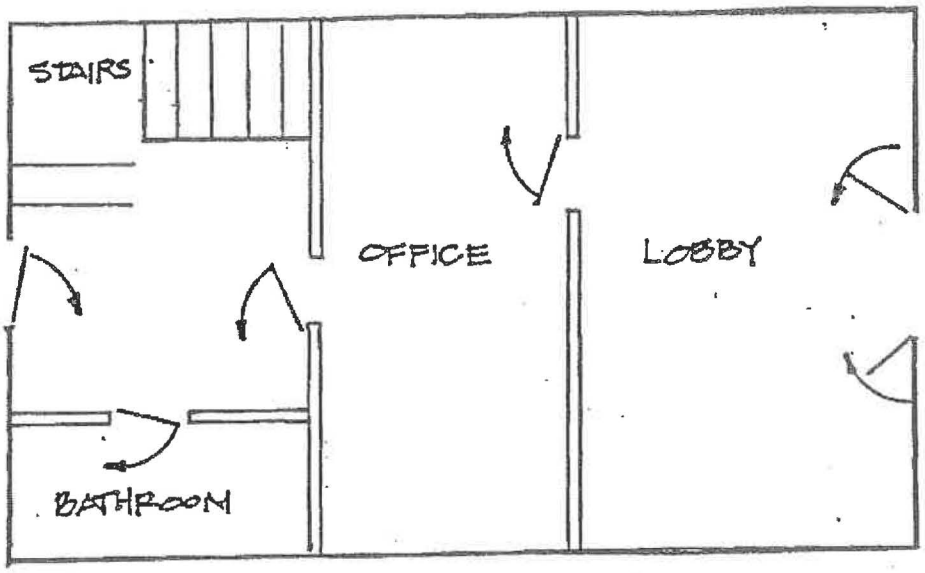
Date: FEB 8 1999

~~When Recorded Return to~~
~~Director~~
~~Bureau of Right of Way and Land~~
~~DEPARTMENT OF PUBLIC WORKS~~
~~City of Los Angeles~~

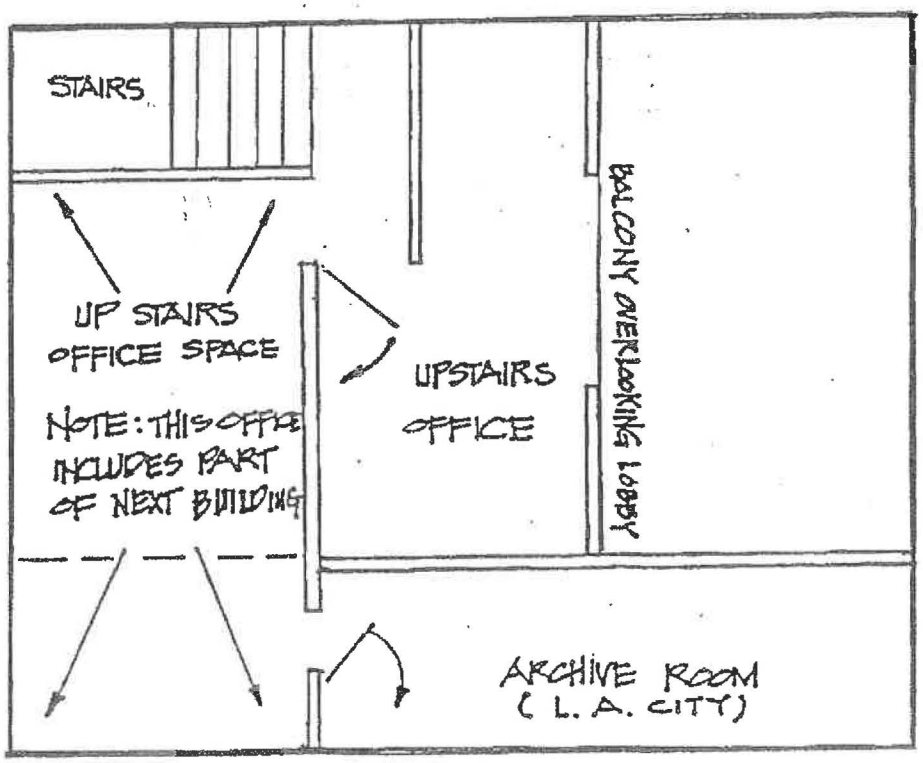
Division _____ Dist. _____
Platted _____ D. M. 132A215, 132A213, 133.5A215
By _____ C. E. _____
Conditions _____ Escrow _____
Signature _____ Date _____

MACY ST.
SUNSET ST.
Parking Lot No.2
Future 4 Parking Spaces
Parking Lot No.3
NAMEDA ST.
SPRING ST.
NEW HIGH ST.
MAIN ST.
PASEO DE LA PLAZA
PASEO DE LA PLAZA
128 Paseo De La Plaza
REPUBLIC ST.
Parking Lot No.1
SANCHEZ ST.
Current 4 Parking Spaces
LOS ANGELES ST.
ARCADIA ST.
EXHIBIT "B" - Sheet 1
PLA. TO ACCOMPANY
LEGAL DESCRIPTION

EXHIBIT "B"
Sheet 2

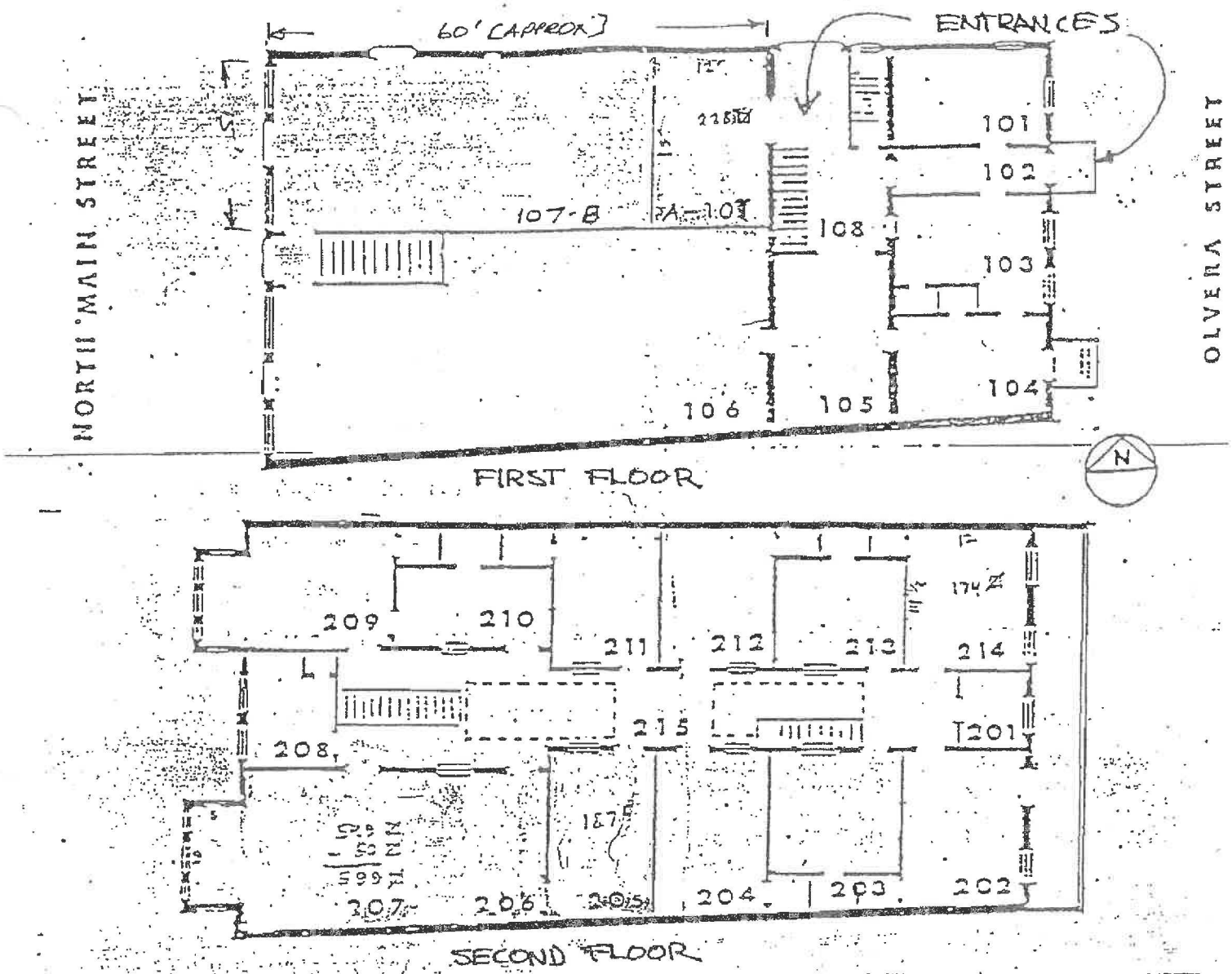


FIRST FLOOR



SECOND FLOOR

FLOOR PLAN TO ACCOMPANY LEGAL DESCRIPTION
128 Paseo De La Plaz Los Angeles, California

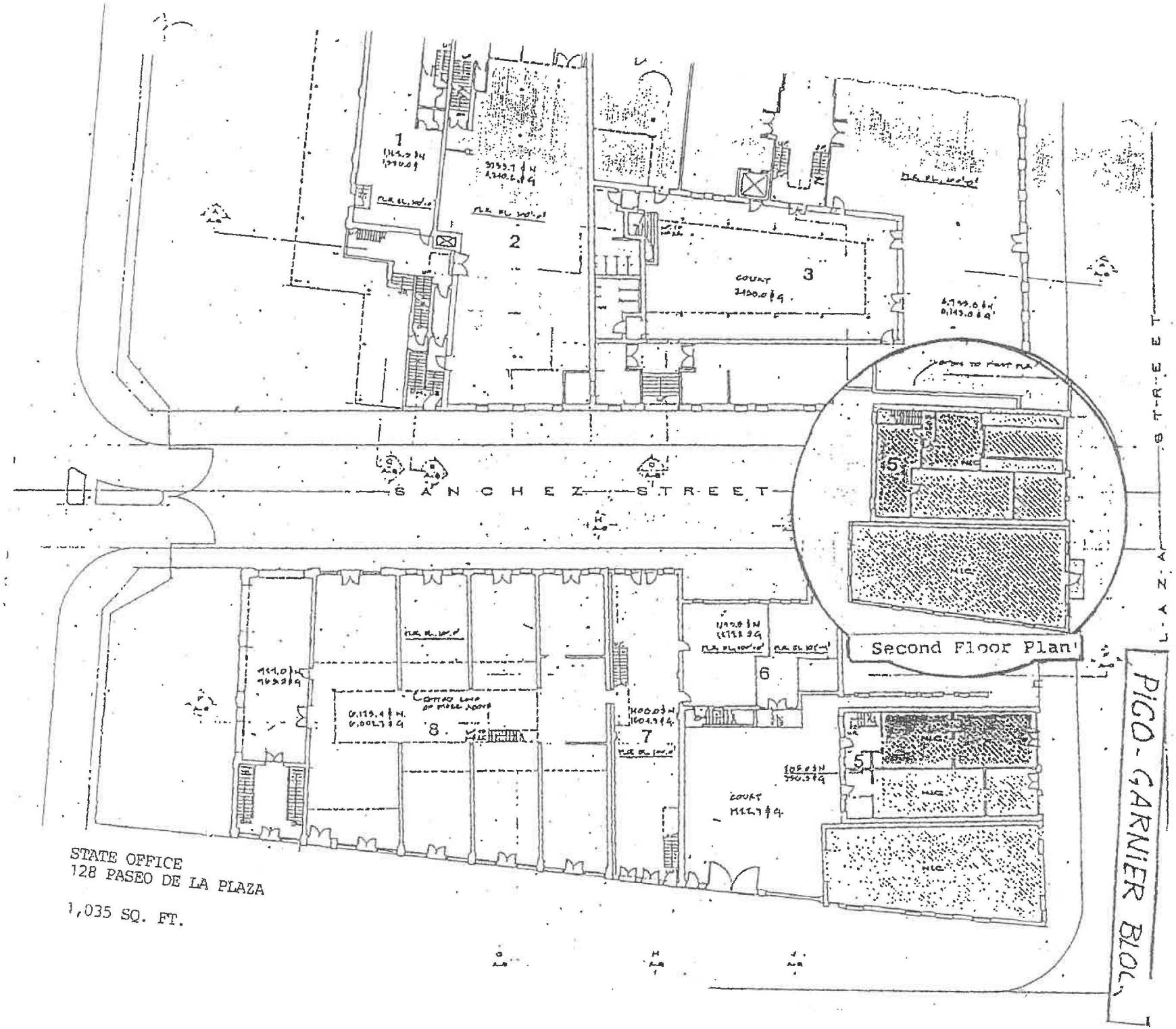


101 Bedroom Exhibit
102 Hall
103 Merchant (Parlor Exhibit)
104 Merchant (Dining Room Exhibit)
105 Kitchen Exhibit
106 Visitors' Center & Film
107 Display Room (General Store)
108 Breezeway Exhibit

201 Restroom Exhibit
202 Business Officer
203 Clerical
204 EPPA & Clerical
205 Boarding Room Exhibi
206 Gibbs Family Exhibit
207 Gibbs Family Exhibit
208 Director's Secretary
209 Park Director
210 Sequeiros Exhibit
211 Administrative Assis
212 Restrooms
213 Clerical
214 Accounting
215 Restored Hall

CITY OFFICES
OLVERA STREET

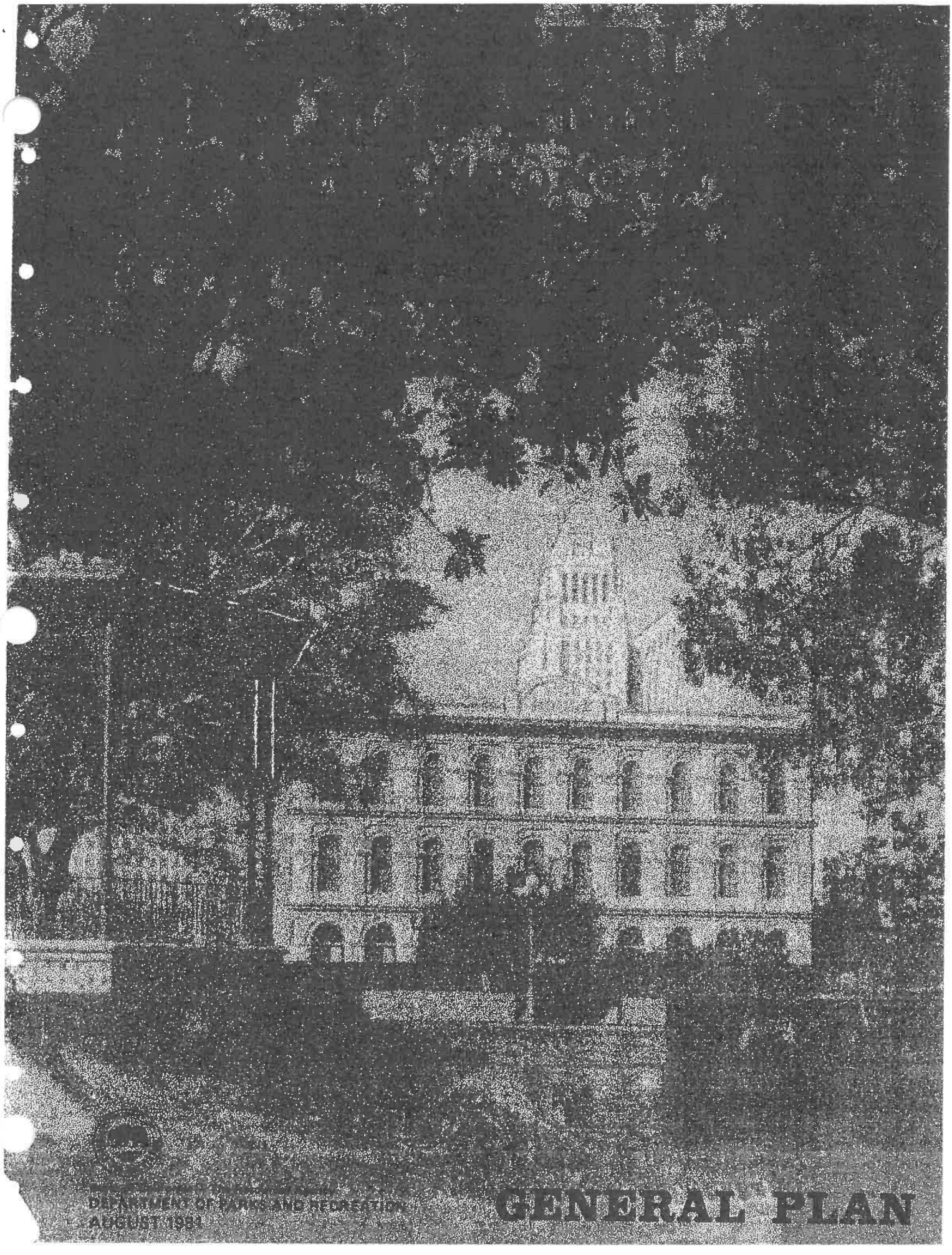
1,000 SQ. FT. (APPROX.)



STATE OFFICE
128 PASEO DE LA PLAZA

1,035 SQ. FT.

ENCLOSURE 13



DEPARTMENT OF PARKS AND RECREATION
AUGUST 1984

GENERAL PLAN

STATE OF CALIFORNIA—RESOURCES AGENCY Edmund G. Brown Jr., Governor

DEPARTMENT OF PARKS AND RECREATION
STATE PARK AND RECREATION COMMISSION
P.O. BOX 2390, SACRAMENTO 95811

Eleven items of concern to be included in the El Pueblo de Los Angeles State Historic Park General Plan adopted in Resolution 19-80 are as follows:

1. That El Pueblo managers and staff be sensitive to the Hispanic cultural background which has made Olvera Street the major attraction it has been for 48 years.

2. That the merchants of Olvera Street shall be identified as a human cultural resource of El Pueblo.

3. Pages 119 and 120 to be rewritten to be in compliance with State law.

4. That new development and commercial development does not overshadow the merchants of Olvera Street.

5. Commission support be given to the closure of Main Street.

6. That the Commission is concerned for the safety of pedestrian crossing at Macy Street.

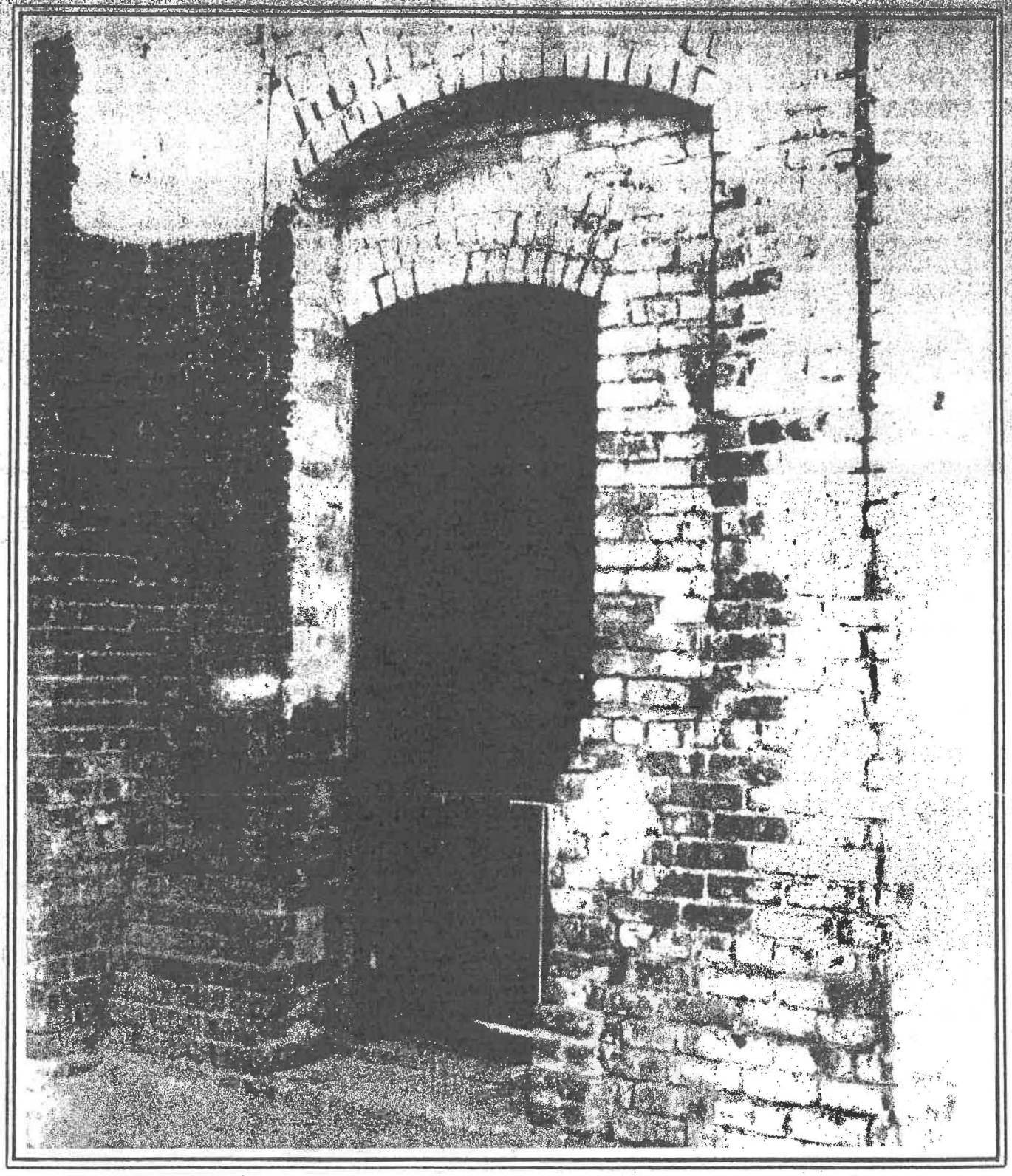
7. That the resource element be updated with the reference with the new materials which have been presented.

8. That the title page reflect the joint powers involved.

9. That references to "park" be made "park" rather than a "unit".

10. That Commission support is given to allocating resources needed to implement the plan.

11. That the Commission be kept informed of the position of the County and be available to hold public hearings on this issue.



INTRODUCTION

INTRODUCTION

Purpose of Plan

General Purpose

The purpose of the general plan is to provide general guidelines for management, interpretation, and development of El Pueblo de Los Angeles State Historic Park. This plan will serve as a vehicle for communication of the city, county, and state's intentions to the public, in accordance with the park's classification, declaration of purpose, and the stated purpose in the Joint Powers Agreement of 1974. This reads as follows:

> "WHEREAS, STATE, COUNTY, and CITY have cooperated to establish within the territorial boundaries of the City of Los Angeles a permanent historical park to be developed, maintained, and operated as a living memorial to the history and tradition of California life and environment, as a part of the State Park System, to preserve and recreate the Old Pueblo of Los Angeles and the colorful life of the period in which it was established, operated, and maintained, and to interpret the story of its founding, growth, and evolution into the Los Angeles of today, with the understanding that in the attainment of these objectives, cultural, commercial, and economic activities in keeping with the spirit and atmosphere of Los Angeles shall be encouraged..."

This plan was prepared by the State Department of Parks and Recreation, in collaboration with the City of Los Angeles (through its El Pueblo staff of the Department of Parks and Recreation) and with the County of Los Angeles.

The plan is the first for this park in response to the mandate of the Public Resources Code. The plan is also intended to meet the City of Los Angeles' "Master Plan" requirement, under the 1974 Joint Powers Agreement for El Pueblo.

Specific Purpose:

1. To identify and evaluate the park's natural, cultural, and recreational resources.

2. To establish policies for management, protection, and interpretation of these resources.

3. To determine visitor activities and land uses that are compatible with the purpose of the park, the available resources, and the surrounding area.

4. To determine the potential environmental impact of visitor activities, land use, and related development.

5. To establish guidelines for the recommended sequence of park development.

6. To provide an informational document for the public, the legislature, park personnel, and other government agencies.

Project Description/Location

El Pueblo de Los Angeles State Historic Park lies in the center of the busy and extensive downtown Los Angeles area. The historic park is near Los Angeles City Hall to the southwest, Union Station to the east, and Chinatown to the north. The southern boundary of El Pueblo is the Hollywood-Santa Ana Freeway, and major freeway interchanges are nearby. This park is easily accessible from the downtown area, while freeways provide ready access to areas outside the downtown sector.

Ownership/Project Boundaries

El Pueblo is an amalgamation of many plots of land in the downtown area. Lands owned by the State of California include properties in the Pico-Garnier Block, the Olvera Street Block, and smaller parcels north of these blocks. Many parcels outside these areas have been slated for inclusion in the historic park. These parcels, in combination with the state-owned and local government properties, make up the property within the ultimate boundary (Figure 1). The total land within the ultimate boundary is 17.8 ha. (44 acres).

Existing Project Area

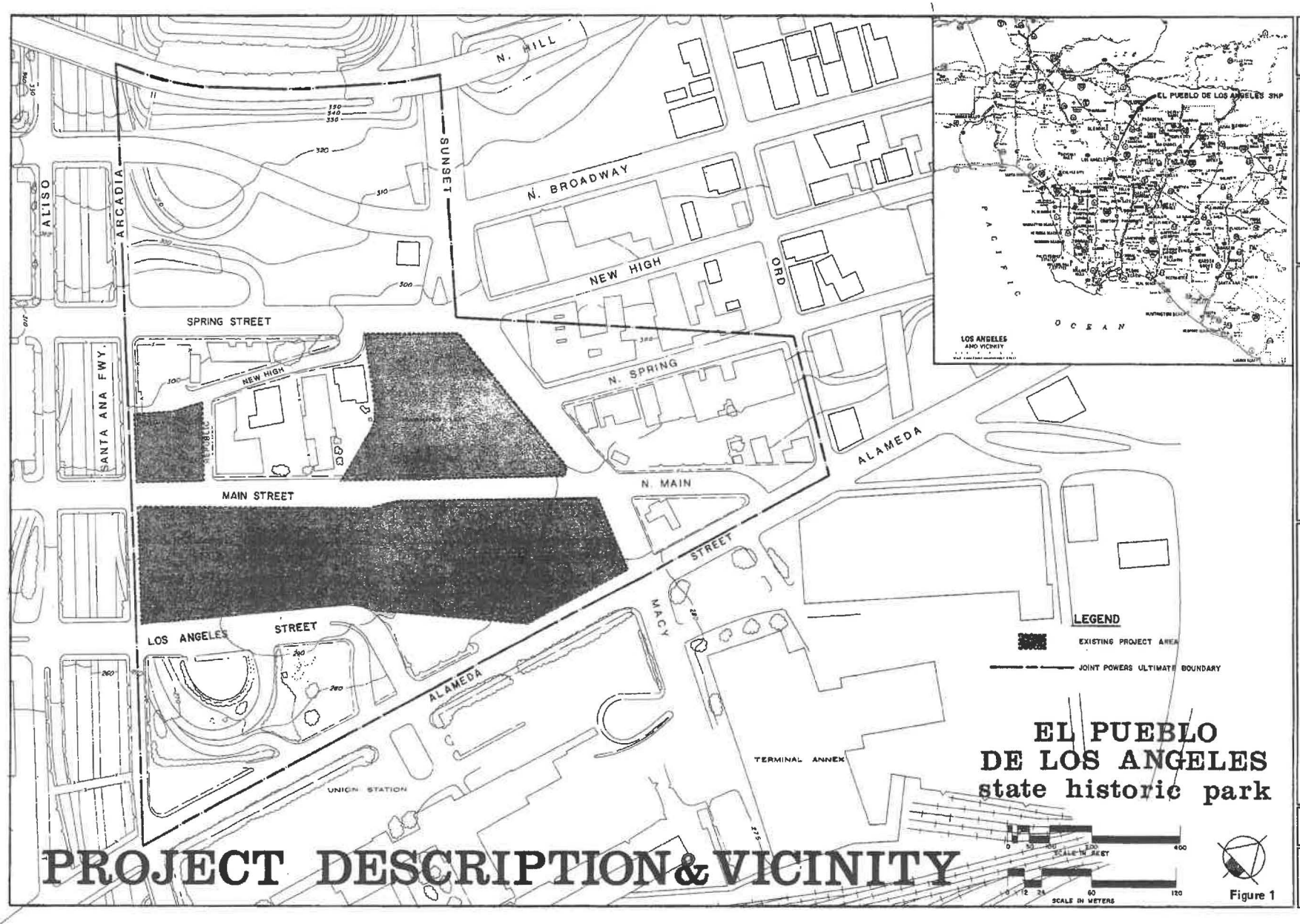
This includes lands owned by the State of California and the City of Los Angeles. The City is the authorized administrator of the park under the 1974 Joint Powers Agreement executed by the State, City, and County of Los Angeles. Lands within the project area are subject to all policies, rules, and regulations of the State Department of Parks and Recreation and this General Plan.

Historical Background

By September 4, 1781, establishment of the pueblo of Los Angeles was complete. The official name of the Spanish town founded by the Governor of the Californios, Felipe de Neve, was El Pueblo de La Reina de Los Angeles, (the town of the Queen of the Angels). From its earliest days, the settlers of the pueblo were of varied ethnic origins: Indian, Spanish, African, and mixed parentage. They were farmers, who had been recruited by Captain Fernando Rivera y Moncada from the areas of Sinaloa and Sonora in Mexico, and included 11 families, with a total of 44 people.

It was not until after the torrential rains of 1815 that the pueblo was moved away from the Los Angeles River to higher grounds at the present site of El Pueblo de Los Angeles State Historic Park. Construction of a new church, which opened onto a plaza immediately northwest of the present-day plaza, began in 1818; the building was not completed until 1822. The area now known as the plaza was probably not laid out until sometime after 1825. One-story adobes, similar in style to the Avila Adobe built on Vine Street about 1818, were constructed around the plaza and in the nearby streets.

By the time Mexico had achieved its independence from Spain, the population of the pueblo had risen to about 800 people; one visitor counted 82 houses in the pueblo in 1828. The descendants of the Gabrielino Indians who had been living near the Los Angeles River when the Spanish explored the region in 1769 continued to live in the area, and were the major work force of the pueblo and the outlying ranchos and missions.



PROJECT DESCRIPTION & VICINITY

Figure 1

DESIGNED | DRAWN | CHECKED

DATE

REVISIONS

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

APPROVED _____ DATE _____

EL PUEBLO DE LOS ANGELES S.H.P.
PROJECT DESCRIPTION & VICINITY

DRAWING NO. 17269

SHEET NO. OF

The state historic park is located within the former territory of the Gabrielino Indians (the name derives from Mission San Gabriel). The Gabrielino were a Shoshonean-speaking people who occupied much of the plain that is now the Los Angeles basin. Their range also extended to the islands of San Clemente and Santa Catalina. As with many coastal groups in California, contact between Euroamerican and native peoples resulted in a rapid decline in the indigenous human population, and a loss of many features of traditional lifestyle. The original site of the pueblo, which is generally considered to have been southeast of the present site, is said to have been near the village of Yang-na. No evidence has been found in the historical or archeological records of prehistoric occupation of the lands now included in the state historic park.

Ample evidence for Gabrielino involvement with the plaza area during the historic period, however, can be found in the historical and archeological record. Almost 4,000 Gabrielino people lived in the Los Angeles area during the early 1850s. Gabrielino manufactured "mission ware." Pieces of this coarse, unglazed pottery were found in recent excavations in the Chinese store. This same pottery was unearthed in the Avila adobe, along with a hammerstone, a lithic core, two scrapers, and numerous stone flakes.

Los Angeles was raised to the status of a city by the Congress of Mexico, and was named the capital of Alta California on May 23, 1835. However, the officials did not see fit to move south from Monterey for another ten years.

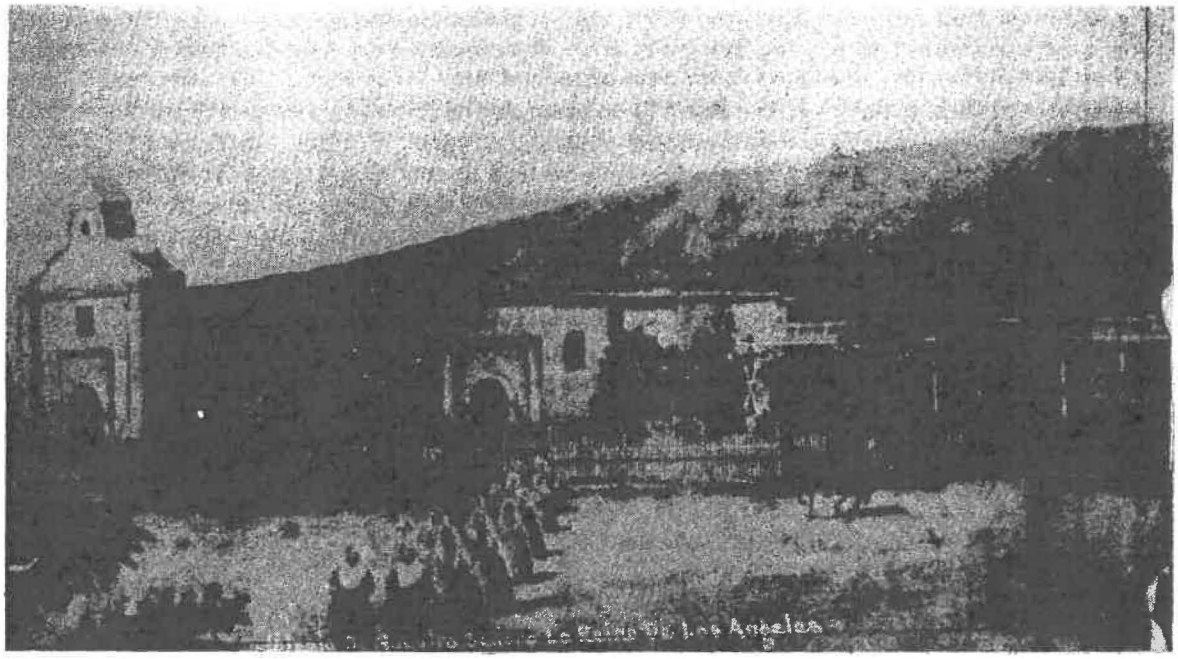
By the 1830s, non-Spanish-speaking foreigners had arrived in Los Angeles. In order to acquire land, many of them married daughters of the ranchers, became naturalized Mexican citizens, and were converted to the Catholic faith. Some of them became successful merchants and large landowners.

For political reasons, the United States and Mexico went to war in 1846. Los Angeles was taken by Commodore Stockton in January 1847, and for ten days, the Avila Adobe was Stockton's headquarters while peace was being negotiated.

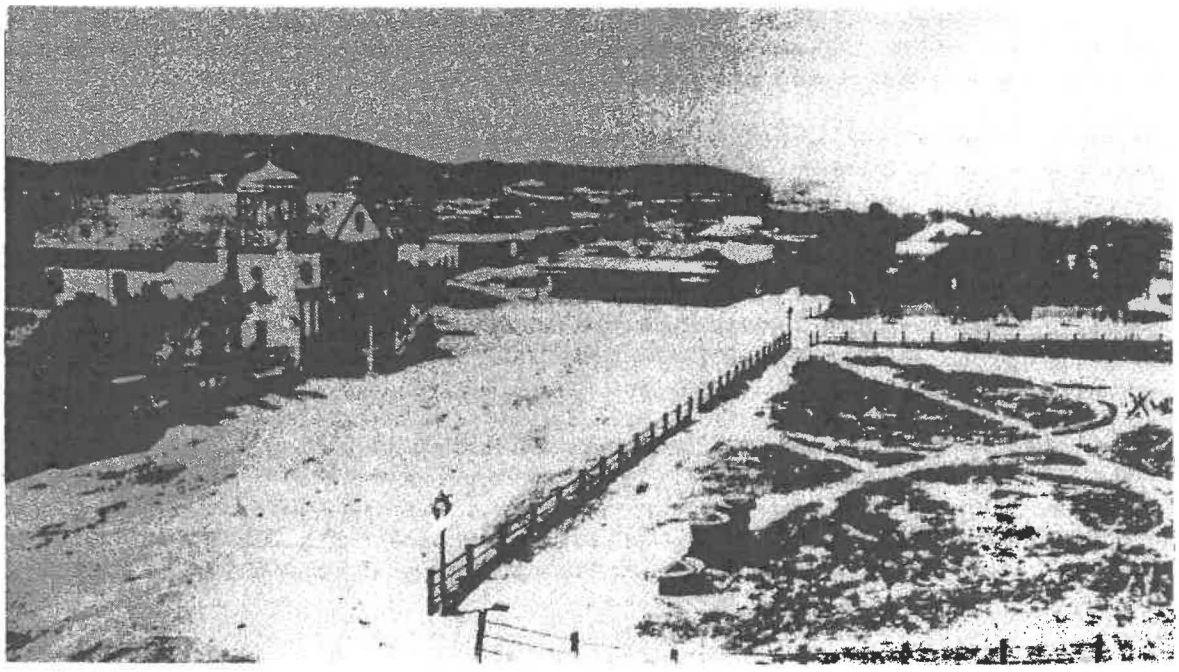
No drastic changes occurred in Los Angeles following California statehood in 1850. The excitement was in northern California, where gold had been discovered in 1848. Los Angeles remained Mexican in both tradition and speech.

As the city slowly began to grow, new ideas came to Los Angeles. For example, brickmaking began to replace the sun-dried adobe slabs used in construction. The Pelanconi House on Olvera Street, from this period, still stands. The last bullfight took place in 1860 and, almost simultaneously, the first baseball team was organized--a mark of the changing times.

In the 1860s, the Avila Adobe was turned into a boarding house, and was known variously as the Hotel Italia Unita and the Plaza Lodging House. For one brief period it served as a restaurant. The house remained the property of the Avila-Rimpau family and their descendants until 1953, when it was acquired by the State of California. In 1877, Vine Street was officially renamed Olvera Street, after Judge Agustin Olvera, whose house fronted on the north side of the Plaza.



Plaza church ca. 1857



Plaza and church, 1869

By 1860, the population of Los Angeles was more than 4,000 persons, including about 400 people of French origin. Many of the old families had moved away to the newer areas of Los Angeles, and the Chinese and other newcomers moved into the Plaza area. Statewide, the Chinese had been a target for discrimination and abuse, and racial tension was strong in Los Angeles as well. On October 24, 1871, Los Angeles had a race riot in which 19 Chinese were killed, and their homes looted and burned.

The census of 1860 showed a population of 4,399. (Of this number, 400 were of French origin.) By this time, many of the old families living in town houses around the Plaza had moved away or back to their ranchos, and Chinese people and other newcomers moved into the area. The Chinese were not popular with the American and Mexican members of the community. Racial tensions arose, and trouble followed. The most serious outcome of this situation was a dreadful massacre which took place on October 24, 1871. Two men, members of different Chinese tongs or nations, were fighting close to the old Coronel adobe, off the Calle de Los Negros. An American bystander tried to intervene, and was accidentally killed. This set off a wave of mob violence, which ended with the deaths of 19 innocent Chinese. Although some 50 people participated in the mob scene, only 7 men were convicted, and they were later set free on a legal technicality. Life in Los Angeles continued much as before, although the rest of the world was outraged at such brutality. The Chinese were considered second-class citizens, and the city council passed ordinances discriminating against them.

In order to revive the old Plaza area, Pio Pico built a grand hotel in 1869. To raise funds for this venture, he mortgaged his landholding in the San Fernando Valley for $115,000. The hotel was designed by Ezra F. Kysor, and built of brick. When the hotel opened in June 1870, it was elegantly furnished, with bathrooms on each floor. However, it was a poor financial venture, and in 1880, it sold at auction for $16,000. South of the Pico House, William and Merced Abbot built the Merced Theater. Although not a very successful theater, it was the first building constructed for this purpose in Los Angeles.

At the same time the Abbots and Pio Pico were building on the Plaza, a landscaping project was begun. The Plaza took on the circular shape it has today, and sometime between 1875 and 1877, the large Moreton Bay fig trees (Ficus macrophylla) were planted.

In 1884, men of the Volunteer 38's fire engine company built the city's first official fire house on the southwest corner of the plaza. These men were the first paid firefighting unit in the city, and they remained on the Plaza until 1897. The building was later used as a saloon, lodging house, and store.

In 1890, Philippe Garnier constructed a sandstone and brick building on Los Angeles Street. This was for use of the Chinese tenants, who completed the building to their own specifications. In the custom of the period, this building, like the Merced Theater, had large underground basements, used for various kinds of purposes.

In 1887, Eloisa Martinez de Sepulveda built a two-story brick building, the "Sepulveda Block," fronting Main Street, with a rear entrance on Olvera Street. It was to serve as a combination of businesses and residences, and still stands as a good example of Eastlake Victorian architecture.

By 1900, the area had declined considerably, and was chosen by Henry Huntington's Los Angeles Railway Company as a logical site for a power transforming plant located between Olvera and Los Angeles streets. The Plaza Substation (built in 1904) was a large brick building with arched windows, pilasters, and a roof supported by elaborate wooden trusses.

The old Plaza Church outgrew the needs of the modern-day congregation, and in 1965, a larger structure was erected behind the old church to meet this need.

In 1926, a Methodist Church was constructed facing the Plaza. The church conference headquarters were located next to the church, in a building now named for Sheriff Eugene W. Biscailuz, a man who served in the Los Angeles County Sheriff's Department for nearly fifty-two years.

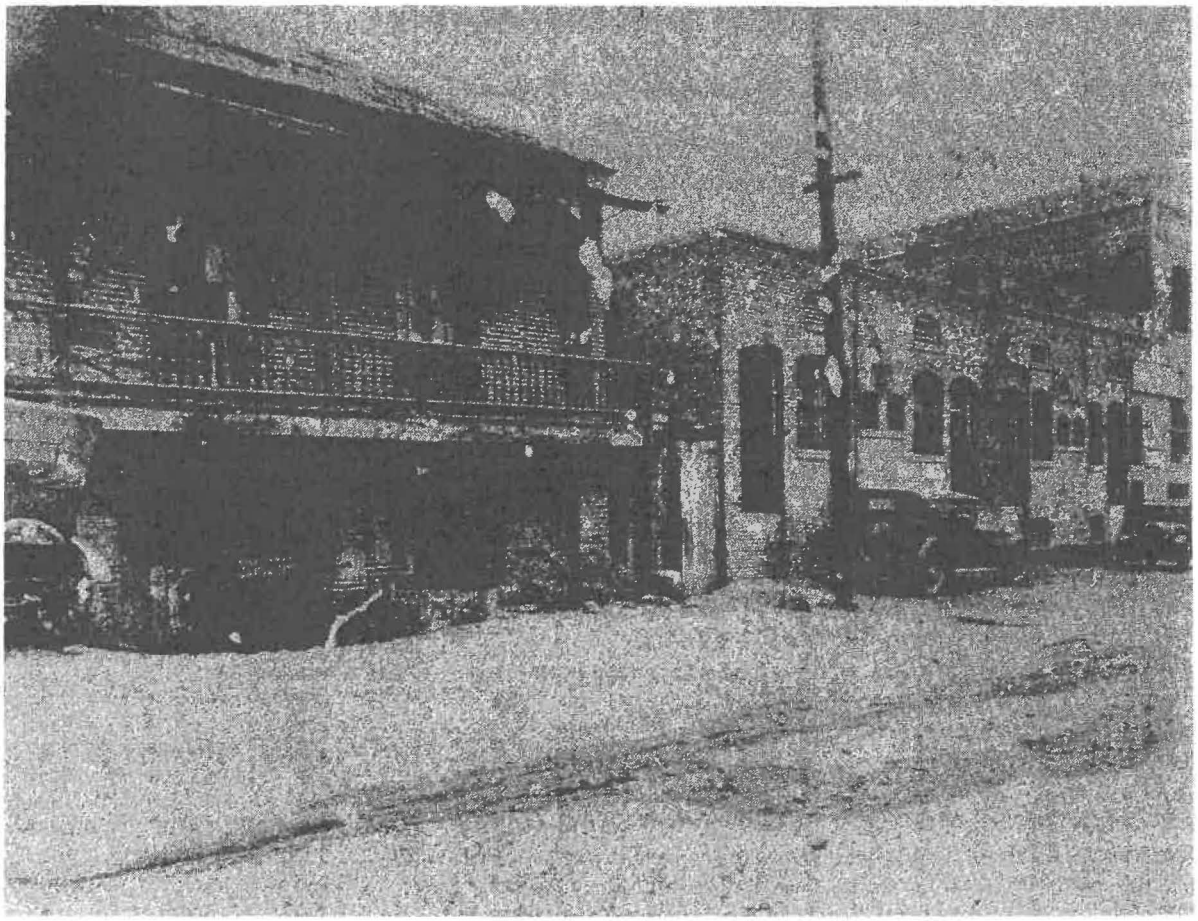
That same year, Christine Sterling found the historic section around the Old Plaza in a dirty, disreputable condition. Olvera Street was a slum, and on November 22, 1928, the Avila Adobe had a condemnation notice tacked to its front door. With the help of Harry Chandler, publisher of the LOS ANGELES TIMES, and several other prominent business and professional leaders of the community, she saved the adobe, and in 1930, created a colorful Mexican marketplace in Olvera Street. She brought fiestas and colorful Mexican traditions to Olvera Street, with the help of the Mexican-American community.

Across the street from the Plaza to the east, the old Chinatown was demolished to make way for the Union Station. Designed by Donald and John Parkinson shortly before World War II, it was the last large railroad terminal built in the United States. Chinatown was relocated north of Olvera Street.

For many years, Olvera Street was managed by a group of citizens called the El Pueblo Corporation. In 1953, the street became part of El Pueblo de Los Angeles State Historic Park, and other historic buildings in the area were acquired soon after. A new commission was created to administer the park, consisting of representatives from the state, county, and city. After a few years, it became apparent that little could be accomplished by this group, and it was dissolved, along with the El Pueblo Corporation. A new tripartite agreement was drawn up and signed on April 1, 1974, by the same signators. It specified that the City of Los Angeles would administer the historic park, with the state holding the right to review and approve the operating budget and capital improvements.

During the 1950s and '60s, the facades of several of the historic buildings were restored. Unfortunately, funds ran out, and except for the rebuilding and refurbishing of the Avila Adobe, the Firehouse, and the Masonic Lodge (built in 1858) as museums, very little restoration has been accomplished. Considerably more restoration efforts, however, have been started in the 1970s.

The twentieth century has been the time of the greatest expansion of the City of Los Angeles, particularly since the Second World War. It is hoped that by the Pueblo's 200th birthday in 1981, a program of intensive, careful restoration will be in progress, designed to create for all the diverse peoples of California a true historic park in the area that contains so much of their heritage.



Pelanconi House - Olvera Street 1925

Planning Background

Some acknowledgement must be given of the enormous amount of planning that has gone into development (or lack thereof) of the park.

The following is a list of plans that have been prepared over the years between 1947 (when the idea of an historic park was first conceived) and today, when the present general plan is offered as a guide to the ultimate development for the area, and to satisfy the legal requirements of the State of California Department of Parks and Recreation.

July 21, 1947, REDEVELOPMENT OF THE LOS ANGELES PLAZA AREA, a preliminary report to the Plaza de Los Angeles Inc. prepared by Burnett C. Turner, with Charles Bennett of the City Planning Department. A plan to initiate urban redevelopment in the restoration of the Plaza area from its then blighted condition.

July 18, 1958, MASTER PLAN, approved by State, County, and City. Set up boundaries and planned for acquisition of buildings in area of proposed development.

October 19, 1967, PUEBLO DE LOS ANGELES STATE HISTORICAL MONUMENT PLAN. A brief document prepared by the Los Angeles City Planning Department. Called for development of park, restoration of buildings and revision of street patterns to accommodate needs of both pedestrians and automobiles.

May 12, 1967, MASTER PLAN, prepared by Burnett C. Turner. Based on 1957/58 Master Plan, it provided drawings for streets, sewers, and utilities and other plans for buildings to be restored. It called for Main Street traffic to be realigned to Spring Street and for the demolition of County buildings in the area.

1969-70, A major COMPREHENSIVE DEVELOPMENT PLAN was prepared by Pollak-Barsocchini and Associates in 1969, revised 1970, and approved by the State Commission on July 10, 1970.

This was the first really far-reaching plan made for El Pueblo. It called not only for the restoration of the historic buildings but also for creating a pedestrian system for the entire area, and for providing links between Little Tokyo, the Civic Center, Chinatown, and Union Station. It went even further in suggesting that multicultural activity centers be built in different areas to reflect the various ethnic groups that make up the history of Los Angeles, and to create a focus for expanded tourist and visitor activities.

This plan called for changing the name of El Pueblo from "State Historic Monument" to State Historic Park," which it has been called from this date on.

March 5, 1971, EL PUEBLO GARAGE FEASIBILITY STUDY. Associated Parking Consultants (Linscott Associates and Robert Crommelin Associates) recommended a site for a proposed 500 space parking garage on an area now used for surface parking (County Lot 25 and El Pueblo Lot 1). (This plan was prepared before archeology had been done on Parking Lot 1 which revealed significant archeological deposits.)

November 1, 1972, AD HOC MASTER PLAN COMMITTEE REPORT. Los Angeles Plaza Historic Park proposed General Plan. This was a geographic development plan which took into account the "historical patterns as well as the ethnic occupation of the Plaza area." This plan set out policies in a form which was intentionally brief, allowing for details to be delineated in a future development plan.

The plan was prepared by a committee between April and November 1972. It was not concerned with commercial development of the Pueblo.

July 20, 1976, EL PUEBLO DE LOS ANGELES STATE HISTORIC PARK DEVELOPMENT PLAN by A. C. Martin and Associates. On a less grand scale than the Pollak-Barsocchini plan, this plan nevertheless tried to define the park as a distinctive place and recognized its enormous potential. It recommended "practical strategies for implementation" and of "realistic market projections."

The plan called for a phased approach for restoration of the historic buildings. It defined El Pueblo as a place of great historic significance and suggested improved ways of interpreting this. It also described the problems caused by existing street and traffic patterns.

A major part of the plan was devoted to a Market Feasibility Analysis prepared by Russell/Speicher and Associates to determine the commercial development potential at El Pueblo park, with particular reference to the Pico-Garnier Block.

The A. C. Martin Plan was accepted by both the Advisory Committee for El Pueblo and by the City Recreation and Parks Commission, but was not officially presented to the State, since it had not yet been offically approved by the County. However, unofficial word had been received from State officials indicating that the plan would not be acceptable as it was because it did not place sufficient emphasis on historic preservation and restoration in the park.

Accordingly, in 1977/78 the State Department of Parks and Recreation prepared, with the help of the El Pueblo staff, a RESOURCE MANAGEMENT PLAN outlining the history and cultural resources of the historic park. This plan was approved by the State Park and Recreation Commission on September 15, 1978, and is now incorporated in the General Plan for El Pueblo as the Resource Element.

During the preparation of the General Plan some further studies were made:

EL PUEBLO DE LOS ANGELES STATE HISTORIC PARK: TRAFFIC STUDY by Daniel S. Kupfer, September 1979, which attempted to show the feasibility of preventing disruptive vehicular traffic on Main Street through the park and of providing alternative routes without adversely affecting surrounding community streets.

LONG-RANGE CONCEPTUAL PLAN FOR THE PUEBLO DE LOS ANGELES HISTORICAL PARK by students of the Landscape Architecture Senior Design Studio, UCLA, May 1979.

A study of PARKING AT EL PUEBLO DE LOS ANGELES STATE HISTORIC PARK by Shirley Hsiao, April 1979. This assessed the amount of parking available in the park and the adjacent areas and recommended the formation of a joint City/County parking authority to administer it.

Management History of the El Pueblo Area

Through the efforts of Mrs. Christine Sterling, a group of public-spirited people banded together in the 1920s to try to save the historic area of Los Angeles from destruction. On May 2, 1928, they formed a corporation known as Plaza de Los Angeles, Inc., and together, they saved the Avila Adobe from destruction, restored it, and created a Mexican market place in Olvera Street, which opened in 1930. This corporation (dissolved on July 19, 1957) was replaced by a non-profit corporation, El Pueblo de Los Angeles, Inc., formed March 9, 1954.

In the meantime, an agreement was signed on June 22, 1953, by the state (through its State Park Commission), the County of Los Angeles, and the City of Los Angeles. Under the terms of this document, the county and city each deposited $375,000 in the State Treasury, to match $750,000 approved by the State Legislature for the purpose of acquiring properties in the area bounded by Arcadia, Main, Alameda, and Macy streets, in order to establish a "permanent historic monument as part of the State Park System." The city was also to make Sanchez and Olvera Streets available for the monument. The state contracted with the city and county for management of the area. Development was to be "pursuant to the Master Plan" which was to be prepared. Provision was made for contracting to other parties the development, management, and operation of the monument, and for concession agreements.

On October 22, 1955, the state contracted with the county and city for operation of El Pueblo de Los Angeles State Historic Monument, and for making a master plan to "delineate development construction."

On November 18, 1955, the state approved an agreement between the county and city, authorizing the city's Department of Recreation and Parks to act as administrator of the monument.

On June 12, 1956, the county and city designated the city's Department of Recreation and Parks as county/city representative, and stated that the department should "perform, exercise and enjoy all the duties, powers, rights and privileges for and on behalf of both City and County."

On May 18, 1956, the California State Park Commission approved a management agreement whereby El Pueblo de Los Angeles, a non-profit corporation, would "manage the Olvera Street unit."

On December 1, 1965, a joint powers agreement was signed by all three governmental bodies, setting up a new commission composed of eleven members, including five state appointees and three members each appointed by city and county. (There were also three alternates.) This commission continued to contract out management of Olvera Street to the El Pueblo de Los Angeles Corporation.

This agreement and contractual arrangement were revoked by a new agreement signed by the state, county, and city on April 1, 1974, under which the city, through its Recreation and Parks department, was charged with the administration and development of El Pueblo, while the state retained the right to approve both operating and capital improvement budgets and all development activity. The agreement also called for preparation of a new master plan. The park is operated today under this agreement.

Public Involvement Program

Citizen participation has been important to the existence and continuing success of Olvera Street, and the area now defined as a historic park.

A public meeting to begin the planning process for a general plan for the park was held in February 1979 by the California Department of Parks and Recreation, in cooperation with the El Pueblo State Historic Park staff.

Representatives of the City of Los Angeles, which administers the park, and the Department of Parks and Recreation discussed the background and present status of the park, explained the planning process, and conducted a workshop session to receive suggestions and public comments on major issues and concerns for the park's development.

In attendance were about 135 people from the Mexican and Chinese communities in the Los Angeles area. Others who attended were representatives of Los Angeles city and county agencies, and individuals of various professional backgrounds, all with particular interests in future development and management of El Pueblo.

As a result of the workshop sessions, the planning team received more than 650 individual comments concerning every aspect of the general plan, and El Pueblo in particular. This information was organized into a summary newsletter, sent to more than 500 people on the El Pueblo mailing list.

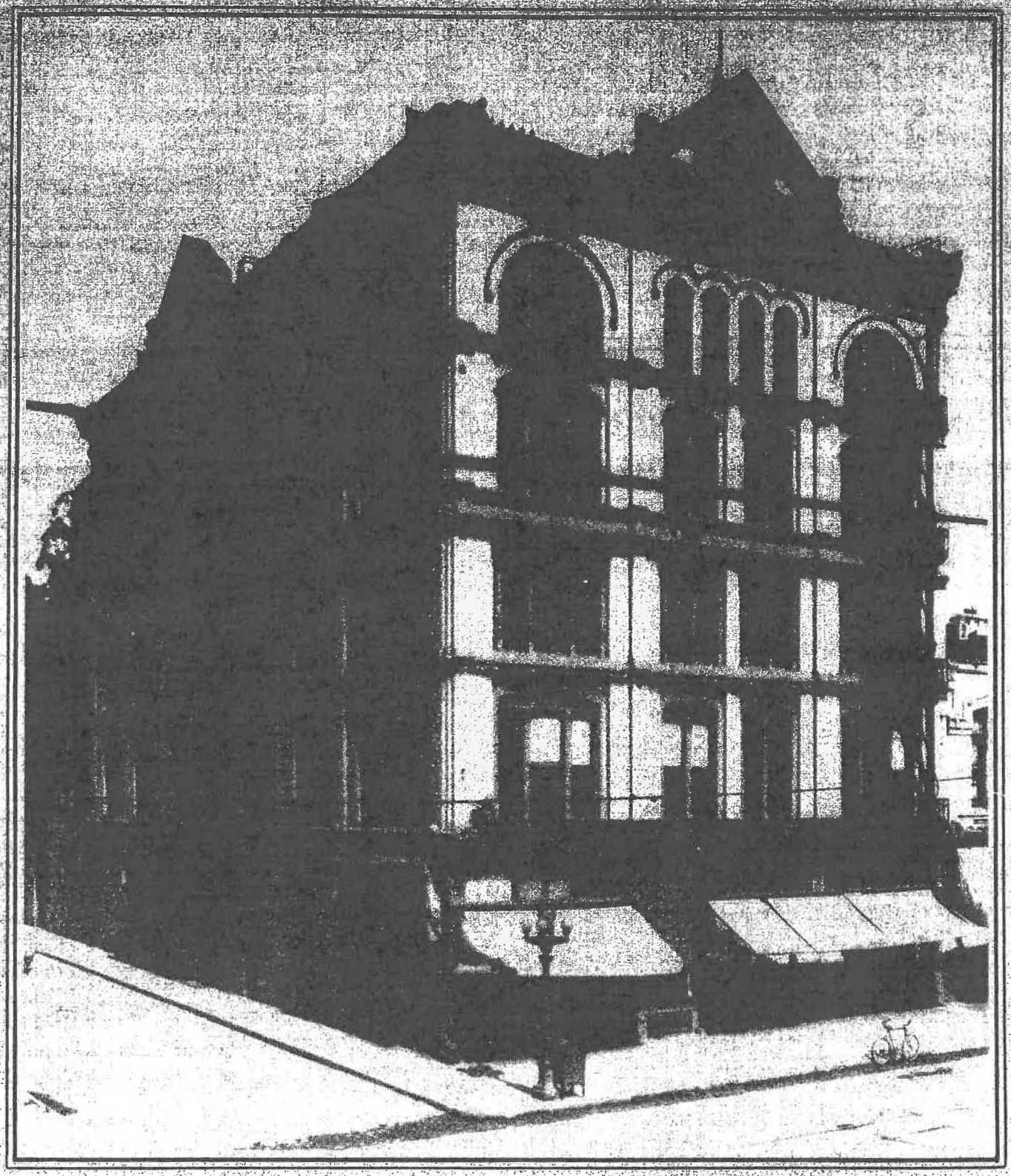
In order to adequately address public concerns about this plan, a program of meetings, newsletters, and personal contacts was developed to gather and exchange information and to hear local opinions and concerns for the future of the park.

Additional meetings, workshops, and an open house were conducted by state and city historic park staff, to further evaluate public and agency comments, and to develop a single plan recommendation.

The final plan presented in this report can not necessarily provide for all the desires and concerns expressed by the general public. However, it attempts to provide the necessary guidelines, and to develop solutions that incorporate facilities and activities compatible with the cultural and historic community values of the park.

The "Community" with interests at El Pueblo is represented by various organizations: the El Pueblo Advisory Committee, the Olvera Street Merchants' Association, the support groups Las Angelitas and Los Amigos del Pueblo, Les Dames de Los Angeles, and the Box 15 Club, as well as the conservation and historic groups of Southern California.

Recently, the work of staff and support groups has been augmented by the contributions of a special subcommittee of professionals from the LA 200 Committee, which convened regularly to assist in preparation of this plan.



RESOURCE ELEMENT

RESOURCE ELEMENT

Declaration of Purpose

An interim statement of purpose has thus far guided management of resources at El Pueblo de Los Angeles SHP. The following Declaration of Purpose was approved by the State Park and Recreation Commission in 1978:

> The purpose of El Pueblo de Los Angeles State Historic Park, in the City of Los Angeles, is to preserve and, where appropriate, restore and reconstruct for the enlightenment and enjoyment of the public forever, the remaining features of one of the three official Spanish pueblos of Alta California, as well as structures and other features characteristic of the flow of history and diverse populations associated with the development of the Pueblo and the City of Los Angeles. Emphasis will be on the span from the Spanish Era through the Mexican and American Eras 1818-1932.

Resource Summary and Evaluation

Prime Period

In accordance with Directive 62 of the Department of Parks and Recreation's Resouce Management Directives, a prime historical period is established for El Pueblo. This period is 1818 to 1932. It was chosen to reflect significant above-ground historic resources of this area. Preservation and interpretation efforts will emphasize this period. Such efforts, however, need not be restricted to the prime period, although they must be placed in the perspective of the events of this time.

Cultural Resources

The list below represents the remaining cultural features of El Pueblo SHP, described in three major areas. (NOTE: The building numbers correspond with Figures 7, 8, 9 - pages 79-84.)

Pico-Garnier Block

(Bldg. #4) The Garnier Building (1890), constructed by Philippe Garnier, a two-story sand and brick structure, is in need of internal restoration. This building was used, from the time of its construction until 1953, by Chinese merchants and societies. Half of the bullding was demolished for freeway construction at that time.

(Bldg. #5) 425 N. Los Angeles Street, a narrow, two-story brick building, probably constructed between 1895 and 1905. This structure has not been restored, except for the exterior. It was also used by Chinese tenants.

(Bldg. #6) The Turner Building, a one-story brick building, constructed in the 1960s as part of the early restoration effort in the park. The structure has been designed to blend with surrounding buildings. This building was used for El Pueblo State Historic Park Commission hearings between 1965 and 1971, and was intended as a service building for the Pico-Garnier Block.

(Bldg. #9) A Chinese store (built between 1895 and 1905), composed of the single building, divided in half. This building is occupied by state offices and the Park's Visitor's Center and Volunteer office. Another portion of this building is intended for use as an exhibition devoted to the history of the Los Angeles Sheriffs' Department, featuring Martin Aguirre who was Sheriff in 1886.

(Bldg. #8) The Plaza Firehouse (1884), a two-story fire station which has been restored, and currently houses historical displays associated with the history of fire fighting in Los Angeles.

(Bldg. #10) The Pico House (1869-70), a three-story masonry structure with a large central courtyard. This is one of the earliest quality hotels in the city. The building has been restored outside, and the interior is currently undergoing extensive restoration.

(Bldg. #11) The Merced Theater (1870), a three-story brick structure, slightly taller than its neighbor, the Pico House. The building was the first theater in Los Angeles, and featured well-known touring theater companies. The building now houses park offices on the ground floor, while the upper stories are vacant, and awaiting restoration. The exterior has been restored.

(Bldg. #12) The Masonic Hall (1858), where Lodge #42, F.&A.M. met on the second floor for 10 years. The exterior of this two-story brick building has been restored, and the interior houses lodge artifacts. Originally, and until recently, the first floor was used commercially. The upper floor is now used by Lodge #814.

The basements under the Merced Theater and the Garnier Building were used for many purposes, including wine storage. Today, these serve as storage and interpretive displays. The tunnel under Sanchez Street was cut through in the 1960s to provide service access to the Pico House.

Olvera Street Block

(Bldg. #16) The Simpson Building, constructed c. 1900 on the corner of Main and Sunset, which now houses a branch of the Bank of America and a restaurant. The Bank of America modified the structure significantly at the time of its restoration and occupancy in 1959.

(Bldg. #17) The Jones Building, a single-story brick structure, probably built in the late 1880s, which is divided into several parts. It is now used for shops and storage associated with Olvera Street.

(Bldg. #18) 10 W. Olvera Street, a narrow brick structure, built between 1910 and 1920. It is currently in use for Olvera Street commercial activities. During the 1930s it served as a theater.

(Bldg. #19) The Sepulveda House (1887), a Victorian-period building of two stories (Eastlake style), with elaborate exterior ornamentation. This building has been stripped in the interior, and is slated for restoration. It was built by Dona Eloisa Martinez de Sepulveda for combination residential and commercial use.

(Bldg. #20) The Pelanconi House, a two-story brick home (ca. 1855) that was remodeled and extended in 1930 when it became La Golondrina Restaurant. It is one of the oldest brick buildings still standing in Los Angeles.

(Bldg. #21) The Machine Shop Building, a small, rectangular brick structure, built between 1910 and 1920, now used by merchants fronting on Olvera Street.

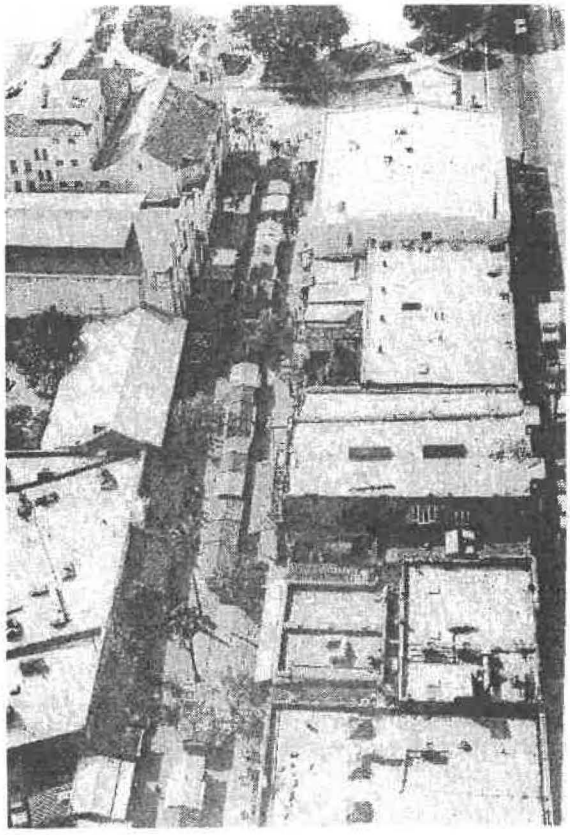
(Bldg. #22) Italian Hall, a two-story brick structure built between 1907 and 1908 for Italian organizations. The lower floors are used by Olvera Street merchants and the upper story serves as park storage.

(Bldg. #24) La Plaza United Methodist Church, which stands on the corner of the Plaza and Olvera Street. The structure was completed in 1926, and has been in continuous use by the church since.

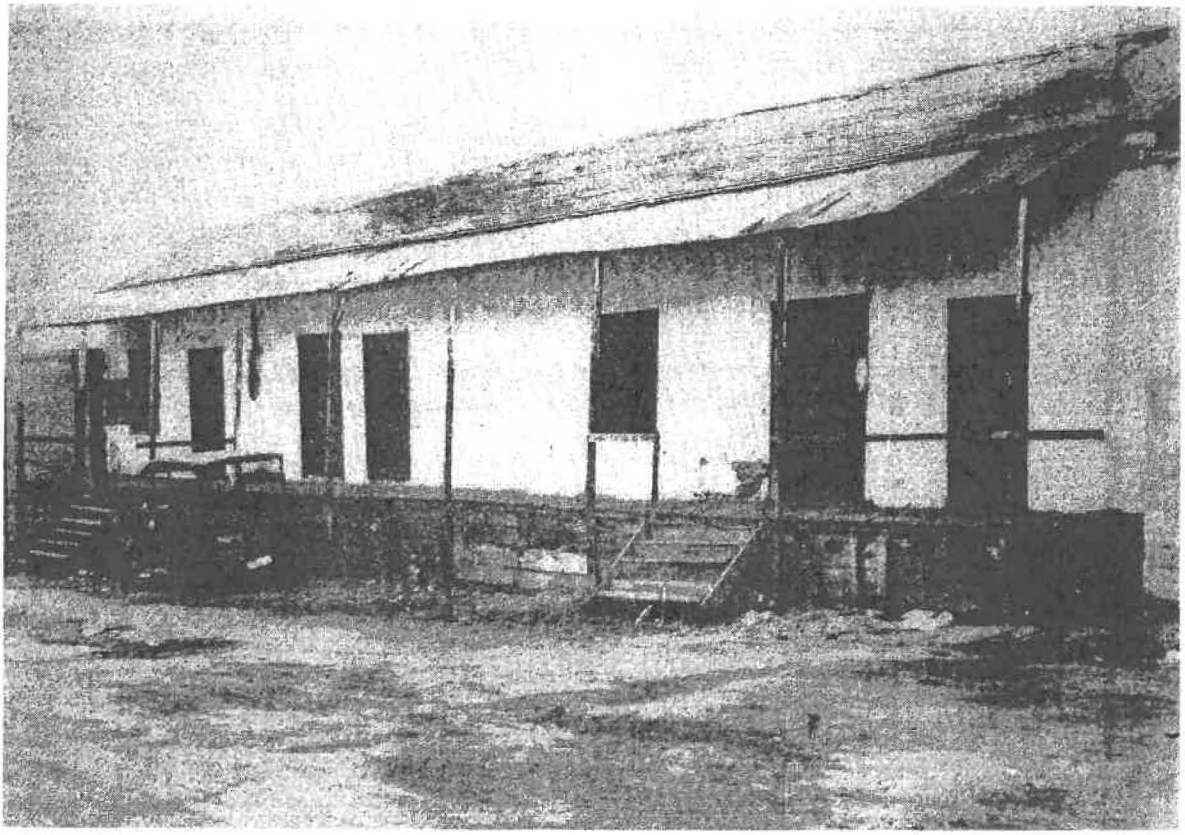
(Bldg. #25) The Biscailuz Building, a large, multi-story structure built in 1926 as the area headquarters of the Methodist Church; it now serves as the offices of the Mexican Consul General in Los Angeles and other offices.

(Bldg. #26) The Plaza Substation (1904) (MTA Building), a three-story structure first used as a power transforming plant for the Los Angeles Railway Company. The interior is now bare, and is in need of restoration.

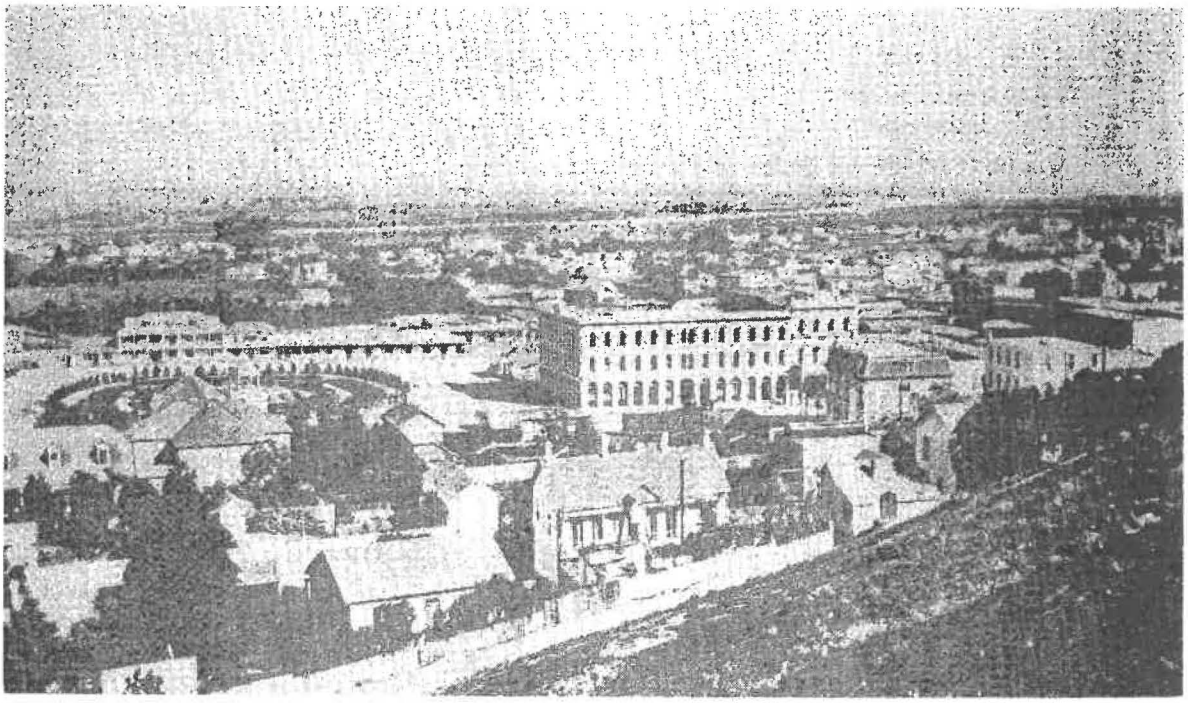
(Bldg. #27) The Avila Adobe, a single-story rectangular structure fronting on Olvera Street; this is the oldest surviving home in the city. The adobe was constructed ca. 1818 by Don Francisco Avila and has been restored to reflect the Hispanic Era of the early 1840s. It is now in use for tours and interpretive displays.



Olvera Street in February 1972, facing south toward the plaza



Avila Adobe in the 1920s, before restoration and revitalization of Olvera Street



Overlooking the Plaza area around 1875

(Bldg. #28) Avila Adobe Annex, built in 1976, encloses the courtyard of the Avila. This structure is currently used by park staff, and one wing houses visitor restrooms. In the basement portion of this structure, a segment of the original water ditch (Zanja Madre) has been exposed.

(Bldg. #29) The El Pueblo-Olvera Street office building, which houses some offices and an art gallery. It has entrances on Olvera and Alameda Streets. The site was used as a winery from the early 1880s until 1979. The present building was constructed in 1914.

West Side of Main Street. (The following buildings are currently owned by Los Angeles County)

(Bldg. #35) The Beaudry Building, built in 1871 by Prudent Beaudry as a combination residence and business establishment. The bricks from the 1857 reservoir in the Plaza were used for its foundations. It has been much altered.

(Bldg. #36) The Los Angeles Gas Company Building, circa 1871. This three story brick structure was remodeled in 1909, to form an annex to the Vickrey-Brunswig Building, and was the showroom for the Brunswig Drug Company.

(Bldg. #34) The Vickrey-Brunswig Building, a five-story brick structure, constructed in 1888 for business and some residential use. In 1907 it was bought by Lucien N. Brunswig and became the headquarters for his drug company. This building is currently vacant.

(Bldg. #37) The Plaza House, constructed in 1883 by P. H. Garnier for business and as a residential hotel. The building is currently vacant.

(Bldg. #38a) Campo Santo. Between the Plaza House, the Juvenile Courts Building and the Church lies the former Campo Santo of the Church. This was used as a burial ground for the early settlers of the pueblo between 1826 and 1844. This site is currently used for parking.

(Bldg #39) The Church of Nuestra Senora la Reina de Los Angeles, constructed between 1818 and 1822. Altered many times, the old adobe church was outgrown by its parishioners and finally a new large church was built in 1965, leaving the old church to serve as a chapel. Next door to the church buildings is a two-story structure housing an office and meeting rooms and stalls for commercial use on Sundays. An additional recreational and office facility is planned for the area between the adobe church and El Pueblo Parking Lot 2.

The Church buildings are owned by the Catholic Archdiocese of Los Angeles.

Juvenile Courts Building (Old Brunswig Building), constructed by Lucien N. Brunswig in 1918 as a warehouse and packing plant for his drug company, it was acquired in 1930 by Los Angeles County and used for the Juvenile Courts Division of the Superior Courts.

The Old Warehouse. This five-story concrete building was originally constructed with an east-west axis in 1924 for use as a laboratory by the Brunswig drug company. Acquired by the Los Angeles County in 1930 its axis was changed to the north-south direction when Spring Street was widened. It is currently used by the County as a center for Indo-Chinese refugees and other purposes.

The Plaza and the East Side

(Bldg. #43) Plaza probably laid out between 1825 and 1830 in a rectangular shape with the corners at the cardinal points of the compass. It was landscaped and the shape changed to a circle shortly after the Pico House was built. It has been relandscaped several times and is paved with brick and concrete. It contains a "kiosko" built in 1962 which houses restroom facilities. The plaza is owned by the city of Los Angeles.

(Bldg. #46) Father Serra Park, on the east side of the Plaza is at the site of the old Lugo House (razed in 1951); contains lawns, trees, shrubs, and a statue of Father Serra.

(Bldg. #47) Placita de Dolores, 1979, a triangular lot containing a semi-circular tiled mural depicting "El Grito", a stage and a replica of the Bell of Dolores. Owned by the Department of Public Works, it was constructed on top of the old Zanja Madre.

A significant aspect of the cultural resources of El Pueblo exists as subsurface archeological remains. These values have not been systematically explored for the entire park; however, archeological excavations near the Avila Adobe and in other areas have revealed that significant remains are present. Such remains may be expected to include at least the following: foundation or structural remains from the span of history of the pueblo; remains of the Zanja Madre and other utility-related features; early road surfaces; and artifacts discarded as debris around older structure or over the bluff known to have existed along present-day Los Angeles Street.

Recent restoration work associated with archeological investigations along the foundations of older structures, and development work near the Biscailuz Building, indicate that such materials do exist, and are probably distributed throughout the historic park. Test excavations have been done recently in the area of El Pueblo Parking Lot #1; these have also revealed significant resources. Based on the investigations, it is clear that significant cultural resources are to be found below the surface.

Natural and Scenic Values

The natural resources of El Pueblo consist entirely of plant and animal species introduced after the appearance of Euroamericans and the founding of the pueblo. Thus, no native species exist today, except for some plants in the Avila Adobe patio, introduced for interpretive purposes. The most predominant of the exotic forms present are the large Moreton Bay fig trees (Ficus macrophyilla), planted ca. 1877 in the Plaza. Ornamental shrubs and trees are interspersed in parking lots and next to structures. Some garden species are regularly planted in the courtyard of the Avila Adobe. Besides the usual urban assortment of pigeons and house sparrows, the very rare grey ring-necked dove occurs in the park. This bird is found only in Florida and on Olvera Street, in the United States.

The park was originally part of the Southern Oak Woodland biotic community, although the congested urban environment of which El Pueblo is a part has long since supplanted this community. The only natural element left is the climate, although today's weather conditions have been modified by persistent atmospheric pollution.

El Pueblo possesses some scenic values. The taller structures of the Pico-Garnier Block are easily visible landmarks from the surrounding surface streets; the Pico House (a hotel) is probably the most notable. The plaza area presents a green relief from the surrounding grey of government buildings and freeways. In the historic park, both Olvera Street and the Pico-Garnier Block can be appreciated from the vantage of the Plaza. For many, the stalls and shops of Olvera Street present a colorful and bustling scene. Many areas of the park, however, are not visible from the outside. The Main Street side of the Olvera Street block presents a blank wall, relieved only by the ornamental facade of the Sepulveda House.

Recreation

El Pueblo de Los Angeles SHP offers many forms of recreational activities. The park offers yearly cultural events, including: Mardi Gras; The Blessing of the Animals; Cinco de Mayo festivities; a summer concert series in the Plaza; celebration of the city's birthday in September; and La Posadas, a nine-day celebration preceding Christmas. Numerous other events dot the yearly calendar, as well as special "once-only" events. "Las Angelitas del Pueblo," an active support group, offers guided walking tours of the historic park, Tuesday through Saturday.

Additional activities that can be considered recreational revolve around the daily activities of the park. The shops and puestos (stalls) along Olvera Street offer a chance for visitors to take leisurely strolls. This is often combined with lunch or dinner at one of the many restaurants along the street. Bands often play in the Plaza at the noon hour, and many visitors relax there.

Resource Relationships to the Environment

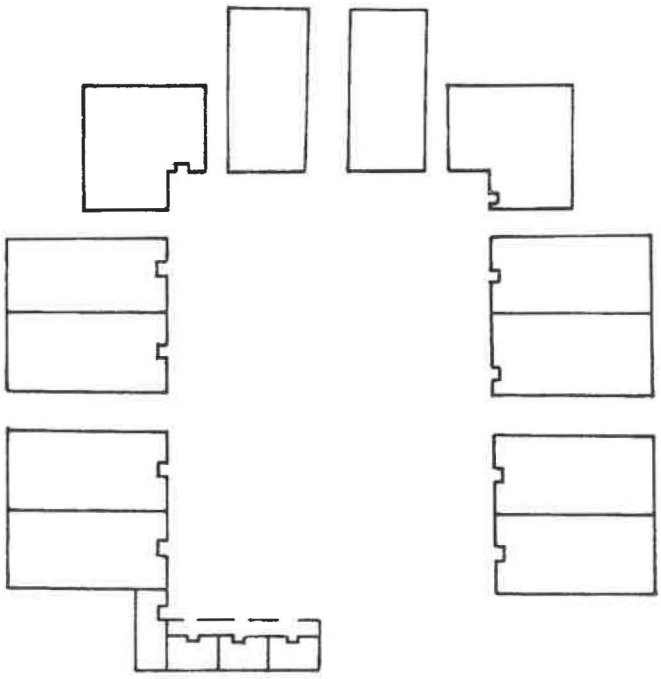
The resources of El Pueblo de Los Angeles SHP are inextricable from the busy urban environment which surrounds them. This has affected, and will continue to affect, management and interpretation of these important resources. The presence of downtown Los Angeles is inescapable in most areas of the unit. The horizon to the south is dotted with massive government structures, and busy throughfares surround and divide the unit, with the attendant problems of noise and atmospheric pollution. As a result, the boundaries of the historic park are all but unrecognizable to first-time visitors, and the specter of parking and crossing the busy streets may discourage some visitor use.

The location of the park has many positive aspects. The presence of surface streets and freeways makes it easily accessible from anywhere in the Los Angeles basin. The unit is convenient to pedestrians from the government buildings to the south, and has traditionally been a favorite spot for lunch. The park, especially the Plaza and Olvera Street, presents a relief from the surrounding landscape.

At present, it does not appear that the surrounding environment presents an imminent threat to the historic structures. Several conditions will, however, have to be considered and monitored in the future. Traffic and vibration may, to some degree, affect the structures. Weather conditions and smog may affect the integrity of some building exteriors and the remains of the Siqueiros mural. Historic buildings also face the danger of earthquake damage.



Plaza - 1857, showing the Lugo House Adobe and other buildings surrounding the Plaza before major changes took place (background is site of Union Station)



Derived from a map of the suggested plan of the first plaza. On file, H. H. Bancroft Collection, Bancroft Library, Berkeley.

Resource Deficiencies and Recommendations

Certain phases of El Pueblo's historical span are poorly represented in the park. This is partially acceptable, since it would be infeasible to interpret, in depth, the entire historic period. In some instances, however, these deficiencies should be corrected by augmenting the present resources of the park through state acquisition, or transfer of jurisdiction of adjacent parcels of land (see Figure 1). Specifically, these theme-related deficiencies and possible corrective measures are:

Early Hispanic (Spanish) Era. El Pueblo de Los Angeles (1781) is the second of only three official pueblos established by the Spanish in Alta California. Although it has been at its present location only since about 1818,[1] the site relates significantly to the Early Spanish period. This period is physically represented by the Avila Adobe, the church, and the site of the Plaza, although the latter two have been heavily altered through the years, and are not state-owned.

It is important, therefore, to make every effort to augment the resources of this era. Specifically, increased archival research should be ongoing for the era. A comprehensive archeological recovery program must be instituted and applied at every opportunity, throughout the park. Equal consideration must be given to reconstruction of period adobe structures wherever an appropriate lot becomes available.

Late Hispanic (Mexican) Era. This period (1822-1848) was an important one in the pueblo, and to California as well. It was a time of turmoil, when Mexico broke away from Spain and imposed new regulations on the colony of California. It was an important period of development in El Pueblo. Unfortunately, only two structures have survived from this period, the Avila Adobe and the church, both built in the earlier (Spanish) period. Measures similar to those outlined above must be undertaken to correct these deficiencies.

American Era. This historical period (1848-present) is well represented, especially the span from 1850 to 1900. The physical resources of this period dominate all others in the park. Some significant structures that lie outside state ownership, yet within the ultimate boundary, need to be acquired to ensure adequate interpretation and rehabilitation. Specifically, these include the Vickery- Brunswig and Plaza House structures. A significant problem is the lack of knowledge concerning historical ethnic populations, which were very important to development of El Pueblo. Every effort must be made to acquire this understanding, through archival, oral historical, and archeological investigation.

1 *A plaza, near the location of the present one, was apparently laid out sometime after the intensive rains of 1815 forced relocation of the pueblo to higher ground from its original location in the nearby flood plain (see plan of first plaza, bottom of page 28). The actual layout of the relocated plaza may have occurred between 1815 and 1825 (cf. Appendix B). It is said that the pueblo's second plaza location (1814-1825) overlaps a portion of the third (and present) plaza--its northwestern corner. The third plaza may have been laid out by 1825-1830; it is known that the second plaza was abandoned by 1832. The 1818 date is used in the text, and for the initial date of the park's "prime period," as a convenience, because the date that is being generally accepted for construction of the Avila Adobe (the earliest state-owned structure in the historic park) is 1818. Contrary to what many believe, early Alta California settlements were informal, in contrast to the inset of the planned plaza; in fact, Sola, in an 1818 communication, complained of the "casual" arrangements of the Los Angeles and San Jose pueblos (Mason, 1979: personal communications).*

Allowable Use Intensity

All areas now within El Pueblo de Los Angeles SHP will sustain high use intensity, assuming that all currently existing hazards associated with unstabilized or unrestored structures are corrected. It is conceivable that some restrictions might be placed on particular structures, based on local health and safety regulations or on the needs of specific structures or other resources.

Theme Identification

The California History Plan has identified the major themes and periods of California history. El Pueblo de Los Angeles SHP contains elements that represent two major eras (Hispanic and American), as well as suberas, themes, and subthemes.

The park, when viewed as an archeological site, represents aspects of the Hispanic Era, including both the Spanish and Mexican suberas. Specifically, the Avila Adobe, the Plaza, and the church were established before ca. 1825. Also, many areas in the park were initially developed during the Mexican subera, including many adobe structures located around the Plaza. Although these structures are not standing, their locations may yield significant archeological resources.

Construction and development boomed around the Plaza, and in the surrounding area as well, during the American Era. Many of the historic structures now in the park are dated from the period 1850 to 1900. All of the Pico-Garnier block falls roughly in this period, as do many of the buildings along Olvera Street. An important component of this period is the general development of the Los Angeles urban area, as it is reflected in El Pueblo. This development was accompanied by a change in the national and ethnic population of the area. A large Chinese population occupied buildings on all but the west side of the Plaza. Many other national groups are represented by residences and businesses throughout the pueblo area.

Many resources in the park reflect the later period of the American Era. After 1900, El Pueblo began to decline; by the 1920s, it could be characterized only as a slum. Some construction did take place, however, along Olvera Street and next to the Plaza. The Biscailuz Building (1926), the Methodist Church (1926), and the Plaza Substation (1904), which served the urban electric railway system, are from this period. One of the most significant resources of El Pueblo is David Alfaro Siqueiros' mural, Tropical America, painted in 1932 on the south face of the second story of the Italian Hall. Although this work was condemned at the time and the wall whitewashed, remnants of the mural are visible from many areas of the park.

In summary, the resources of El Pueblo represent a significant span of California history. The park contains resources worthy of preservation and interpretation that date from 1818 to 1932.

Theme Statements

Numerous themes and subthemes identified in the California History Plan are represented at El Pueblo. Within the Spanish period of the Hispanic Era, applicable themes include: Spanish exploration and settlement; political and religious affairs, specifically colonization; and economic and material growth, specifically agriculture, adobe architecture, and energy and water transmission. For the Mexican period of the Hispanic Era, the following themes are pertinent: military affairs; economic and material growth, specifically agriculture and architecture; and social history, including lifestyles and recreation.

Themes relevant during the American Era include: political and military affaris; economic and material growth; population growth and patterns; transportation; architecture, including adobe, Victorian, and later styles; cultural development, especially drama; and social history, with an emphasis on ethnic populations and interethnic relations.

These themes are more fully delineated in the Interpretive Prospectus. The prospectus and this general Plan will serve as guides for development of an interpretive plan for El Pueblo.

The following table lists the specific interpretive periods and themes that were derived from the Interpretive Prospectus. These are divided into primary and secondary interpretive categories.

Table 1

INTERPRETIVE PERIODS AND THEMES

Primary Interpretive Periods

1818 - 1822	Spanish Period
1822 - 1848	Mexican Period
1848 - 1932	American Period

Secondary Interpretive Periods

	Pre-history - Indian Lifestyles
1781 - 1818	Pueblo Founding; First Plaza
1932 - Present	Recent History

Primary Interpretive Themes

El Pueblo De Los Angeles - Then and Now
- --Settlement
- --Religion
- --Agriculture
- --Energy and Water Transmission
- --Political
- --Commerce and Trade
- --Social History
- --Military Affairs
- --Ethnic populations
- --Christine Sterling
- --Recent History

Secondary Interpretive Themes

- Native Americans
- Portola Expedition
- San Garbiel Mission
- People Important to El Pueblo

Declaration of Resource Management Policy

Preservation, Restoration and Reconstruction of Cultural Values

Maintenance of the historical resources at El Pueblo through preservation, restoration, and reconstruction is the most important aspect of development in the park. Most resources in the park are historic structures, and the sites of past structures of historic importance. Resource Management Directive #64 creates guidelines for this work:

> "AS FAR AS POSSIBLE, HISTORIC FEATURES IN HISTORICAL UNITS, OR IN HISTORICAL ZONES OF OTHER UNITS, SHALL INCLUDE ALL PHYSICAL EVIDENCES OF SIGNIFICANT HUMAN ACTIVITY AT THE SITES AND BE DEALT WITH AS FOLLOWS:
>
> a. WHEN STRUCTURES OR OTHER FEATURES OF HUMAN ORIGIN ARE INCLUDED IN A HISTORICAL PRESENTATION, IT IS THE DEPARTMENT'S OBJECTIVE: FIRST, TO PRESERVE WHAT EXISTS: SECOND, TO RESTORE WHAT EXISTS: THIRD, TO RECONSTRUCT ON ORIGINAL SITES: AND FOURTH, TO RECONSTRUCT ON OTHER THAN ORIGINAL SITES. NO RESTORATION OR RECONSTRUCTION SHALL BE UNDERTAKEN UNLESS THERE IS SUFFICIENT INFORMATION TO ASSURE ACCURATE AND AUTHENTIC WORK. IN EVERY CASE, SUFFICIENT HISTORICAL AND ARCHITECTURAL RESEARCH SHALL BE ACCOMPLISHED TO ESTABLISH ACCURACY AND AUTHENTICITY.
>
> b. EXISTING FEATURES OF HISTORICAL AGE WILL ALWAYS BE PRESERVED AND/OR RESTORED (1) UNLESS THEY ARE NOT HISTORICALLY IMPORTANT WITHIN THE PRIMARY PERIOD FOR THE UNIT; (2) UNLESS THEY OCCUPY SITES REQUIRED FOR RECONSTRUCTION OF OTHER FEATURES OF OVERRIDING IMPORTANCE IN INTERPRETATION OF THE UNIT; (3) UNLESS THEY EXERT A NEGATIVE INFLUENCE ON THE UNITS, AND SHOULD BE REMOVED.
>
> c. FOR HISTORIC FEATURES THAT FALL WITHIN THE PRIMARY PERIOD OF A UNIT, AND ARE IMPORTANT FOR PRESENTATION AND INTERPRETATION, THE DEPARTMENT SHALL PRESERVE, RESTORE, OR RECONSTRUCT, AS MAY BE NECESSARY.
>
> d. FOR EXISTING HISTORIC FEATURES OUTSIDE THE PRIMARY PERIOD FOR A UNIT, THE DEPARTMENT SHALL PRESERVE, AND RESTORE AS REQUIRED TO PRESERVE, BUT WILL NOT RECONSTRUCT.

In accordance with these guidelines, all structures constructed during the prime period (1818-1932) shall be preserved. These structures will be stabilized where necessary, to preserve the integrity of the resources. Such work has been ongoing in some areas of the park, notably on the Pico-Garnier Block and the Avila Adobe on Olvera Street. In other areas of the park, structures have not been dealt with; in these areas, stabilization action will be taken. Particularly important are: The Sepulveda House; the Pelanconi House; the Plaza Substation; and other structures along the northwest side of Olvera Street.

Restoration will be necessary in many structures in the park, both for purposes of stabilization and to reestablish historical authenticity with respect to the prime period. Almost all of the buildings have been modified since the time of their construction, and a decision regarding the prime period for each structure will have to be made before restoration work. This period shall reflect the date of construction and/or the period when the structure reached the ultimate expression of its purpose. For example, the Pico House, constructed in 1869, may be said to have reached its zenith in ca. 1875-6. Thus, this later date may, in fact, be the best guide for restoration work, leading to the fullest possible interpretation of the place of the building in the history of the area. Such a decision will be made for each structure when restoration begins, based on more indepth research to be guided by the information in this plan.

All restoration work shall follow the above-listed guidelines of the department. Historical authenticity shall be sought on exterior restorations. Authenticity shall be sought on any interior restorations that will be open for public viewing, or that will serve any public function, such as museum facilities, support group facilities, or office space. Interior adaptive use restorations shall conform to the period emphasized in the exterior restoration of any building. Thus, no single structure shall be used to represent multiple periods, but rather shall be preserved, restored, and interpreted as a whole, with internal integrity in respect to theme and period.

Extensive archival and other historical research shall be done before restoration work, to insure complete accuracy. These endeavors shall be oriented toward gathering information on the architectural styles, as well as the history of the uses of the buildings. This information shall form the basis of the interpretive efforts undertaken in each structure.

Serious consideration shall be given to reconstruction of specific buildings in the park. Reconstructions offer the opportunity to mitigate resource deficiencies in reference to specific historical periods. Priority shall be given to reconstruction of adobe buildings from the Spanish and Mexican periods. These reconstructions shall be based on complete historical and archeological research, and shall not proceed until a sufficient body of information regarding the structures has been compiled. In all reconstructions, complete authenticity shall be sought. Reconstructions shall take place on the original building sites, whenever possible.

Generic or period structures that do not reflect actual dwellings that existed shall not be acceptable. Reconstructions shall occur on property that is currently occupied by structures outside the primary historical period, and/or on unoccupied land.

Historical archeology shall be employed wherever necessary to ensure the authenticity of restoration and reconstruction work. Archeological testing and monitoring shall also be employed whenever surface or subsurface disturbance associated with any work in the unit occurs, as delineated in Resource Management Directive 59. Any proposed demolition, alteration, or encroachment on historic structures must have approval from the State Department of Parks and Recreation.

Objectives for Interpretation

In accordance with the approved Declaration of Purpose, interpretation at El Pueblo shall emphasize history during the prime period, 1818-1932, but shall also include the flow of history from the Hispanic Era to the present, so as to depict the diverse populations of the area and the development of Los Angeles. Efforts will concentrate on general themes from the California History Plan that pertain to El Pueblo. Specific themes and methods of interpretation shall be determined by this plan and the Interpretive Prospectus.

Interpretation of Cultural Values

The department is committed to communicating to park visitors the historical significance of El Pueblo, and the history of Los Angeles from its founding in 1781 to the present. This must be done with a well-planned interpretive program that will provide continuity for the flow of history from the Spanish era through the Mexican and American eras, and will act as a strong unifier of the diverse facilities offered at El Pueblo.

Activities such as concessions, house museums, interpretive displays, tours, and special events will be appropriate to the historical integrity of the park, and will contribute to visitor enrichment and understanding of the resources of El Pueblo.

Adaptive Use

While the department seeks historical authenticity in state historic parks, it is recognized that from time to time, visitor services must be provided through concessions. In the case of historical parks, adaptive use in the historic preservationist's sense is an appropriate means of providing visitor services. Such use is covered in part by Resource Management Directive 68, which states:

> "BUSINESSES ESTABLISHED UNDER CONCESSION AGREEMENTS IN HISTORIC STRUCTURES COMMITTED TO AUTHENTIC PRESENTATIONS MUST BE COMPATIBLE WITH THOSE BUSINESSES THAT OCCUPIED THE STRUCTURES DURING THE HISTORIC PERIOD, AND MUST BE CONSISTENT WITH THE APPLICABLE RESOURCE ELEMENTS..."

El Pueblo offers an unique opportunity to interpret the story of the development of a city. This interpretation shall include the facts associated with the founding of the pueblo and the events of the Hispanic and American Eras, and shall impart to the public, wherever possible, a deeper sense of the relationship between events, and a concept of the flow of history. It is important that the public understand that the events, and especially the cosmopolitan makeup of the population of El Pueblo, are exemplary of the development of the City of Los Angeles. This emphasis will heighten the awareness of the citizens of Los Angeles, and will allow visitors a broader understanding of the processes of urbanization.

From: LA Union Station HS <laushs@earthlink.net>
Sent: 1/18/2023 12:56:59 AM
To: laart@metro.net
Subject: Comments against LAART's Gondola Project and Cathedral High School Meeting

Dear Mr. Zelmer,

Incidentally, Metro records show that the LAART related meeting at Cathedral High School took place on January 12, 2023.

Respectfully,

Thomas R. Savio
Executive Director, LAUSHS

Los Angeles – Aerial Rapid Transit DEIR Comments

DATE: January 12, 2023

TO: Cory Zelmer Deputy Executive Officer Los Angeles County Metropolitan Transportation Authority (LACMTA/MTA) One Gateway Plaza, Mail Stop 99-22-6 Los Angeles, CA 90012 213-922-6913 /213-922-1079 /213-418-3423 zelmerc@metro.net laart@metro.net

CC: David Rader AECOM Envir. Mgr 2020 L Str., 3rd Floor Sacramento, CA 95811 916-414-5800 David.Rader@aecom.com

FROM: Dr Clyde T. Williams, President Citizens Coalition for A Safe Community 4117 Barrett Rd Los Angeles, CA 90032-1712

SUBJECT: Los Angeles Aerial Rapid Transit Project SCH Number 2020100007 Notice of Availability (NOA)

Re: Comments of Draft Environmental Impact Report (DEIR)

Project description, assessments, and alternatives considerations are totally inadequate and incomplete and without engineering and construction considerations and descriptions. Many references mention future studies, engineering, and designs to be done before construction, but all such would be without public review and comments and thereby not in compliance with CEQA. GO18-1

Although Goals/Purposes and Objectives are required for a DEIR, this DEIR provides vague and ambiguous descriptions and totally inadequate development of the Project, its objectives, and its alternatives and their numerical/quantified comparisons. Thus, the discussion of alternatives and Project and their numerical/quantified comparisons are totally inadequate. GO18-2

Although directly related to the DEIR descriptions and assessments, the DEIR does not even minimally use/mention the LA City Department of City Planning database, ZIMAS, which must be fully incorporated if the Project is to be placed within the City of Los Angeles. As no Memorandum of Understanding or Agreement between the sponsor, Metro, and City of Los Angeles is provided or even mentioned, this absence is understandable avoidance, but renders the DEIR unacceptable, incomplete, and inadequate. GO18-3

Without an adequate and complete DEIR, alternatives to the proposed Project cannot be adequately formed and compared. Thereby the consideration of alternative cannot be considered adequate nor complete, but should include ZE/NG buses and dedicated bus lanes and perhaps with congestion pricing for DTLA and the Project site. GO18-4

For detailed comments see below, including pertinent identified portions of the DEIR with **highlighted** issues of the current texts for the specific ***comments.***

ES-1/3 When complete, the proposed Project would have a maximum capacity of approximately 5,000 people per hour per direction, and the travel time from LAUS to Dodger Stadium would be approximately seven minutes.

5000passengers/hr and 40p/gondola = 125 gondolas(g)/hr = 1 g/29 sec
Travel ROT = 14 min including loading/unloading = 3 sec/person x 40 = 120 sec = 7min transit + 2 min ld/uld = 60/9 = 7 g-trips/hr x 40pgr = 280 total passenger/hr
x 2 hr = 560 p/game – nine/9 gondolas/cabins operating each game/event
Provide Project operations for peak passenger processing and gondola travel for 2 hours prior to Stadium events.
Provide seating/standing design floor capacity for each gondola/cabin used for Project's process flow and movements.
Provide total weight of all loaded gondolas and angular load distribution for each tower (one way loaded/opposite way unloaded). GO18-5

ES-2/3 The standards of **adequacy** of an EIR, defined by Section 15151 of the CEQA Guidelines, are as follows: GO18-6

An EIR should be prepared with **sufficient level** of **analysis** to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effect of the proposed project need not be exhaustive, but **sufficiency of an EIR is to be reviewed in light of what is reasonably <u>feasible</u>**….The courts have not looked for perfection but for adequacy, completeness, and good faith effort at full disclosure.

First of 79 mentions of feasible, vs financial and fiscal of <10, and must be considered as an acceptable alternative for costs. Provide "costs" comparisons for each use of "feasible" or "fiscal" and for alternatives throughout the DEIR.

Provide documentation of database for the "analysis" and numerical/quantified assessments and comparisons in table forms.

Provide Project definitions and demonstrations of feasible and infeasible conditions within the Project. Definitions of feasible commonly include "practical" issues, costs, funding, probability of changed conditions, and unexpected costs for safety, hazards, and changed conditions claims.

Overall the DEIR is inadequate and incomplete for reasonably public accessible considerations (review and comments) of the Project, its impacts, mitigations, and alternatives.

Lack of use of LACity-DCP-ZIMAS database for issues along the entire route and for specific facilities located along the route. Provide ZIMAS database for any DEIR references to equivalent data from elsewhere, e.g., seismicity, landslide, liquefaction, etc..

cont'd GO18-6

ES-3/4 The ART system has the **ability** to overcome **grade and elevation issues** between LAUS and Dodger Stadium, and would provide **safe, zero-emission, environmentally friendly, and high-capacity transit connectivity** in the Project area that would **reduce greenhouse gas (GHG) emissions** as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways. The proposed Project would operate daily to **serve existing residents, workers, park users**, and visitors to Los Angeles.

Provide engineering design drawings and calculations and all derived assessment of engineering forces on towers and cableway given the imbalance of cabin loads during specially events with no passengers on one side and full capacity loads on the opposing cableways.

GO18-7

ES-4/2 The proposed Project "alignment" includes the suspended above-grade cables and **cabins** following the position of the Project components along the ART route….

Provide assessment of engineering forces on towers and cableway given the imbalance of cabin loads during specially events with no passengers on one side and full capacity loads on the opposing cableways.

GO18-8

ES-4/4 When complete, the proposed Project would have a maximum capacity of approximately 5,000 people per hour per direction, and the **travel time from LAUS to Dodger Stadium would be approximately seven minutes**.

Provide Gondola loading/unloading/travel timing cycles as part of the overall 23 second/7 minute travel patterns including a time chart for each cycle element.

e.g., Loading/unloading 3 sec / passenger 40p/g = 120sec each for loading and unloading

Provide same cycles including 10% ADA passengers.

GO18-9

ES-4/7 The alignment then crosses over the western edge of the Los Angeles State Historic Park and the Metro L Line (Gold) tracks.

No mention of Buena Vista til pg.3.11/20. Provide currently proposed building outlines for both ground area and heights compared to this Project along with full cabin presents during target events.

GO18-10

ES-10/2 The Dodger Stadium Station….The Project Sponsor **will request consideration** by the Los Angeles Dodgers of the potential for the Dodger Stadium Station to include **a mobility hub**…to access Elysian Park and other nearby neighborhoods, including Solano Canyon.

No specific design or drawings are provided for the mobility hub or for the access to surrounding neighborhoods, and no beneficial effects are proposed for such a hub and accesses. No proposed schedules for LA ART are proposed for daily services, frequencies and loads or for pedestrian/bike/handicapped movements from/to hub and the neighborhoods.

GO18-11

Provide Daily and Daytime schedules, frequencies, and ridership access for non-games days public access.
Provide definition of specific considerations by LAD for non-game day operations and riderships.

cont'd GO18-11

ES-10/6 At the Chinatown/State Park Station, cabins would detach from the rope and decelerate to the station speed. Since passenger access would be provided at this station, the cabins would **decelerate to about one foot per second (less than one mile per hour) and the doors would open**.
Provide station speeds schedules and pathways other than zero/dead stop and temporal sequencing for unloading and reloading of 40 passenger each. Provide same for at least 10% ADA related passengers and seniors (65+yr olds).

GO18-12

ES-11/1 Operation of the proposed Project would require approximately 20 personnel. Station **attendants would be located within each station to assure safe boarding or to execute stops, if necessary**. Attendants would also provide customer interaction and observation; if a passenger needs special assistance, an attendant may either **further slow or stop a cabin**.
Provide personnel/staffing levels for each Project element during an event operations. Provide for full element operations, e.g., three stations and as to any staff shifting during event operations, e.g., No staff at Park Station and rotating staffs for initial Alameda Out-bounds vs later Stadium outbounds.
Provide Gondola loading/unloading/travel timing cycles as part of the overall 23 second/7 minute travel patterns including a time chart for each cycle element e.g., Loading/unloading 3 sec / passenger 40p/g = 120sec each for loading and unloading
Provide same cycles including 10% ADA passengers.
Provide requirements for agent-initiated stoppage (=0.0fps).

GO18-13

ES-13/2 The proposed Project's stations, junction, towers, and gondola cabins would incorporate energy efficient, **sustainable**, water and waste efficient, and resilient features, **as feasible**. The proposed stations and junction are designed to be open-air buildings, allowing for **passive ventilation strategies** and providing direct access to outdoor air and natural daylight, while also providing adequate shade protection from heat. **The cabins would be ventilated to enhance air quality for passengers**.
Provide definitions for sustainable (40+ years operations) and feasibility calculations.
Provide definition and design for cabin ventilation and for any station ventilation (e.g., fans).
Provide definitions and designs of Passive Ventilation and enclosing solar panels for shading.

GO18-14

ES-13/3 Materials for the stations, junction, and towers would be locally sourced **where possible**, and would include recycled content **where possible**.
Provide conditions for "possible" sourcing and recycled contents, rather than "where feasible".

GO18-15

ES-14 Table ES-1: Proposed Project Construction
Maximum Depth of Drilled Piles ***Maximum Depth below pile cap***
Clarify Maximum depth of pile tip = 10ft + 120ft bpc = 130ft bgs
Maximum Depth of Excavation ***Provide Maximum Depth to base of pile cap and top of pile***
Amount of Excavation
Provide excavation volume including bulking for pile cap, 10ft depth = 3 cuyd/sq yd plus times surface area.
Provide piles boring/auguring volumes for all Project stations, towers, and junction e.g., = 1 yds x 40yd = 40 cu yd/pile x 25-40 piles = 1000-1600 cu yd, Stn Pile 55-80-125 Exc 2700-6300 cuyd, and Twr Pile 120-125 Exc 1300-6400 cuyd.
Provide clarifications regarding pile depth below ground levels vs pile lengths (feet and below pile cap bottom/floor.

GO18-16

ES-**19/1** Furthermore, the existing DSE service operates up to **8 buses per hour**, while the **TSM Alternative would require 77 buses per hour**.
Based on 5000-6000 passengers/hour, bus loads would be 65-80 passengers (sitting and standing). Provide a round trip flow chart and process flow (in seconds) including times for unloading/loading, start up and stopping times, and travel times (loaded and unloaded).

GO18-17

Provide comparative table for both cabin- and bus-based alternatives, especially for unloading/loading of single-door-cabins vs double-door-buses and for total cabin/bus seated/standing capacities.
Provide calculations and design requirements for bus-only lane access to Stadium Station site.
Provide a Project Alternative and comparisons for single- vs double door cabins/gondolas along with examples of existing operational double-door ART systems worldwide.

cont'd GO18-17

ES-19/4 Of the alternatives analyzed in this Draft EIR,…Although the No Project Alternative would not meet any of the Project Objectives, it would avoid all of the Project's significant impacts, including the Project's significant and unavoidable construction noise and vibration impacts. Conversely, the No Project Alternative would not result in ART **connections between the neighborhoods noted above**. Additionally, VMT and vehicle congestion would not be reduced, and the associated reduction in GHG emissions and air quality improvements would not take place.
Provide non-game days road transportation equivalent to that of the Project. Assume all electric buses with solar shade panels on buses and transit stops.

GO18-18

ES-19/5 Because the TSM Alternative would also avoid the Project's significant and unavoidable impact with respect to construction noise and vibration without the need for mitigation, and would reduce the range of impacts to the greatest extent listed in Table 4-3, it is deemed the Environmentally Superior Alternative. However, the TSM Alternative would not meet the **majority of the Project's Objectives in full or in part**. Conversely, the Spring Street Alignment Alterative would meet all of the Project Objectives.
Provide comparisons of TSM and proposed Project numerical rankings for each Project Objective. Provide required mitigations for full or equivalent compliance for each objective compared to the proposed Project alternative configuration.

GO18-19

ES-22 - ES-84/Table ES-2: Summary of Environmental Impacts
No references to sections/pages/paragraphs.
Project Design Feature(s) (PDF) and/or Mitigation Measure(s) (MM) without clear references within 62 pages of text tables and columns.
Table provisions are inadequate, incomplete, and unrelatable to the DEIR for public review and comments. Provide revised table including specific page/paragraph references to Project and alternatives descriptions.

GO18-20

ES-29/4 ES 13. SUMMARY OF ENVIRONMENTAL IMPACTS Table ES-2 provides a **summary of the environmental impacts** of the proposed Project evaluated in this Draft EIR. Based on the analysis in Chapter 3.0, Environmental Impact Analysis, **implementation of the proposed Project would result in significant and unavoidable impacts related to** Noise and Vibration.

The Table is not coordinated and referenced with the text to assure consistency and thereby renders the table irrelevant, inadequate, and incomplete for public review and comments.

As indicated elsewhere below, significant, unavoidable, and unmitigated impacts would arise in the Hydrology, Geology, Visual, Aesthetics, and Services/Infrastructure elements of DTLA.

Provide a fully cross-referenced table with text citations to each sector, and clearly identify significant impacts and required mitigation/compensation.

GO18-21

ES-29/5 Project Design Features (PDFs), while **not necessary** for the **impact significance determination**, are included in Table ES-2 because **they** are inherent in the design of the proposed Project. Best Management Practices, or other measures required by law and/or permit approvals, are also requirements of the proposed Project. Additionally, Mitigation Measures have been identified and are additional actions designed to avoid, minimize, or compensate for significant environmental impacts and are required where significant impacts have been identified based on the analyses in Chapter 3.0 of this document. Where applicable, Mitigation Measures are described on Table ES-2.

54 pages of Table ES-2, while not necessary, are confusing and distractive compared to Chapters 3 and 4 for public reviewing the EIR. Especially distractive when the DEIR repeatedly references preparation of future final design studies and documents and final design conditions based on further site conditions analyses, descriptions, and changes of Project design conditions.

Provide fully rectified/cross-referenced table or eliminate.

GO18-22

ES-30 – ES-84 – Table ES-2

No coordination of table summaries and texts (pages/paragraphs). Table is a morass of uncoordinated words in boxes and texts. Totally inadequate and incomplete for public review and comments and purposefully distractive and destructive of meaningful public review/comments.

GO18-23

ES-50 Table ES-2: Summary of Environmental Impacts Geology and Soils

MM-GEO-A: Prepare a **Site-Specific Final Geotechnical Report**. The Project Sponsor shall engage a California-registered geotechnical engineer to prepare and submit a **site-specific final geotechnical investigation and report to the City of Los Angeles for review, consistent with the requirements of the CBC, applicable Los Angeles amendments, and California Geological Survey Special Publication 117 (as amended)**. A **site-specific geotechnical exploration program**, along with associated laboratory testing, is necessary to complete a **design-level evaluation of the geologic hazards and conditions, seismic hazards, grading conditions, and foundation capacities**. The **site-specific final geotechnical report** shall provide

a description of the geological and geotechnical conditions at the site;

the findings, conclusions, and mitigation recommendations for potential geologic and seismic hazards; and

design-level geotechnical **<u>recommendations</u>** in support of grading and foundation design….

<u>recommended</u> measures to reduce potential impacts related to landslides, subsidence, liquefaction, differential settlement, expansive soils, soil corrosivity, or other potential ground failures induced by the proposed Project. …ES-51…**The submittal and approval** of the final geotechnical report **shall be a condition of the grading and construction permits issued by the City of Los Angeles Department of Building and Safety.** The Project Sponsor shall implement the **recommendations** contained in the **approved report during project design and <u>construction</u>**.

Geology and hazards/hazardous materials sections both reference the "Site Specific Final Geotechnical Report" which must be prepared and considered during final pre-construction stages and which will not be available for public review and comments.

This current discussion of impacts clearly is biased, vague, inadequate, and incomplete for descriptions and assessments and not provided by qualified specialists.

Provide a sites specific geotechnical report based on actual borehole and sediments/groundwater chemical analyses as part of a revised/subsequent Environmental Impact Report for the Project.

Current literature reviews and discussions do not include Metro's extensive experiences with soil and groundwater contamination experienced during construction of the Red Line Station at

GO18-24

Union Station which required millions of additional change-order costs, major groundwater collection and treatment of contaminated groundwater. Then experiences indicated that methane, numerous hydrocarbons, and creosote had sources between Chavez and Broadway from oil fields, oil processing facilities, railroad yards, and railroad ties/wood soaking pits.

Provide review of existing conditions and potential impacts from foundations/pile caps, pile drilling, and pile placement/formation at each tower and project support features. Provide geotechnical/chemical composition testing and drilling/sampling in at least four borings per tower and revise the Project area description and impact assessment accordingly.

cont'd GO18-24

ES-52 A PRMMP **shall** be developed by a qualified paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The plan **shall** apply to paleontologically sensitive deposits, including older Quaternary alluvium and Puente formation deposits, that may be impacted by the proposed Project, as determined by a qualified paleontologist in consultation with the construction team and guided by geotechnical coring. The qualified paleontologist **shall** supervise the paleontological monitor, who **shall** be present during construction excavations into older Quaternary alluvial deposits and Miocene Puente formation deposits. Monitoring **shall** consist of visually inspecting fresh exposures of rock for larger fossil remains, and where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections **shall** be determined by the paleontologist, and **shall** be based on the rate of ground-disturbing activities, the material being excavated, and the depth of excavation; and if found, the abundance and type of paleontological materials. If any paleontological materials are found, the paleontological monitor **shall** temporarily divert or redirect ground-disturbing activities in the area of the exposed fossil to facilitate evaluation, and if necessary, salvage. The paleontologist **shall** assess the discovered material(s) and provide a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource, as appropriate. The Project Sponsor **shall** comply with the recommendations of the…53…evaluating paleontologist, and ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the paleontologist's satisfaction. If paleontological materials are found, the paleontologist **shall** prepare a report identifying the resource and the recommendations proposed and implemented, within 1 year of completion of the fieldwork. A copy of the report **shall** be submitted to the Los Angeles County Natural History Museum.

Compared to 6-37/1 "Mitigation Measures GEO-A (prepared a site-specific final geotechnical report) and GEO-B (prepare a paleontological resource monitoring and mitigation plan (PRMMP)) **would** also be implemented."

Unlike other future mitigation measures, the PRMMP is laced with "shall" rather than "would" although no such document is or would be available for public review and comments prior to approval of the Project by Metro Board. Provide all mitigation measures with "shall" and remove any conditional instructions as a required and dependent condition for all impact assessments. Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-25

ES-53 MM-HAZ-A: Prepare a Soil and Groundwater Management Plan. The Project Sponsor **shall** retain a qualified environmental consultant to **prepare a Soil and Groundwater Management Plan prior to** any re-grading, decommissioning, or construction activities. The Soil and Groundwater Management Plan **would be prepared** and implemented to specify methods for handling and disposal in the event contaminated groundwater, contaminated soil, or structures are encountered during Project construction. The Soil and Groundwater Management Plan **shall** provide a summary of…54…the environmental conditions at each Project component site, including stations and towers.

The Soil and Groundwater Management Plan **shall** include methods and procedures for sampling and analyzing soils and/or groundwater to classify them as either hazardous or non-hazardous; and if identified as hazardous, **shall** include additional methods and procedures for the proper handling and removal of impacted soils and/or groundwater for off-site disposal and/or recycle.

Methods and procedures in the Soil and Groundwater Management Plan **shall** be in accordance with current federal, state, and local regulations, and be protective of workers and the environment.

Unlike other future mitigation measures, the S&GWMP is laced with some "shall" and a "would", although no such document is or would be available for public review and comments prior to approval of the Project by Metro Board.

Provide a S&GWMP with all mitigation measures with "shall" and remove any conditional instructions as a required and dependent condition for all impact assessments.

GO18-26

1-1/4 The aerial gondola system would consist of cables, three passenger stations, a non-passenger junction, towers, and gondola cabins. When complete, the proposed Project would have a maximum capacity of approximately 5,000 people per hour per direction, and the travel time from LAUS to Dodger Stadium would be approximately **seven minutes**.

Attempts to confirm passenger transport requires more specific information than provided, the DEIR is inadequate to confirm Project capacities and therefore is incomplete and inadequate for public review and comments.

Provide full engineering drawings for any type of gondolas to be used for this Project and demonstrate typical event passenger positions and the total number of passengers to be safely transported.

Provide a numerical and timed flow chart for passenger conveyance from Alameda to Stadium stations using 420 seconds for total trips (including loading/unloading, seating/standing, Park Station stops/goes and other identifiable activities).

GO18-27

1-1/6 1.2 PURPOSE OF THIS DRAFT ENVIRONMENTAL IMPACT REPORT In accordance with Sections 15050 and 15367 of the CEQA Guidelines, Metro is the **Lead Agency for the proposed Project**, and has the principal responsibility for approving the proposed Project. This Draft EIR has been prepared for the following purposes:

Given the number of agencies involved in Project, absence of an Memorandum of Agreement/Understanding must be provided especially for the responsibilities and origins of design and engineering aspects, without such the DEIR is incomplete and inadequate for CEQA.

Provide MOA/MOU regarding Lead Agency agreement, parties, status, and responsibilities.

Provide MOA with LACity-DPW, DOT, DB&S.

Provide submission date for DEIR and NOA via SCH/OPR. NOP was issued to SCH but not so far for NOA/EIR.

Provide MOA of Metro and Calif. State Lands Commission.

GO18-28

1-2/2 • To inform public, agency decision makers and the public of the environmental effects of the proposed Project, including
any **significant** environmental effects, as well as
possible ways to minimize those significant effects, and
reasonable alternatives to the proposed Project.
• To enable Metro to consider environmental consequences when deciding whether to approve the proposed Project.
• To enable other **responsible public agencies** that must approve activities undertaken with respect to the proposed Project, including permits and other approvals,
to consider the environmental effects of the proposed Project.

Given the number of agencies involved in Project, absence of an Memorandum of Agreement/Understanding must be provided especially for the responsibilities and origins of design and engineering aspects, without such the DEIR is incomplete and inadequate for CEQA.

Provide definitions and requirements for use of Possible vs Feasible,

Provide draft MMRP for summary of mitigation and enforcement.

Provide contracts (drafts of issued) for inspection and construction operations.

Provide drafts of Preliminary/Final Design Documents and their use in construction contracts.

Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-29

1-2/3 As described in CEQA and the **CEQA Guidelines**, lead agencies are charged with the duty to avoid or substantially lessen significant environmental impacts of a project, **where feasible**. For some effects, significant environmental impacts cannot be mitigated to a level considered less than significant; in such cases, impacts are considered significant and unavoidable. In discharging this duty, a lead agency has an obligation to **balance the economic, social, technological, legal, and other benefits** of a project against its significant unavoidable impacts on the environment. This Draft EIR is an informational document, designed
to **identify the potentially significant impacts** of the proposed Project on the environment;
to indicate the manner in which those **significant impacts can be minimized**;

GO18-30

to identify **reasonable and potentially feasible alternatives** to the proposed Project that would avoid or reduce the significant impacts; and
to identify any significant unavoidable adverse **impacts that cannot be mitigated**.

Provide Citations/References list including specific page and paragraph for each document reference.
Provide clear definition of feasible and economic benefits, including costs/financials/fiscal aspect and apply same to all aspects of the Project.
Provide financial assessments of all construction and operations activities and public/private cost/economic sharing/distributions.
Provide financial and economic analyses for first five years of operations after stated targets of event ridership are attained.
Provide summary list of all significant impacts based on current level of design and those following detailed construction design documentation.
Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

cont'd GO18-30

1-2/4 1.3 CEQA RESPONSIBLE AND TRUSTEE AGENCIES
The information in this Draft EIR may also be used by other agencies involved with the Project that have a responsibility under CEQA, including but not limited to, the following:
• California Department of Parks and Recreation
• California Department of Transportation
• City of Los Angeles

Provide a list of all agency and the lead-agency agreements (MOA/MOU) and all assigned responsibilities for each and for Metro/MTA.
Provide all funding requirements and assignments for full implementation of construction and initial operations for each responsible agency.
Provide a list of organizations and assignees for LA City Boards/Commissions and Dept.s of Transportation, Building and Safety, and Public Works (City Engineer, Bureaus of Street Services and Engineering).
For CEQA OPR/SCH# SCH# 2020100007, Add County departments (DPW, DRP, LASD, etc).
Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-31

2-42/2 During peak operations, the proposed Project would carry up to approximately 5,000 people per hour per direction, and the travel time from LAUS to Dodger Stadium would be approximately seven minutes. The cabins would move at a maximum speed of **13.4 miles per hour** with headways of **approximately 23 seconds**, which represents the time between cabins.
40 passengers/gondola loading in 19sec w/ 2sec / closing and opening doors = 4 pass/sec 40 out =10sec + 40 in = 9sec

Provide a quantified flowchart/model for a single RT Cabin travel with speeds and durations to confirm the stated speeds and headways, along with durations of travel, stopping/starting, loading/unloading, and total RT.
Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-32

2-9/5 2.3.6 Project **Purpose, Need**, and Objectives

Remove "Need" which is a federal NEPA replacement for Objective-CEQA, perhaps replace all "Purposes" with "Goals".

2-10/1 2.3.7 **Purpose and Need**
2-12/1 Within two hours prior to the start of and after a game or event at Dodger Stadium, more than 10,000 people could be transported to the stadium via the proposed Project. The average attendance at a Dodger game was approximately 49,000 for the 2019 season.\18 Given the capacity of this system, approximately 20 percent of the fans could take aerial transit connected to Metro's regional transit system. This would reduce vehicular congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days.

Remove "Need" which is a federal NEPA replacement for Objective-CEQA, perhaps replace all "Purposes" with "Goals".

GO18-33

2-12/4 2.3.8 Project Objectives
Provide clear and quantifiable definitions of Goals/Purposes, their directly related objectives, and the policies/programs related thereto for the specifics of this Project and its alternatives.
Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.
GO18-34

3.5-1/1 3.5 CULTURAL RESOURCES This section evaluates the potential impacts of the proposed Project as it relates to cultural resources, including built resources and archaeological resources. The analysis in this section is **based in part** on information contained in the Archaeological and Paleontological Resources Assessment for the…Project and the Historical Resource Technical Report for the…Project prepared for the proposed Project (Appendices F and G of this Draft EIR, respectively).
Provide specific page/par citations for all base information for this description and assessment. Provide a mandatory Mitigation, Monitoring, and Report Plan, including recovery of significant remains for all foundation and piling construction activities.
GO18-35

3.5-24/1 Overall, the mitigation measures discussed above **would ensure** that the proposed Project, **when combined with other related projects**, would not result in significant impacts to historic resources. Therefore, cumulative impacts with respect to historic resources would be less than significant.
No identification of "other related projects" has been provided related to either historic, archaeologic, or paleontological resources.
Use of conditionals for assurances is vague and uncommittable for this and any other environmental sector. Provide replacements of "shall" for all "would's".
GO18-36

3.7-1/3 Before a project can be permitted, a geologic investigation is required to demonstrate that proposed buildings would not be constructed across active faults capable of surface fault rupture. An evaluation and written report of a specific site **must be prepared** by a licensed geologist. If an **active fault capable of surface fault rupture** is found, a structure for **human occupancy** cannot be placed over the trace of the fault, and must be **set back from the fault (generally 50 feet)**.\2 **Because no active faults capable of surface rupture cross the Project alignment, a fault investigation is not required**. The **fault closest** to the Project alignment is the Elysian Park fault. The Upper Elysian Park fault is a north-to-northeast–dipping fault that underlies the northern Los Angeles basin from Griffith Park to Garvey Reservoir. **However, the Elysian Park fault is a blind thrust fault, which means it is not capable of surface fault rupture, and therefore is not subject to the conditions of the Alquist-Priolo Act**.
The Project is planned for elements (Stadium and Park Stations, Broadway Junction, & SR-110 Tower) to be located "Within Fault Zone" (ZIMAS) on the surface of the Upper Elysian Park Fault.
As a signatory agency for this Project, such assignment of seismic hazards to the ground for this Project must be considered reliable and worthy of evaluation and assessment.
The Project must provide a thorough review of the ZIMAS backup/-ground for the Upper Elysian Park Fault. Such review must be available for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.
GO18-37

3.7-11/1 Additionally, the Stadium Tower and Dodger Stadium Station sites are in a **City-designated hillside area**, which increases the sites' potential susceptibility to landslides.**\16** Because of the steep slopes and high seismicity in the vicinity of the proposed Stadium Tower and the…Stadium Station, the potential for earthquake-induced slope failure **could be considered moderate to high** in the landslide hazard zone. FN\16 City of Los Angeles. Zone Information and Map Access (ZIMAS). Interactive map available at: http://zimas.lacity.org/. Accessed August 2022.
Provide map of "City-Designated Hillside Area" including various failure considerations mentioned and pertinent references for such. Such review must be provided for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.
GO18-38

3.7-11/2 3.7.2.6 Subsidence Subsidence is the loss of surface elevation due to the removal of subsurface support. Subsidence is caused by the reduction of pore space in the ground that was formerly
GO18-39

occupied by a fluid such as water or oil, caused by activities that contribute to the loss of support materials within the underlying soils, such as agricultural practices or the overdraft of an aquifer. The **existing alluvium of the Project area is susceptible to collapse or settlements**; therefore, there is a **moderate potential for subsidence** to occur.

No factual backup is provided for such statements, nor is any reference provided for both the alluvial and bedrock areas of the alignment.

Provide all LiDAR sources and topographic reference materials and conduct assessments of past and thereby potential future subsidence of ground surfaces along the alignment and at each ground facility to be constructed. Provide review of past and potentials for subsidences at all ground facilities sites, especially those within the Elysian Park Fault surface zones (ZIMAS).

Provide estimates of dewatering requirements for towers, junction, and stations.

Such assessments and reviews must be provided for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.

cont'd GO18-39

3.7-8/1 The southern California area contains numerous active and potentially active earthquake faults….**The Project site is not in a State of California Earthquake Fault Zone for known Holocene active faults capable of fault surface rupture, or in an Alquist-Priolo Earthquake Fault Zone**.\13

The Project must provide a thorough review of the ZIMAS backup/-ground for the Upper Elysian Park Fault. Such review must be provided for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.

GO18-40

3.7-8/2 The fault closest to the Project site is the Elysian Park fault. According to the **U.S. Geological Survey Quaternary fault and fold database**, the **location of the Upper Elysian Park fault is inferred to cross under the alignment**. The Upper Elysian Park fault is a north-to-northeast–dipping fault that **underlies the northern Los Angeles basin from Griffith Park to Garvey Reservoir [Monterey Park]**. However, the Elysian Park fault is a blind thrust fault, **which means it is not capable of surface fault rupture**,….The Elysian Park thrust fault is considered to be seismogenic (capable of generating earthquakes) from a depth of approximately 2 miles below ground surface in the south-southwest, to approximately 10 miles below ground surface in the north-northeast.

Provide reference to USGS Quaternary fault and fold database.

The Project is planned and located for Project elements (Stadium and Park Stations, Broadway Junction, & SR-110 Tower) to be located "Within Fault Zone" (ZIMAS) on the surface of the Upper Elysian Park Fault.

As a signatory agency for this Project, such assignment of seismic hazards to the ground for this Project must be considered reliable and worthy of evaluation and assessment.

The Project must provide a thorough review of the ZIMAS backup/-ground for the Upper Elysian Park Fault. Such review must be available for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.

All areas south of Broadway are indicated by ZIMAS as being subject to liquefaction during an earthquake. Provide all engineering design consideration for liquefaction, subsidence, and shaking from a 6.4 magnitude earthquake in the Upper Elysian Park Fault.

Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-41

3.7-11/2 3.7.2.6 Subsidence Subsidence is the loss of surface elevation due to the removal of subsurface support. Subsidence is caused by the reduction of pore space in the ground that was formerly occupied by a fluid such as water or oil, caused by activities that contribute to the loss of support materials within the underlying soils…. The existing alluvium of the Project area is susceptible to collapse or settlements; therefore, there is a **moderate potential** for subsidence to occur.

EIR does not mention any subsidence experienced over the Union Station and Los Angeles Oil Fields and their production.

As these fields and their underlying reservoirs were not subject to injection and other returns of fluids/pressures, subsidence would be assumed to be dominant, and the DEIR would be considered incomplete and inadequate.

Provide a review and engineering considerations for an earthquake on the Upper Elysian Park Fault and associated impacts from liquefaction and subsidence associated for the Project.

GO18-42

3.7-11/4 The majority of the Project area is on the floodplain of the Los Angeles River and its tributaries: Cemetery Ravine, and Chavez Ravine. As shown in Figure 3.7-1, the geologic unit for the Project area is mapped as **younger Quaternary alluvium**, and consists of unconsolidated deposits of silt, sand, and gravel deposited relatively **recently** by the meandering Los Angeles River and its tributaries. The sediments were deposited during the **Holocene**, within the **last approximately 11,700 years**, and are therefore **too young to typically contain significant fossil deposits**. Along the Los Angeles River, the younger Quaternary deposits **can be** tens of feet thick.

DEIR requires facts rather than conjecture and possibilities; DEIR requires borings and samplings at each tower/station/junction sites, and assessment of ages and potential scientific importance of fossil contained within each site.

Provide 1-4 borings for each construction site and assess for pollen, wood, micro-fossils, and bone fragments

Provide usage of consistent terms, younger Quaternary or Holocene or <11,700 years old, throughout the document. Encountering of any remains would be significant as Paleoindian deposits are known from more than 10,000 years old and associated with mammoth elephants.

Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-43

Mitigation Measures GEO-A (prepared a site-specific final geotechnical report) and GEO-B (prepare a paleontological resource monitoring and mitigation plan (PRMMP)) **would also be implemented**.

Use of conditionals for mitigation renders the document inadequate. Provide an adequate and well-established MMP for paleontological and archaeological remains and include as required plans before certification of the CEQA documents and processes..

3.7-12/4 / 71/2 There are also significant fossil deposits in the Miocene Puente Formation near the Area of Direct Impacts. Northeast of the Area of Direct Impacts, near the intersection of North San Fernando Road and Humboldt Street, a fossil snake mackerel….At locality LACM 4967, just outside the Project area in Elysian Park, an extinct fossil herring (Clupea tiejei) was recovered. Fossil fish and marine mammals are commonly found at localities in the Puente Formation, which is considered to have a **high sensitivity for significant fossil remains**.

Identify potential significant impacts for paleontological remains for the Broadway Junction, Tower, and Stadium Station construction and mitigation provided by an adequate MMP for paleontological resources and specifically for excavations and pile borings for these sites.

Provide for thorough investigation of boring samples for ostracodes, diatoms, and foraminifera within Project sites.

Provide results for potential and mitigation from Buena Vista Project investigations.

Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-44

3.7-14/1 As discussed above, the Elysian Park fault traverses the Project area; however, it is a blind thrust fault, which means it is **not capable of surface fault rupture**. Accordingly, the risk of surface rupture due to faulting is **considered low**. Construction of the proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. **Impacts related to rupture of a known earthquake fault would be less than significant.**

The EIR is totally inadequate and incomplete, as the City of Los Angeles ZIMAS (DCP) Database clearly designates northern half (north of College St. to Casanova St.) of the Project route within the "Fault Zone" of the Upper Elysian Park North Fault in surface parcels.

As a signatory agency for this Project, such LA City assignment of seismic hazards to the ground for this Project must be considered reliable and worthy of evaluation and assessment.

The Project must provide a thorough review of the ZIMAS backup/-ground for the Upper Elysian Park Fault. Such review must be available for public review and comments under CEQA and therefore must be included in the supplemental/subsequent DEIR.

All areas south of Broadway are indicated by ZIMAS as being subject to liquefaction during an earthquake. Provide all engineering design consideration for liquefaction, subsidence, and shaking from a 6.4 magnitude earthquake in the Upper Elysian Park Fault.

GO18-45

3.7-14/2 The Alameda Station,…are in an area mapped as potentially subject to liquefaction, as shown on Figure 3.7-2. The **Stadium Tower and Dodger Stadium Station are approximately 20 feet and 60 feet from a mapped liquefaction zone, respectively**.

The EIR is totally inadequate and incomplete, as the City of Los Angeles ZIMAS (DCP) Database clearly designates the parcel including the tower and station as being subject to landslides AND liquefaction and being within the "Fault Zone" for the Upper Elysian Park North Fault.

GO18-46

3.7-14/2 Liquefaction-induced settlement can occur during a seismic event, but can also be **exacerbated by increased loading during construction activities**. Because there is potential for liquefaction-induced settlement and collapse during a strong to severe ground-shaking event, damage to on-site structures and infrastructure could occur during construction of the proposed Project. Therefore, **impacts related to strong seismic ground shaking, seismic-related ground failure, and/or liquefaction during construction of the proposed Project would be potentially significant**.

Seismic impacts on the Project facilities would be significant if occurring during construction but would even be more significant if occurring during operations and especially during a game day operations. Provide revised DEIR and add "operations" of at least 50 years. Provide Project safety and operations response plans to the DEIR and Mitigation, Monitoring and Report Plan.

Although stated as "potentially significant", the DEIR does not clearly identify such as significant, only noise and vibration. Revise throughout the DEIR to include seismic impacts as significant and provide for suitable mitigation measures in the subsequent/supplement DEIR when recirculated.

GO18-47

3.7-14/3 The proposed Project…**would** ensure structural integrity and safe construction. Additionally, Mitigation Measure GEO-A, **development of a site-specific geotechnical investigation and report to be approved by the City of Los Angeles, <u>would</u> be required**. The geotechnical investigation and report **<u>would include geotechnical recommendations</u>** for project design and construction. **With <u>compliance to existing standards and codes and implementation of Mitigation Measure GEO-A</u>, impacts related to the strong seismic ground shaking, seismic-related ground failure, and/or liquefaction during construction of the proposed Project <u>would be reduced to less than significant</u>.**

Conditional references and allusions to future studies and assessment cannot be considered as Project commitments especially as no design nor construction contract designs and specifications have been provided. Provide contract specifications and drawings to confirm "recommendations" will be incorporated into the Design and into the construction contract documents.

As the investigation, report, and recommendations are not part of the current DEIR, they cannot be considered in the review for completeness and adequacy and the potential for seismic related impacts must be considered significant and the DEIR must be considered as incomplete and inadequate.

Once provided, the DEIR must be recirculated as a supplement, subsequent DEIR for public review and comments.

GO18-48

3.7-15/1 Therefore, impacts related to earthquake-induced slope failure **<u>could be</u> considered moderately significant to significant**. However, **compliance with existing laws and regulations**, and implementation of **Mitigation Measure GEO-A**, requiring the development and implementation of **geotechnical recommendations** to be incorporated into the **<u>design plans and specifications</u>**, including applicable site stabilization based on grading conditions and foundation capacities, would prevent instability of the slope during construction, and **<u>reduce impacts to less than significant</u>** under the proposed Project.

Based on ZIMAS assignments of the Elysian Fault Zone. Provide description and assessment for facilities located in the LA City-documented fault zone and liquefaction/landslide risks.

Provide technical evaluation of current designs for a proposed 6.4 magnitude earthquake at >10,000 depth, and specifically the effects on a gondola with 40 passengers between Park Station and Broadway Tower.

As the investigation, report, and recommendations are not part of the current DEIR, they cannot be considered in the review for completeness and adequacy and the potential for seismic related impacts must be considered significant and the DEIR must be considered as incomplete and inadequate. Once provided, the DEIR maybe recirculated as a supplement, subsequent DEIR for public review and comments.

GO18-49

3.7-15/3 In addition, the proposed Project **would adhere to its Emergency Operations Plan**, as described in Chapter 2, Project Description….**would** include **emergency response protocols**, and **would** state that in the event of a major earthquake, the system **would** be fully evacuated and shut down, and would not operate. The proposed Project **would be designed and constructed** in accordance with applicable building codes, and therefore **would not directly or indirectly cause potential substantial adverse effects**, including the risk of loss, injury, or death involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides, and the impact **would be less than significant**.

No draft EOP has been provided and references to it are incomplete, inadequate, and conditional without any public review or comments. Provide a draft Emergency Operations/Response Plan within the EIR and recirculate EIR.

Provide definition of "potential", "substantial", and adverse effects.

As mentioned, once the system is shutdown, provide detailed response plan to remove 30-40 passengers from a gondola above the Park.

As the Plan, protocols, report, plans, designs, and recommendations are not part of the current DEIR, they cannot be considered in the review for completeness and adequacy and the potential for seismic related impacts must be considered significant and the DEIR must be considered as incomplete and inadequate. Once provided, the DEIR maybe recirculated as a supplement, subsequent DEIR for public review and comments.

GO18-50

3.7-19/5 Construction Impacts Less Than Significant Impact with Mitigation. Surface deposits in the majority of the proposed Project alignment and surrounding area consist of **younger Quaternary alluvium** deposited by the Los Angeles River. These deposits are younger than 10,000 years, and have a **low probability of yielding scientifically significant fossils**….deposits are underlain with older Quaternary Alluvium and Miocene Monterey or Puente Formation, where fossils have been encountered at depths ranging from 35 feet to 100 feet at locations southeast and northeast of the Project site. An **assessment of paleontological resources** in the Project vicinity indicated that older Quaternary alluvium is expected to be present at **differential** depths in the Project area. **Construction work is anticipated to reach up to 125 feet in depth for installation of the piles and an excavation depth of up to 10 feet,** except for at the proposed Dodger Stadium Station, which has an excavation depth of 42 feet, **and therefore may encounter paleontological deposits.**

Differential/different spelling error for depths of pile cap block and tops of piles beneath the capping block.

Revise as pile-caps are estimated to be based at about 10ft below ground surface and piles extend from the base of the pile-cap to 125 ft below the base, = 135ft below ground surface.

Younger Quaternary (Holocene) deposits, south of Broadway, are known to contain "paleo-indian" remains and artifacts elsewhere in the US and California. Paleo-indian remains and artifacts could be encountered during pile borings. Similarly at depths of 5-feet and deeper American Indian remains and artifacts could be expected.

Provide for archaeological monitoring and protection programs for all foundation excavations and representative sampling of produced debris for all pile boring at all Project sites, and a special paleontologic and archaeologic monitoring program be required for the Stadium Station and SR-110 Tower.

GO18-51

3.7-20/1 To avoid potentially high sensitivity areas for paleontological resources, or in the event paleontological resources are encountered, implementation of **Mitigation Measure GEO-B** would minimize impacts that would directly or indirectly destroy a **unique paleontological resource or site**, or unique geologic feature. **Mitigation Measure GEO-B would require the development of a Paleontological Resources Monitoring and Mitigation Plan (PRMMP)** to provide direction on the identification of high-sensitivity areas and appropriate monitoring, excavation, and preservation processes during construction excavation activities. With the implementation of **Mitigation Measure GEO-B, impacts related to paleontological resources would be reduced to less than significant**.

The Mitigation Measure requires additional studies before construction and development of a specific PRMMP monitoring and reporting plan to mitigate potential significant impacts for fossils.

A tentative "mitigation measure" does not provide adequate nor complete mitigation or compensation for potential paleontological impacts from excavations for towers and stations

GO18-52

foundations and >100 borings for piles. Provide a draft PRMMP for all excavations deeper than 3ft and recirculate DEIR.

As no PRMMP is available for review, revision, and comments, the impacts on paleontological resources must be considered as greater than significant, or at least "significant". With the supplemental provision of the MMGeo-B and PRMMP, such impacts maybe mitigated but not without the full reports for public review and comments.

cont'd GO18-52

3.7-20/3 3.7.5 Mitigation Measures The following mitigation measures are **proposed to reduce** significant impacts related to geology and soils to a level that is **less than significant**.

MM-GEO-A: Prepare a Site-Specific Final Geotechnical Report: The Project Sponsor shall engage a California-registered geotechnical engineer to prepare and submit a site-specific final geotechnical **investigation and report** to the City of Los Angeles for review, consistent with the requirements of the CBC, applicable Los Angeles amendments, and California Geological Survey Special Publication 117 (as amended).

As proposed the provision of a future FINAL geotechnical investigation and report does not mitigate impacts and does not provide for public review and comments on the adequacy of the future document. Provide a site specific (for each excavation site) investigation and a Geotechnical Report based on at least four borings to the same or deeper depths than the proposed 100+foot soldier piles and recirculate the augmented DEIR for public review and comments.

Impacts on geological resources must be considered as greater than significant, or at least "significant" until such a report has been provided. With the supplemental provision of the MMGeo-B and PRMMP, such impacts maybe mitigated but not without the full reports for public review and comments. Geological impacts must be considered as significant until such a report is available.

GO18-53

3.7-21/2 Implementation of Mitigation Measure GEO-B **would include the preparation of a PRMMP** to provide direction on the identification of high sensitivity areas for paleontological resources and appropriate monitoring, excavation, and preservation processes during construction activities. **Upon implementation of Mitigation Measures GEO-A and GEO-B**, significant impacts related to geology and soils would be reduced to less than significant.

Therefore only after implementation of the MM-GEO-A/-B including their public presentation can impacts be considered "less than significant". Therefore the DEIR must be considered incomplete as the MM-GEO-A/-B have not been prepared, reviewed, nor implemented. Provide the mitigation monitoring and report plan for all geological, paleontological, and archeological resources sectors along with mandatory requirements for agencies and contractors.

Provide complete and adequate MM-GEO-A/-B as part of the FEIR or as part of a SEIR.

GO18-54

3.9-1/1 Hazards and Hazardous Materials This section evaluates the potential impacts related to hazards and hazardous materials from construction, operation, and maintenance of the proposed Project. This section is based in part on the Phase I Environmental Site Assessment (ESA) that was prepared for the proposed Project by AECOM in July 2022 (Appendix K of this Draft EIR). The environmental regulatory database report and records review prepared for the proposed Project in April 2022 is provided in Section 6 of Appendix K.

The "database report" is not based on specific borings at the Project's tower, junction, and station locations and in the vicinity of proposed foundation and piling sites for towers and stations. And thus the DEIR is inadequate and incomplete for the geotechnical setting of hazardous materials. The same situation occurred for the excavation of the Union Station and US-Yard tunnels which lead to major contaminations and massive change orders for mitigation of groundwater and soils contaminations. Provide specific citations (appendix, page, and paragraphs) when referencing other sources and add such information herein.

Provide four borings and appropriate gas, fluids, and soil monitoring and samples for analyses of hazardous materials and potential impacts from such during excavations and boring at each of the Project tower/station sites prior to certification of the FEIR.

Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-55

3.9-10/1 City of Los Angeles Municipal Code The Los Angeles Municipal Code, Chapter IX (Building Regulations), Article 1 (Buildings), Division 71 (Methane Seepage Regulations), commonly known as the City Methane Ordinance ***No references***, describes methane testing and control requirements based on building type, building use/occupation, and whether a structure is in a methane zone or buffer zone. Requirements for new construction in such zones include methane gas sampling; and depending on the detected concentrations of methane and gas pressure at the site, application of design remedies for reducing potential methane impacts ***No references***. The **City has prepared a map** of methane zones and methane buffer areas in the City ***No references***. The proposed Project alignment crosses a methane zone and buffer zone and **may require site-specific methane testing** for particular structures, depending on the final architectural design.

Entire paragraph is incomplete and inadequate for this DEIR. No references/mentions (report/pg/par) are to given to ZIMAS where parcel-parcel notations are given as to presence in methane or buffer zones.

As known and designated gas zones lie within the Project area and construction site, methane gas issues must be considered significant and require an appropriate mitigation program in a supplemental/subsequent DEIR.

Provide for a thorough review and provisions of all relevant references are provided. Provide a gas survey of each site with gas probes/boring and their analyses and assessments. Provide such along with pertinent mitigation measures for a supplemental/subsequent DEIR.

GO18-56

3.9-10 22/6 Division 71 (Methane Seepage Regulations) describes methane testing and mitigation requirements based on building type, building use/occupation, and whether a structure is located within a methane zone or buffer zone. The proposed Project alignment crosses a methane zone and buffer zone and **may require site-specific methane testing** for particular structures, depending on the **final <u>architectural</u> design**.

As known and LA City designated gas zones lie beneath the Project area and construction sites, methane gas issues must be considered significant and require an appropriate mitigation program in a supplemental/subsequent DEIR.

Provide final Project designs and documents, their description, and their bases for draft Mitigation, Monitoring, and Reporting Plans for public review and comments prior to preparation of the Project FEIR.

Provide for a thorough review and provisions of all relevant references are provided. Provide a gas survey of each site with gas probes/boring and their analyses and assessments. Provide such along with pertinent mitigation measures for a supplemental/subsequent DEIR.

GO18-57

3.9-18/2 3 Methane Zones Methane zones are usually a result of naturally occurring tar and crude oil, or shallow soil contamination by old oil drilling wells….Non-pressurized methane is not normally problematic **<u>if properly monitored and controlled per Cal/OSHA regulations</u>**….Methane ***and associated oil field gas*** exposure to workers during construction can be hazardous at higher levels, especially in confined spaces. In addition, methane seepage can result in an explosion if an adequate concentration of methane gas exists where combustion is possible.

During 1985 Ross Dress for Less Store Explosion, RTD/Construction Management staff for Phase 1 Red Line assisted LAFD in monitoring, control, and treatment of methane leakage and fire and such activities laid base for the Methane Gas ordinances and restrictions.

Methane and Methane-buffer zones are identified for all Project sites, except for Alameda Station. Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-58

3.9-18/3 Methane gas is known to be generated in the **area**. The City of Los Angeles Department of Building and Safety's Los Angeles Methane Zone Map categorizes two types of zones: Methane Zones and Methane Buffer Zones….based on the proximity to a methane gas source. According to the City of Los Angeles Department of Building and Safety maps, portions of the proposed Project alignment pass through identified Methane Zones and/or Methane Buffer Zones (Figure 3.9-1). The proposed Chinatown/State Park Station, Broadway Junction, Alpine Tower, and Stadium Tower are in a Methane Zone and/or Methane Buffer Zone.

GO18-59

RTD/MTA project experience of Red Line Phase 1 Union Station Tunnel/Station construction included major change orders for groundwater and methane, creosote, and hydrogen sulfide gases released from groundwater and dry soils.
Methane and Methane-buffer zones are identified for all Project sites, except for Alameda Station. Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

cont'd GO18-59

3.9-19/Fig.3.9-1: Methane Zones Within the Project Area
No source for figure is provided as reference and hazard zone seems different from CalGEM boundaries for the Los Angeles Oil Field, and map appears to also differ from parcel designations in ZIMAS. Provide references for all gas issues.
Provide sources and analyses for development of map. Provide comparison with ZIMAS and basis for comparisons and mitigative requirements for safe construction of the Project.

GO18-60

3.9-26/3 As shown in Figure 3.9-1,…portions of the proposed Project alignment pass through Methane Zones and/or Methane Buffer Zones….Chinatown/State Park Station, Broadway Junction, Alpine Tower, and Stadium Tower are in a Methane Zone and/or Methane Buffer Zone….usually a result of naturally occurring tar and crude oil, or shallow soil contamination by old oil-drilling wells. Non-pressurized methane is not normally problematic **if properly monitored and controlled….** If the gas accumulates to **high concentrations** and becomes pressurized, detectable levels may enter the interior of a structure through cracks or other penetrations present in floor slabs.
Given methane's buoyancy, the gas must be pressurized or contained or released in massive volumes in order to reach monitorable levels. Provide MTA/Metro action levels for construction sites and for publicly occupied/used areas, e.g., gas alarm levels for Red Line tunnel, Union Station-Civic Center.
Provide borehole monitoring for 24 hours and of at least borings within the excavation areas for stations, junction, and towers.
Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-61

3.9-26/4 Methane exposure to workers during construction **can be hazardous at higher levels**, especially in confined spaces. In addition, methane seepage can result in an explosion if an adequate concentration of methane gas exists where combustion is possible. The anticipated construction methods for the proposed Project involve relatively shallow and wide excavations and **would not be considered confined spaces**; therefore, this reduces the likelihood of construction workers being exposed to methane gas concentrations that **would be hazardous due to inhalation**. Further, construction activities and workers **would be required** to comply with OSHA and Cal/OSHA regulations, including but not limited to 29 CFR Section 1926.55 and 8 CCR Section 5416, **to develop and enforce workplace safety standards and ensure worker safety during construction**, and project **contractors would be required to comply with OSHA and Cal/OSHA regulations** regarding any potential construction activities that may cause methane release***.***
Provide approved MTA construction requirements for methane and exposure. Provide for mandatory requirements and enforceable statements of certainty rather than "would", "could", or "should".
Provide borehole monitoring for 24 hours and of at least borings within the excavation areas for stations, junction, and towers.
Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-62

3.9-27/1 The proposed Project **would also be required to be designed and constructed to comply** with the regulations…. **Compliance**…which includes appropriate methane exposure or release

GO18-63

identification **protocols based on a site-specific evaluation** of the risk during construction, would be required to ensure worker health and safe construction.

Recognition of a potential threat/risk has not led to provision of a Methane Plan/Protocol presented in the DEIR.

As the project has not been designed, provide a thorough investigation and appropriate gas control designs to avoid/treat methane and other heavier hydrocarbon gases (e.g., BTEX and PAHs) and perhaps contaminated soils before construction begin, during construction, and for operations.

Following review and assessment of methane monitoring, provide appropriate protocols for mitigation of methane exposures and appropriate assessment of hazards and impacts upon the Project and environment. Integrate findings, mitigations, and residual impacts for significance and in cooperate in a supplemental/subsequent DEIR and recirculate for public review and comments.

Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

cont'd GO18-63

3.9-27/2 With adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, impacts related to methane gas exposure or release during construction of the proposed Project would be less than significant.

As no methane plan/protocol is presented in the Project, no adherence can be reviewed or assumed. Provide mandatory measures for gas controls, releases, and safe exposures.

Provide gas-vapor monitoring results from any/all geotechnical borings conducted to date. If no monitoring, provide for gas monitoring of soil vapors from at least 5 borings of 20ft into the underlying soils/alluvium with specific mandatory mitigation for all impacts.

Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-64

3.10-21/1 Groundwater levels in the Project study area generally range from depths of approximately 20 to 60 feet below ground surface (bgs).\37 \38 Groundwater levels range from 20 to 25 feet bgs in the vicinity of LAUS, 25 feet bgs near the intersection of North Alameda Street and North Main Street, 27 to 35 feet bgs in the vicinity of the southern portion of the Los Angeles State Historic Park, more than 60 feet bgs in the vicinity of the intersection of North Broadway and Bishops Road, and estimated at 60 feet bgs below the proposed Dodger Stadium Station.\39

\37 LACDPW. 2022. Groundwater Wells Online Data. Available at: **https://dpw.lacounty.gov/general/wells/**. Accessed May 2022.

\38 State Water Resources Control Board. 2022. GeoTracker. Available at: **https://geotracker.waterboards.ca.gov/map/**, accessed May 2022.

\39 ENGEO Incorporated. September 2022. Los Angeles Aerial Rapid Transit Project Geotechnical Document in Support of the Environmental Impact Report.

No direct citations and cannot confirm/deny values given. Provide direct web address and process to locate values by page/paragraph/Figure No..

No map of groundwater level, sources of such information, nor the surface elevations. Provide map of elevations and depths to groundwater at 100ft intervals along proposed alignment.

Provide for and conduct preliminary groundwater characterization at each Project facility site based on at least four borings at each facility site with appropriate testing and monitoring for ground gases, contaminations, and water qualities for each site as part of supplemental review and assessment and then circulate a revised-subsequent/supplemental DEIR for public review and comments.

Revise/recirculate the DEIR based on significant impacts related to methane for the Project. Provide MMRP within the SDEIR for the Project sites in methane and methane-buffer zones based on gases found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-65

3.10-21/2
Groundwater Quality Regional groundwater basin water quality is poor in some areas due to natural conditions resulting in high total dissolved solids (TDS) levels, while in other areas groundwater quality has been degraded due to infiltration from commercial and industrial discharges, agricultural chemical application, and contaminants from urban runoff.**\40** Deterioration of water quality in some areas has occurred due to inadequate storage, handling, and disposal of chemicals resulting in releases to groundwater. The groundwater in the portions of the Central Basin is known to contain elevated levels of TDS, volatile organic chemicals, perchlorate, nitrate, iron, manganese, and chromium.**\41**
\40 Greater Los Angeles County Integrated Regional Water Management Region. 2014. The Greater Los Angeles County Integrated Regional Water Management Plan, 2013 Update. Available at: https://dpw.lacounty.gov/wmd/irwmp/FileList.aspx?path=docs\2014%20Public%20IRWMP%20Update, accessed May 2022.
\41 Ibid.
Citations are only to the general documents and do not lead to groundwater quality descriptions. Provide specific chapters, pages, and paragraphs to summary provided.
Provide Metro contracts and specific citations to Metro files for Red Line and Gold Line CEQA documents and construction files dealing with groundwater and water quality from Los Angeles Str. to Broadway.
Provide revised descriptions and assessments along with appropriate mitigation or compensation and then circulate a revised-subsequent/supplemental DEIR for public review and comments.
Revise/recirculate the DEIR based on significant impacts related to groundwater for the Project. Provide MMRP within the SDEIR for the Project sites in groundwater zones based on chemical and gas found in soils/boring of each Project site for public review and comments of the recirculated DEIR.

GO18-66

3.10-21/3 There are multiple records of sites in the Project study area at which commercial and industrial activities resulted in documented releases; these cases are generally overseen by the SWRCB, LARWQCB, and/or California Department of Toxic Substances Control (DTSC) cleanup programs.**\42,\43**
\42 State Water Resources Control Board. 2022. GeoTracker. Available at:
https://geotracker.waterboards.ca.gov/map/, accessed May 2022.
\43 California Department of Toxic Substances Control. 2022. EnviroStor. https://www.envirostor.dtsc.ca.gov/public/.
Searches appear totally inadequate and incomplete with regard to Metro and City departments and relevant files related to Gold and Red Line construction along with the Park reviews.
Citations are only to the general document and do not lead to or support groundwater quality descriptions. Provide specific chapters, pages, and paragraphs to summary provided.
Provide Metro contracts and specific citations to Metro files for Red Line Station and US<>CC twin tunnels and Gold Line CEQA documents and construction files dealing with groundwater and water quality along the alignment from Los Angeles Str. to Broadway.
Provide revised descriptions and assessments along with appropriate mitigation or compensation and then circulate a revised-subsequent/supplemental DEIR for public review and comments.

GO18-67

3.10-24/3 3.10.2 Methodology To establish baseline conditions, a search of publicly accessible databases and information from various sources and agencies was conducted….include but are not limited to the SWRCB, California DWR, State of California Natural Resources Agency, FEMA, Los Angeles RWQCB, Los Angeles County Department of Public Works, Los Angeles County Flood Control, **City of Los Angeles** Department of City Planning, LADWP, and Metropolitan Water District of Southern California.
Search appears totally inadequate and incomplete with regard to Metro and City departments and relevant files related to Gold and Red Line construction along with the Park reviews.
Provide Metro contracts and specific citations to Metro files for Red Line Station and US<>CC twin tunnels and Gold Line CEQA documents and construction files dealing with groundwater and water quality along the alignment from Los Angeles Str. to Broadway.
Provide accessible databases for roads and construction information along the proposed alignment for Department of Public Works (Bureaus of Engineering, Streets LA, Sanitation/Environment, etc.) and for Metro construction and CEQA related departments.

GO18-68

Provide revised descriptions and assessments along with appropriate mitigation or compensation and then circulate a revised-subsequent/supplemental DEIR for public review and comments. cont'd GO18-68

3.10-25/4 Construction Impacts Less Than Significant Impact. Construction of the proposed Project components would include site preparation and installation of foundations and columns; erection of stations, towers, and the junction; replacement or restoration of paving, sidewalk, and landscaping; and cable and cabin installation.

No design and related supportive studies/designs have been provided and references indicate none may exist and await final design. No foundation drawings are provided to establish how deep excavations and dewatering may be required. No specific locations and numbers of deep piles (mentioned to be >50ft depths) are located along with their capping foundations. Provide final design drawings and specifications for all towers and stations prior to approval and further considerations.

Current documentation is totally inadequate and incomplete for a pronouncement of "Less than Significant Impacts". Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

Provide contract drawings and description and revised Supplemental EIR for public review and comments. GO18-69

3.10-25/5 Groundwater Construction activities associated with foundations would involve general earthwork and **concrete work to prepare the foundations, with excavations for foundations at depths ranging between seven feet and 42 feet, and piles to be installed between 55 feet and 125 feet below pile depth….**; therefore, the proposed Project may require the **removal of nuisance water** that **seeps** into boreholes during construction. Water removed from the boreholes would be containerized, and analyzed to determine the proper disposal method.

Provide pre-construction contract drawings of all foundations and pilings, especially for the Union Station facilities and their relation to the Un.Stn.<>Civic Center Tunnels and the groundwater levels (and copies of all boring records for the same).

Provide definition and differentiation between "nuisance" water and dewatered groundwater. Also provide definition of seeps, gal/min, and how big (provide dimensions) the "containers" would be.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection. GO18-70

3.10-25/6 Groundwater levels range from 20 to 25 feet bgs in the vicinity of LAUS. The foundations for the Alameda Station would be at a depth of 10 feet. Based on these anticipated depths to groundwater, it is considered unlikely groundwater would be encountered during construction of the foundations; however, **piles would be drilled to 125 feet below pile depth**, and may require removal of nuisance water that seeps into boreholes during installation of the piles of this station.

Provide pre-construction contract drawings of all foundations and pilings, especially for the Union Station facilities and their relation to the Un.Stn.<>Civic Center Tunnels and the groundwater levels (and copies of all boring records for the same).

Define: "drilled to 125 feet below pile depth" provide specific dimensions of below ground level or below foundation levels.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection. GO18-71

3.10-26/1 Groundwater occurs at a depth of approximately 25 feet bgs near the intersection of North Alameda Street and North Main Street. The foundations for the Alameda Tower and the Alpine Tower would be at a **depth of 10 feet**….; however, piles for the Alameda Tower and the Alpine Tower would be drilled to 120 feet below pile depth, and may require removal of nuisance water that seeps into boreholes during installation of the piles of these towers.

Provide engineering considerations loads and dimensions for the Alameda/US Station and the higher angled Alameda and Alpine towers foundations.

Provide geotechnical boring logs and reports for each of the aerial structures considered.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection. GO18-72

3.10-26/5 Based on groundwater depths, none of the proposed excavations for foundations are anticipated to encounter groundwater; however, removal of **nuisance water** that seeps into boreholes during construction may be required for the pile installations at each of the components.
Groundwater may be encountered during installation of piles, and any **nuisance water** removed **would need to be analyzed prior to disposal**.
Detections of total petroleum hydrocarbons ***TPH*** and volatile organic compounds ***VOCs*** including **BTEX** are known to be present in groundwater at the Los Angeles State Historic Park property, which is directly beneath the proposed Project alignment.\53 Although the groundwater quality in the remainder of the Project study area is **not specifically known**, it may contain elevated levels of constituents such as petroleum hydrocarbons and solvents resulting from commercial and industrial discharges, in addition to potentially elevated TDS and metals related to natural conditions. **Uncontrolled discharge of groundwater carrying these potential pollutants could result in degradation of groundwater and surface water if it is not properly.**

As pile boring will extend well below the top of groundwater, Provide two mitigations for hydrological impacts and potential water discharge violations for groundwater and nuisance waters removal, storage/monitoring for all VOCs, H2S, dioxin, creosote, and other chemicals encountered and treated for in construction for the Metro Union Station in 1980s.

RTD/MTA Red Line Union Station groundwater dewatering required aeration, activated carbon, and H2O2 treatments.

Provide all pile boring drilling systems with H2S and CH4 monitoring sensors and shutdown and require for monitoring, gas/liquids treatment and shutdown, if needed.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-73

3.10-27/1 Additionally, as stated in Section 3.9, Hazards and Hazardous Materials, a S**oil and Groundwater Management Plan** **would be prepared** to **specify methods for handling and disposal** in the event **contaminated groundwater is encountered** during construction. Because…, there is the **potential that excavation in certain areas would encounter groundwater**, and therefore, **dewatering could be required**….Discharges from dewatering operations can contain high levels of fine sediments, which if not properly treated, could lead to exceedance of the NPDES requirements….The **temporary system would comply with all relevant NPDES requirements related to construction and discharges from dewatering operations**. If dewatering is required, the treatment and disposal of the removed water would occur in accordance with the requirements of **LARWQCB's WDRs** for Discharges of Groundwater….

As no specific plans have been prepared and presented in the DEIR, references to such is totally inadequate and incomplete and requires full presentation of such to establish adequacy and completeness of the assessment and mitigation. Provide a draft groundwater management plan for the Project and specific areas most probable to encounter groundwater in excavation and/or pile drilling for public review and comments.

None referenced/cited and no summary of conditions provided.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-74

3.10-36/4 **Nuisance groundwater** may be encountered during installation of piles for each of the components, which **may result in degradation of groundwater quality if not addressed properly**….Refer to Section 3.9 (Hazards and Hazardous Materials) for additional details should contaminated groundwater and/or soil be encountered. However, construction activities are not anticipated to **interfere substantially with groundwater recharge**, **groundwater resource supplies, or groundwater quality**.

No definition nor reference is provided for "nuisance groundwater" and no relationships are provided regarding contamination of the groundwater, its recharge, supplies, and quality during Project construction. Provide definitions for "nuisance groundwater" and its expected characteristics and qualities. Provide a mitigation plan for its control and reduction of all impacts derived from its presence. Provide review and assess potential impacts of construction on the recharge, supplies, and quality of groundwater within and beneath the Project area.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-75

3.10-36/6 With adherence to these laws and regulations, impacts related to implementation of a water quality control plan or sustainable groundwater management plan during construction **would be less than significant**.

Provide specific laws and regulations and the Project compliance measures with such and include in a specific plan with requirements for direct and continuing compliance with requirements on the part of the agencies and contractors. Provide such to be incorporated into all construction contracts along with specific documentation of measures and achievement of regulatory limits.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-76

3.10-37/1 As discussed above, the Sponsor **would comply** with all applicable federal, State, regional, and local agency water quality protection laws and regulations, water quality control and/or sustainable **groundwater management plans**, including the Basin Plan and City of Los Angeles General Plan, as well as **commonly used industry standards**.

As indicated the Basin Plan and appropriate sections of the LA General Plan are referenced but without any specifics as to what would mitigate this specific Project.

As indicate the Project would comply at some time in the future, supposedly before construction contracts, would be approved for construction but without public review and comments before sponsor and relevant authorities would certify completion of the CEQA process. Provide a specific groundwater plan for the Project and all elements specifically venturing into the groundwater resources of the Project area.

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-77

3.10-37/4 **It would** also **comply** with all applicable federal, State, regional, and local agency water quality protection laws and regulations, **water quality control and/or sustainable groundwater management plans**, including the Basin Plan and City of Los Angeles General Plan, the **MS4 Permit**, as well as **commonly used industry standards**.

Provide references (doc and page/paragraphs) for mentioned laws, regulations, and requirements.

Provide commonly used industry standards references (docs, pages, and paragraphs) and compiled regulations, laws, and standards requirements as a mandatory compliance mitigation measure.

Provide revised supplemental/subsequent DEIR for public review and comments.

GO18-78

3.10-38/2 With **adherence** to these laws and regulations, and **groundwater management plans**, impacts related to implementation of a water quality **control plan** or sustainable groundwater **management plan** during operations **would be less than significant**.

As no specific plans have been prepared and presented in the DEIR, references to such is totally inadequate and incomplete and requires full presentation of such to establish adequacy and completeness of the assessment and mitigation.

Provide differentiation between compliance and adherence and provide draft construction contract sections for both and for mitigation measures.

Provide a draft groundwater management plan for the Project and specific areas most probable to encounter groundwater in excavation and/or pile drilling for public review and comments.

Provide above in a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-79

3.10-38/3 3.10.5 Mitigation Measures With **adherence** to applicable federal, State, regional, and local laws and regulations, including **compliance with applicable stormwater permits, wastewater permits, and other water quality regulations**, construction and operation of the proposed Project would result in **less than significant impacts to hydrology and water quality**. No mitigation measures are required for the proposed Project.

Provide references (doc and page/paragraphs) for mentioned laws, regulations, permits, and their requirements.

GO18-80

Provide commonly used industry standards references (docs, pages, and paragraphs) and compiled regulations, laws, and standards requirements as a mandatory compliance mitigation measure.
Provide contractual requirements for all construction contracts and differentiate between requirements and mitigations.
Provide revised supplemental/subsequent DEIR for public review and comments.

cont'd GO18-80

3.10-38/4 Mitigation Measures With **adherence** to **applicable** federal, State, regional, and local laws and regulations, including compliance with **applicable** stormwater permits, wastewater permits, and other water quality regulations, **construction and operation of the proposed Project would result in less than significant impacts to hydrology and water quality**. No mitigation measures are required for the proposed Project.

Provide references (doc and page/paragraphs) for mentioned laws, regulations, permits, and their requirements.
Provide commonly used industry standards references (docs, pages, and paragraphs) and compiled regulations, laws, and standards requirements as a mandatory compliance mitigation measure.
Provide contractual requirements for all construction contracts and differentiate between requirements and mitigations.
Provide revised supplemental/subsequent DEIR for public review and comments.
Repetitive comments as required by repetitive references and deficiencies.

GO18-81

Mineral Resources

3.12-2/2 The majority of wells in the Los Angeles City Oil Field, including the wells closest to the proposed Project alignment, are either **plugged or idle**. The nearest **active** well is approximately 1.5 miles west of the proposed Project alignment.\5

Provide a map of all known well sites within 1000ft of the Project excavations and provide and assess historic (1920-1950) aerial photos of the Project site for historic well sites and on-ground facilities which may have contaminated the Project sites. Assess potential impacts and provide specific mitigations for such, and recirculate the DEIR for further public review and comments.
Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-82

3.12-3/3 Additionally, although the proposed Project alignment is in the Los Angeles City Oil Field, the closest **active well is approximately 1.5 miles west** of the proposed Project alignment, and would not be affected by implementation of the proposed Project. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region or State, and no impact would occur.

Plugged and idled wells lie within 500ft of the Project surface footprint and within 1000ft of the Park Station and Broadway Tower. Plugged and idled wells can be easily renovated for production of mineral resources (oil and gas) and can impact the Project construction excavations. More than 50 idled but not plugged wells lie within 1/2mile of the Park Station, and idled (and even plugged) wells can be returned to service cheaply and within a matter of months.
Revise and provide adequate review and assessment of the Project on return to service of more than 50 idled wells to the west of Park Station. Provide a revised review and assessment of mineral resources in a revised and recirculated DEIR.

GO18-83

3.15-20/6

The plan would also address the unlikely scenario where the system cannot be moved to unload passengers normally at stations. The **robust design, periodic and preventative maintenance, and equipment redundancies** are intended to minimize these potential impacts. However, the plan would include procedures to evacuate passengers directly from cabins, if needed. An **Evacuation Plan would be developed** as part of the **Project-specific Emergency Operations Plan**, as required by **industry standards and State regulations**….**would describe** the **preferred methods**….**would also include** the required equipment and procedures for evacuation, site control, and passenger communications….**would**

GO18-84

be performed in advance of opening the system….**would document** the procedures, equipment, and personnel necessary to evacuate the system,….. **Such analysis, practice, and documentation is required by OSHA.**

Provide a draft Project description demonstrating a robust design vs typical design for the Project. Provide a draft maintenance manual for the Project, along with a clear assessment of equipment redundancy and service cycling of such.

Provide a draft evacuation plan for in-station and on-line gondolas and related equipment for such operations.

Provide draft comparisons of industry standards and preferred measures for this Project and relate such to potential impacts or mitigations.

Provide a listing and citations for related references of industry standards and regulations related to the above.

Provide a draft for all OSHA related analysis, practices, and documentation for such a Project, and provide references for such for at least three similar elevated projects in the US.

Provide a completely revised Supplemental DEIR with the above requests along with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

cont'd GO18-84

3.16-31/3 3.17.1 Regulatory Setting Federal Americans with Disabilities (ADA) Act of 1990 Titles I, II, III, and V of the ADA have been codified in Title 42 of the United States Code, beginning at Section 12101….establishing minimum standards for ensuring accessibility when designing and constructing a new facility or altering an existing facility. **The Project <u>will be designed</u> to meet all ADA design requirements**.

Provide a thorough and complete review and draft illustrations/drawings for all ADA design sites within Project and related equipment, especially for wheelchair and walker/stroller devices.

Provide

Provide a completely revised Supplemental DEIR with adequate descriptions, assessments, and mitigation for ADA compliance along with alternative projects and their numerical/quantitative comparisons and selection.

GO18-85

4-1/1 4.0 ALTERNATIVES 4.1 INTRODUCTION Alternatives have been considered in this Draft EIR to explore potential means to mitigate or avoid the significant environmental impacts associated with implementation of the proposed Project, while still achieving the **primary objectives** of the proposed Project….an EIR shall describe the range of **reasonable** alternatives, which may include alternatives to the location of the project, which would **feasibly** attain most of the basic objectives of the project….EIR… does not need to consider every conceivable alternative or consider alternatives that are **infeasible**, but rather only alternatives necessary to permit a **reasoned choice**….No Project Alternative…to determine the consequences of not implementing the project…., and **comparison of alternatives, the relative advantages and disadvantages of each alternative can be determined**.

Provide goals/purposes of the Project and their related dependent objectives and policies/program.

Provide definitions of reasonable, feasibly, infeasible, and reasoned-choice and provide examples of such within the Project description and alternatives.

As required by CEQA, provide a numerical/quantified comparison of all environmental sectors and for all alternatives.

Provide a completely revised Supplemental DEIR in accordance with above deficiencies with adequate descriptions, assessments, and mitigation for alternative projects along with numerical/quantitative comparisons and selection.

GO18-86

Apdx K 1979/ & 1980/ During the late nineteenth and early twentieth centuries, crude oil was extracted from multiple small oilfields nearby and processed at the former **Southern Refining Company** located **immediately northwest** of the Site. **Historical aerial photos and Sanborn maps** indicate that the refinery contained four aboveground storage tanks (ASTs) for storing crude oil. The refinery was apparently dismantled by 1921 and the ASTs were removed sometime between 1921 and 1928. The Site

GO18-87

has been used as a railroad junction for over 100 years and is currently maintained as such for use by three major passenger and freight lines.

Revise mis-directions of historic uses (SE rather than NW) and provide historic aerial photos of such site.

Provide address of site: e.g., 1300 CARDINAL STREET 1700 ft SE-E of Alameda for Southern Refining Company and Amalgamated Oil Company, now Williams Mead Housing Project.

Provide historic aerial photos and maps and revised Apdx K.

The entire DEIR and appendices do not consider or provide information provided in ZIMAS, LA City Dept. City Planning online database Very limited references in DEIR with singular mentions in the DEIR and geotechnical report, only. Withdraw current DEIR, revise, and update and recirculate as supplemental/subsequent DEIR with incorporated ZIMAS information for all pertinent descriptions.

cont'd GO18-87

Sept. 2022 Los Angeles Aerial Rapid Transit 16037.000.000 Geotechnical Document in Support of the Environmental Impact Report

APPENDIX I

Apdx. I-1 GeoTechnical Report ENGEO Project No. 16037.000.000

We are pleased to submit this document characterizing the **general geologic/geotechnical conditions** of the Los Angeles Aerial Rapid Transit (LA ART) project in Los Angeles, California. This report is a **compilation of adjacent publicly available previous geotechnical assessments and explorations** to assist in preparation of the Draft Environmental Impact Report (EIR).

Provide references (doc and page/paragraphs) for mentioned assessments and explorations. Provide geotechnical documentation for RTD/MTA Red Line Union Station and US-Civic Center rail Tunnels beneath this Project and adjacent to the Project's Alameda Station.

Provide review and pertinent information from geotechnical documents related to the Buena Vista Project along south side of Broadway and under and adjacent to the Broadway/Bishop Tower.

Provide commonly used industry standards references (docs, pages, and paragraphs) and compiled regulations, laws, and standards requirements for geotechnical settings and impacts as a mandatory compliance mitigation measure.

Provide contractual requirements for all construction contracts and differentiate between geotechnical requirements and mitigations.

Provide revised supplemental/subsequent DEIR for public review and comments.

GO18-88

Apdx. I - 2/1 This document was prepared based on a **desktop study** of **readily available publicly accessible geotechnical reports and data**. Geotechnical explorations and laboratory testing were not a part of this **initial preliminary** study scope.

No project borings, No records of vicinity geotechnical borings, Including Red Line Phase 1, Alameda – Tunnel and UStn, Buena Vista, Cornfields/Historic park, and William Mead Project.

The DEIR is totally deficient and inadequate regarding to geotechnical (and other EIR elements') settings, impacts assessments, and mitigations. Provide at least 4 borings per Project element to establish geological conditions and potential impacts of the Project on the area resources, and their hazards upon the Project.

Provide review of all recorded seismic events within 5000ft of the Project area limits and potential sources (including SCEC, Pasadena).

GO18-89

Apdx. I-13/1 approximately 10 miles within the earth (Wallace, 1990). The predominant fault system affecting the Project area is the Transverse Ranges **fault system**, which **trends east-west** and relieves strain primarily through reverse-slip, and left-lateral, strike-slip displacement.

Provide review of all recorded seismic events within 5000ft of the Project area limits, potential sources (including SCEC, Pasadena).

Provide review of the Elysian Park North Fault (see ZIMAS and others) underlying the Project sites and others north of Broadway.

GO18-90

Apdx. I-13/2 4.1.2 Site Topography The **majority (3/4)** of the proposed Project alignment occupies a gentle, south-sloping alluvial plain located **approximately ½ mile** west of the Los Angeles River (Figures 1 and 2).
Provide measurements in feet: 4057/6260 ft (65%) of length and 2880-3500ft west of LA River low flow channel rather than two different units (% and miles)in same sentence.

GO18-91

Apdx. I -13/5 [**Qyf 1 Holocene-Pleistocene**] This geologic unit was deposited primarily from flood deposits and debris flows.
As used, Qyf includes the entire Quaternary (Holocene and Pleistocene). Provide specific technical term usage, Holocene is an interval of the Quaternary, not Pleistocene.

GO18-92

Apdx. I-13/6 4.1.3.3 Flood and Stream Channel Deposits According to geologic **mapping by Campbell (2014)**, the alignment from the southern end to where it crosses North Broadway is underlain by **late Pleistocene** alluvium (Figure 3 - Qya2).
Provide accessible, specific sources (page/paragraph) for reference or provide copy of map in Appendix.
Provide differentiation between Late Pleistocene (Qo) and Holocene (Qy), as this designation would indicate all surface deposits would have potential for important fossils.

GO18-93

Apdx. I -14/2 The geologic structure in the area of the site is characterized by the **northeast-southwest**-trending Elysian Park Anticline and the underlying **Elysian Park Blind Thrust fault**. The Project site is located over the **southwest limb of the anticline**. Bedding in the **Puente Formation** in the area generally dips from 25 to 50 degrees towards the **southwest**.
Other geotechnical sources (ZIMAS, et al) indicate that the EPBT Fault is aligned NW-SE rather than NE-SW beneath the Project.
Similarly general anticline axis orientation of NE-SW would require the flanks to dip from the axis to the NW and SE, rather than the SW; anticline axis (top of fold) maybe to SW.
Provide review and revisions by qualified geologist for review of relevant appendices and DEIR text for a Supplement DEIR.

GO18-94

Apdx. I -16/ TABLE 4.2.1.1-1: Nearby Active Faults (USGS 2008) Lat.=34.065019; Long.=-118.235495
FAULT NAME **Elysian Park (Upper)***
Provide a single consistent name/term for the fault.

GO18-95

Apdx. I -17/2 **Elysian Park Fault** (Blind Thrust Fault) The fault closest to the Project site is the **Elysian Park fault**. According to the USGS Quaternary fault and fold database, the location of the **Upper Elysian Park fault** is inferred to cross under the alignment.
The **Upper Elysian Park fault** is a north-to-northeast-dipping fault that underlies the northern Los Angeles basin from Griffith Park to Garvey Reservoir. ***ZIMAS***
However, the **Upper Elysian Park fault** is a blind thrust fault, which means **it is not capable of surface fault rupture** and; therefore, is not subject to the conditions of the Alquist-Priolo Act. ***ZIMAS***
It is thought to be seismogenic (capable of generating earthquakes) from a depth….
Because **there is no surface expression of the Elysian Park fault**, constraints on the long-term slip rates on the fault…, rather than from paleoseismic data.
Although these constraints are limiting, the **most current models (UCERF3)** indicate… it has approximately 1.2% probability of participating in an earthquake of magnitude greater than 6.7 before 2038….The likelihood of experiencing an event of Magnitude > 7.0 is 0.8%, and the likelihood of experiencing an event of Magnitude > 7.5 is less than 0.1% in that time period.
Provide references for all such statements along with page/paragraph so that discussion of faults can be verified as accurate.
As ZIMAS shows the Project to cross and extend through the fault zone, this discussion needs to be thoroughly and adequately displayed and rectified as it is wrong, based on LACity ZIMAS.
Provide specifics assessments/mitigation regarding fault/design inclusions for Park Station, Broadway and Elysian towers, and Stadium Station and supports within the ZIMAS designated surface fault zone.
Provide accessible reference for UCERF3 as applied to this fault and location.
Provide seismic assessment of structural responses for towers, stations, cables, and gondolas during a 6.4-6.7 magnitude on the Elysian Park Fault.

GO18-96

Provide description and assessments reflecting the LACity-DCP ZIMAS info-base.

cont'd GO18-96

Apdx. I -17/4 These portions of the Project alignment are located in an area mapped as potentially subject to liquefaction on the Safety Element Exhibit B of **City of Los Angeles General Plan** and the State of California Seismic Hazards Zones map as shown on Figure 5. The Alameda Station, Alameda Tower, Alpine Tower, Chinatown/State Park Station, and Broadway Junction are located in an area mapped as potentially subject to liquefaction.
Provide appropriate ZIMAS references. No specific references to ZIMAS.

GO18-97

Apdx. I -18/4 The proposed Project alignment is located in an area classified as MRZ-3 as shown on Figure 6. MRZ-3…." The proposed Project alignment is also located just beyond the eastern end of, but not within, what is designated as the Los Angeles City Oil Field.
Although not within the surface delineation of the LA Oil Field, close enough that may reflect the underlying oil/gas occurrences and production zones.
CalGEM Wellfinder shows the route alignment within the mapped oil field. North of Bruno/Alameda intersection, the Project Park Station lies within the well field along with 1200+ft of the cableway, and the Broadway Junction lies 550 ft east of the mapped field.
As many parcels through which the Project alignment passes are designated as "Methane Zones" they would be within the land above the designated Los Angeles Oil Field.
No references given. Provide appropriate ZIMAS references and DOC CalGEM WellFinder site.

GO18-98

Apdx. I -19/1 …located in a **City-designated hillside area, indicating the sites may have an increased susceptibility to landslides.\3 \3 City of Los Angeles. Zone Information and Map Access (ZIMAS). Available at: http://zimas.lacity.org/.** Accessed May 2022
Only reference to ZIMAS in the entire DEIR although landslides are indicated by ZIMAS for parcels NW of SR-110 and for the Alpine Tower and Stadium Station areas.
Provide review of all Project element locations with regard to ZIMAS database information, e.g., faults, landslide, and liquefactions.
Provide review of liquefaction potential as indicated by ZIMAS for Project area and facilities south of Broadway. Provide appropriate mitigation for liquefaction and for landslides especially when seismically induced.

GO18-99

Apdx. I -20/1 …which require monitoring **before and during construction**. Although **long-term methane controls are not required**, **preliminary construction planning** should adhere to Section 91.7101 of the Los Angeles Municipal Code, which controls for methane intrusion emanating from geologic formations. The need for methane controls **may be reduced or eliminated by conducting site-specific methane testing** for elements constructed within the methane zones and buffer zones to evaluate the potential hazard, pursuant to Section 91.7104.1.
ZIMAS clearly indicates parcels which are designated as being in a Methane Zone or Methane Buffer Zone, is not so designated in the DEIR setting and no mitigation measures are proposed.
As no methane surveys, testing, and monitoring has been conducted within the Project sites, the needs for methane monitoring and controls must be implemented before and throughout construction, especially for towers, the junction, and Park Station.
The appendix does not clearly describe the Project sites but states that monitoring will be conducted before construction and hopefully would be assessed before construction contracts are offered. Without any direct information or assessment, the DEIR assesses that construction and longer term methane controls will not be needed, even though the Park Station and Broadway Tower lie within designated Methane Zones.
Provide a thorough description of methane gas conditions of surface and subsurface based on >10ft borings for each Project site and as required by Metro for construction of major surface and subsurface facilities. Provide suitable mitigation and safety plans for those sites with methane gases in soils and groundwater.
Provide specific contractor programs to monitor, to control, and to assess measures required for continuing safe operations at all Project facilities located in ZIMAS recognized Methane Zones.

GO18-100

Apdx. I -21/1 5.2.2 Seismic Hazards Mapping Act of 1990…addresses earthquake hazards other than surface fault rupture, including liquefaction and seismically induced landslides….identifying and mapping seismic hazard zones and mitigating seismic hazards to protect public health and safety.
Provide specific page/paragraph citations and include specific parcel references for ZIMAS assignments to surface zones, liquefaction, and landslides.
Provide a thoroughly revised and supplemented Subsequent Draft Environmental Report (S-DEIR) for public review and comments.

GO18-101

Apdx. I -21/1 It requires the California Department of Conservation, Division of Mines and Geology, to map **seismic hazards** and establishes specific criteria for project approval that apply within **seismic hazard zones**, including the requirement for a geological technical report. The California Department of Conservation has mapped seismic hazards or established specific criteria for the area that includes the Project site **(CGS, 1998)**.
Provide specific page/paragraph citations and include specific parcel references for ZIMAS assignments to surface zones, liquefaction, and landslides.
Provide parcel specific seismic hazard zones for all Project construction sites.

GO18-102

Apdx. I -21/2 The geological reports prepared for the Project satisfy the requirements of the Seismic Hazards Mapping Act at the **preliminary project level**. Additional **site-specific studies designed to explore the subsurface conditions in areas of planned development will be completed prior to submittal of final plans**.
Define "preliminary project level" and provide schedule/contents for final plans (and designs) and current/2023 industry standards for designs and project description used for basis of CEQA/EIR compliance and agency certification of this Project.
Provide list, outlines, and completion schedules for all site specific studies. Provide requirements for all such future studies to be incorporated into a subsequent DEIR.
Provide above and a total revision of DEIR, and especially geotechnical considerations, and resubmit as a supplemental/subsequent DEIR for public review and comments.

GO18-103

Apdx. I -22/5 5.2.2 Seismic Hazards Mapping Act of 1990 The California State Seismic Hazards Mapping Act of 1990 addresses earthquake hazards other than surface fault rupture, including liquefaction and seismically induced landslides….The **geological reports prepared for the Project satisfy the requirements of the Seismic Hazards Mapping Act at the preliminary project level**. **Additional site-specific studies designed to explore the subsurface conditions in areas of planned development will be completed prior to submittal of final plans.**
Define "preliminary project level" and provide schedule/contents for final plans (and designs) along with citations + page/paragraph of any references and provide current/2023 industry standards for designs and project description used for basis of CEQA/EIR compliance and agency certification of this Project.
Provide list, outlines, and completion schedules for all site specific studies.
Provide the above and total revision of DEIR, and especially geotechnical considerations, and resubmit as a supplemental/subsequent DEIR for public review and comments.

GO18-104

Apdx. I -22/6 Division 71 (Methane Seepage Regulations) describes methane testing and mitigation requirements based on building type, building use/occupation, and whether a structure is located within a methane zone or buffer zone. The proposed Project alignment crosses a methane zone and buffer zone and **may require site-specific methane testing for particular structures, depending on the final architectural design**.
Provide and implement a methane monitoring and assessment program for all construction sites prior to preparation of a supplemental/subsequent DEIR for public review and comments.
Provide all of the above and total revision of DEIR, and especially geotechnical considerations, and resubmit as a supplemental/subsequent DEIR for public review and comments.

GO18-105

Apdx. I -24/1 Impact: There is potential for the proposed Project to expose people or structures to seismic hazards listed above. **Mitigation measures would be required to reduce impacts to a less than significant level.**

GO18-106

Provide review and assessment of all fault and seismic impacts given for an event equal to 6.4 magnitude as noted in ZIMAS. Provide for pre-construction and ongoing microseismic monitoring for the Upper Elysian Park Fault zone beneath the Project.
Replace all "would's" with shall's or must's.
Provide for additional mitigation programs for at least 120 minute emergency evacuation programs and for damage prevention for surrounding land uses in the event of tower ccollapses or toppling.
Provide all of the above and total revision of DEIR, and especially geotechnical considerations, and resubmit as a supplemental/subsequent DEIR for public review and comments.

cont'd GO18-106

Apdx. I -24/2 To mitigate the shaking effects, structures **should be designed using sound engineering judgment and the current CBC requirements, as a minimum.**
Provide definitions and comparisons for should's and would's vs shall's and will's. Replace all "should's" with shall's or must's.
Provide all of the above and total revision of DEIR, and especially geotechnical considerations, and resubmit as a supplemental/subsequent DEIR for public review and comments.

GO18-107

Apdx. I -24/2 However, the proposed Project alignment is not located within a State of California Earthquake Fault Zone for known Holocene-active faults capable of fault surface rupture (CGS, 2017) or located within an Alquist-Priolo Earthquake Fault Zone. Accordingly, the **risk of surface rupture due to faulting is considered low.** As such, the Project **would** not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. Impacts **would be considered less than significant.**
Replace all "would's" with shall's or must's.
No reference to ZIMAS nor to Buena Vista Scoping and related studies. No references to competent certified reviewers for such statements and use of conditionals.
Provide an adequate and complete technical review and statement of significance by competent certified engineer. All such additions must be provided in a subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-108

Apdx. I -24/4 The **actual risk** of the liquefaction hazard and related damages **should be evaluated in the site-specific geotechnical report.** The Project **would be required to comply** with all standards, requirements, and conditions contained in construction-related codes (e.g.,…), **which would ensure structural integrity and safe construction.**
Actual risks and mitigation measures must be evaluated in a sites-specific review and assessment by a competent, certified engineer(s), must be based on adequate and complete geotechnical studies and assessments, and must provide appropriate mitigation and compensation measures to warrant a less-than-significant risks to structures and passengers.
Provide an adequate and complete technical review and statement of significance by competent certified engineer. All such additions must be provided in a subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-109

Apdx. I -25/1 Therefore, impacts related to earthquake-induced slope failure **could be considered moderately significant to significant** and **should be addressed** per Mitigation Measure GEO-A.
Use of could/should and ranges of significance are inconsistent with CEQA and must be based on factual evidence for the Project sites and assessments by competent, certified reviewers.
Provide an adequate and complete technical review and statement of significance by competent certified engineer. All such additions must be provided in a subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-110

Apdx. I -25/2 Compliance with existing laws and regulations, and implementation of **Mitigation Measure GEO-A**, requiring the development and implementation of geotechnical recommendations to be incorporated into the design plans and specifications, **would reduce** impacts to less than significant.
As indicated in text, the current DEIR finds current designs would generate significant impacts for seismicity/Geological Resources, as the referenced programs have not been conducted and the public has not had a public review and comments for the mitigation measures to be considered.

GO18-111

Apdx. I -25/3 Operation Upon completion of the construction activities, the proposed Project would have complied with…, as well as Mitigation Measure GEO-A. **Operation of the aerial gondola system would have a less than significant impact with respect to exposing people or structures to seismic hazards if appropriate mitigation measures are applied during construction**.

As indicated, appropriate mitigation measures (which are unknown in this DEIR and not based on evidence) are not available for public review and comment.

As indicated in this text, the current DEIR finds current designs would generate significant impacts for seismicity/Geological Resources, as the referenced programs have not been conducted and the public has not had a public review and comments for the mitigation measures to be considered.

Provide an adequate and complete technical review and statement of significance by competent certified engineer prior to further considerations of this DEIR.

Provide such additions in an adequate and complete subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-112

Apdx. I -29/8 8. CONCLUSION The proposed Project **would** have **less than significant impacts with respect to geologic and geotechnical hazards with application of the recommended mitigation measures**. Prior to grading and construction permits being issued, a **site-specific final geotechnical report should be prepared, as recommended in Mitigation Measure GEO-A**. …**should include site-specific measures and design considerations for the stations, junction, and towers**. The recommendations may vary depending on the geologic and geotechnical conditions at each location.

Replace ALL would's + should's with shall or musts and provide specific and contractual required (must) mitigation along with numerical evaluation of assessed impacts before and after required mitigation.

Provide such additions in an adequate and complete subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-113

Apdx J Greenhouse Gas Emissions Technical Report 20/4 2.2.2.5 Senate Bill 44 Senate Bill (SB) 44, signed October 7, 2021, provides specialized procedures for the administrative and judicial review of processes and approvals for an "environmental leadership transit project." SB 44 defines an "environmental leadership transit project" as "a project to construct a fixed guideway and related fixed facilities" that meets all of the following conditions:

A. The fixed guideway operates at zero-emissions.

B. (i) If the project is more than **two miles in length**,…

(ii) If the project is no more than two miles in length, the project reduces emissions by no less than 50,000 metric tons of greenhouse gases directly in the corridor of the project defined in the applicable environmental document over the useful life of the project, without using offsets.

C. The project reduces no less than 30,000,000 vehicle miles traveled in the corridor of the project defined in the applicable environmental document over the **useful life** of the project.

Provide a specific table of SB44 requirements and Project achievements in quantitative form consistent with the specific requirements of SB44, including for events only and for non-event calendar only.

Provide a useful life period for events-based and full-time base for Project operations.

Provide such additions in an adequate and complete subsequent/supplemental DEIR prior to further consideration of the Project and public review and comments.

GO18-114

Apdx L-58/1 7. Conclusion Construction and operation of the proposed Project **could** result in adverse effects to surface water and groundwater quality in the Los Angeles River and Central Basin, and violate water quality standards and waste discharge requirements, **if not appropriately managed**. However, **adherence** to applicable federal, State, regional, and local laws and regulations **would result in less than significant impacts.**

Provide Project-specific definitions, procedures, and designs of "appropriate" management and adherence. Provide hydrologic model and numerical results based on specific design and operational conditions for each Project construction site.

GO18-115

Apdx L-58/2 Additionally, the proposed Project would not **substantially decrease groundwater supplies** or **interfere substantially with groundwater recharge**….Although the proposed Project would result in increases to impervious surfaces, the additional impervious surface areas are **nominal**, and **all proposed Project components would comply** with the LID ordinance as applicable, thereby reducing runoff. Impacts would be less than significant.

No numerical description and assessment are provided for current and Project conditions and no definitions of "substantially" or "nominal" are provided. Provide numerical analyses for each project construction site and provide specific LID measures and their mitigative effects to bypass rainfall into groundwater for each site, none are provided here and elsewhere.

Provide designs and flowcharts for all LID related designs for collection, conveyance, storage, and recharging for each Project site.

GO18-116

Apdx L-58/4 The proposed Project **could potentially conflict with or obstruct implementation of water quality control** or sustainable groundwater management plans. Although construction and operation of the proposed Project **would potentially impact** the water quality of the Los Angeles River and Central Basin…, **adherence** to applicable federal, State, regional, and local laws and regulations **would ensure** the proposed Project would comply with all federal, State, and local water quality control or sustainable groundwater management plans. Impacts would be less than significant.

No numerical description and assessment are provided for current and Project conditions and no definitions of "substantially" or "nominal" are provided. Provide numerical analyses for each project construction site and provide specific LID measures and their mitigative effects to bypass rainfall into groundwater for each site, none are provided here and elsewhere.

Reference to adherence to laws and regulations is totally unacceptable and must be replaced with a design-operations based mitigation manual with assigned actions/procedure and equipment for all contractors, and associated approved permits from regulatory agencies.

Provide designs and flowcharts for all LID related designs for collection, conveyance, storage, and recharging for each Project site.

Provide a revised, supplemental/subsequent DEIR for all hydrologic elements.

GO18-117

Apdx L-58/5 The proposed Project could have potential adverse impacts related to hydrology and **water quality**; however, with **adherence to applicable…**, significant impacts **would** be less than significant level. The proposed Project **would not result in any significant impacts** related to hydrology and water quality.

No numerical description and assessment are provided for current and Project conditions and no definitions of "substantially" or "nominal" are provided. Provide numerical analyses for each project construction site and provide specific LID measures and their mitigative effects to bypass rainfall into groundwater for each site, none are provided here and elsewhere.

Provide designs and flowcharts for all LID related designs for collection, conveyance, storage, and recharging for each Project site.

Provide a revised, supplemental/subsequent DEIR for all hydrologic elements.

GO18-118

Apdx.F Archaeological and Paleontological Resources Assessment

No mentions are made in DEIR regarding significant historic/archaeological remains recovered from excavations conducted at the Union Station area (for mitigation of suspected impacts from Union Station and subway construction for Red Line Phase 1.

Archaeology – SW Park Station and Alameda/Chavez location (China town 2, 1900-1925) and American Indian – (1800-1900)

Bishop Str. historic uses of Italian (1890-1925) and Chinese (Post 1920) origins - Chinatown 2

Provide four borehole drilling/analyses to depths of 10ft and assessment for potential historic archaeological remains at each Project construction sites, and especially those from Alameda – Broadway sites. Provide at least two boreholes for sites north of Broadway.

Apdx F-70/2 The results of the records search, shown in Table 7, indicated that there are no known NHM vertebrate fossil localities within the Area of Direct Impacts. Moreover, the majority of the Area of Direct Impacts, consisting of surficial deposits of **younger Quaternary alluvium**, is not anticipated to contain significant fossil remains in its **uppermost layers** because the sediment is **too young** to contain such fossils.

Provide the specific technical basis for such identification of "younger", "uppermost" (?= 0.1ft or 10ft) and their distribution. Provide 4 or more borings of 10 ft for each site south of SR-110. Provide thorough and adequate analyses and assessments of potential fossils and remains to document age and resources.

GO18-119

Apdx F-94/2 Quaternary alluvium is expected to be present at **differential** depths within the Project Area. Planned Project excavation is **anticipated to reach up to 10 feet,** except at Dodger Stadium Station where the maximum depth would be 42 feet, and piles would be drilled to a max depth of 125 feet; therefore, Project construction **may encounter paleontological deposits**.

Replace "differential" with different and "up to" with down to.

Provide four borehole drilling/analyses to depths of 10ft and assessment for potential historic archaeological remains at each Project construction sites, and especially those from Alameda – Broadway sites. Provide at least two boreholes for sites north of Broadway.

Provide a thorough construction mitigation program for archaeological and paleontological remains with specific contractual requirements for assessment, encountering, and recovery of all paleontological and archaeological remains. Include in a thoroughly and adequately revised DEIR for public review and additional comments.

A Paleontological Resources Monitoring and Mitigation Plan (**PRMMP**) **shall be developed** by a qualified paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. The **plan shall apply to paleontologically sensitive deposits**, including **older Quaternary** alluvium and Puente formation deposits, that may be impacted by the proposed Project, as determined by a qualified paleontologist in consultation with the construction team and guided by geotechnical coring.

Provide a consistent approach throughout the DEIR regarding the use of conditional and declaratory verbs which herein reflects the direct copying of texts from other, unreferenced sources into this DEIR. Provide consistent approach to all remains encountered during excavation.

Provide a thorough construction mitigation program for archaeological and paleontological remains with specific contractual requirements for assessment, encountering, and recovery of all paleontological and archaeological remains. Include in a thoroughly and adequately revised DEIR for public review and additional comments.

GO18-120

The qualified paleontologist **shall supervise the paleontological monitor** who **shall be present** during construction excavations into **older Quaternary** alluvial deposits and **Miocene Puente** formation deposits. **Monitoring shall** consist of visually inspecting fresh exposures of rock for **larger fossil remains**, and where appropriate, collecting wet or dry screened sediment samples of **promising horizons for smaller fossil remains**.

Provide a consistent approach throughout the DEIR regarding the use of conditional and declaratory verbs which herein reflects the direct copying of texts from other, unreferenced sources into this DEIR.

Provide consistent approach to all remains encountered during excavation.

Provide a thorough construction mitigation program for archaeological and paleontological remains with specific contractual requirements for assessment, encountering, and recovery of all paleontological and archaeological remains. Include in a thoroughly and adequately revised DEIR for public review and additional comments.

The frequency of monitoring inspections **shall be determined** by the paleontologist and **shall be based** on the rate of ground-disturbing activities, the material being excavated, and the depth of excavation, and if found, the abundance and type of paleontological materials found.

Provide a thorough construction mitigation program for archaeological and paleontological remains with specific contractual requirements for assessment, encountering, and recovery of all paleontological and archaeological remains. Include in a thoroughly and adequately revised DEIR for public review and additional comments.

cont'd
GO18-120

95/2 The areas of paleontological sensitivity include all locations where **undisturbed Older Quaternary alluvium** or the **Monterey/Puente Formation** may be impacted by the Project. The identification of exact locations to be monitored would be guided in part by **geotechnical boring for the Project**.

Define "undisturbed" and require all fossils, even in disturbed deposits be recovered and assessed.

Provide a thorough construction mitigation program for archaeological and paleontological remains with specific contractual requirements for assessment, encountering, and recovery of all paleontological and archaeological remains. Include in a thoroughly and adequately revised DEIR for public review and additional comments.

LOS ANGELES AREA
CHAMBER OF COMMERCE

January 11, 2023

The Honorable Ara Najarian
Chair, Los Angeles County Metropolitan Transportation Authority
Board of Directors
Board Administration
1 Gateway Plaza, Mail Stop 99-3-1
Los Angeles, CA 90012

SUBJECT: Support Los Angeles Aerial Rapid Transit (LA ART)

Dear Chair Najarian,

On behalf of the Los Angeles Area Chamber of Commerce representing more than 1,400 companies and small business owners in Los Angeles, I write to express our support for the proposed Los Angles Aerial Rapid Transit (LA ART) project. As you know, aerial gondolas are used across the world to connect key districts in cities to improve mobility, reduce greenhouse gas emissions, reduce congestion, and provide entertainment district patrons efficient alternatives to existing travel options. GO19-1

The LA ART also has the historic potential to connect El Pueblo, Union Station, Chinatown, Mission Junction, and Solano Canyon, while also providing access to the Los Angeles State Historic Park, the Los Angeles River, and Elysian Park. These are important centers of the Los Angeles culture, history, green space, entertainment, and underserved populations that would see immense mobility benefits should LA ART progress. GO19-2

Further, these neighborhoods and areas would see measurable benefits for local small businesses and entrepreneurs who thrive on greater numbers of pedestrians, transit riders, and tourists. With a speedy approval of this project it will be built in time for the 2028 Olympic Games and will be a necessary piece of regional mobility for the influx of tourists. GO19-3

Importantly, the LA ART proposal includes a "Community Access Program" that would allow residents and employees of businesses close to the project to ride the gondola using their LA Metro fare, at no additional cost. LA Art proposes a comprehensive vision that considers neighborhood needs, pedestrian improvements, business growth, and mobility enhancements.

For these reasons I strongly support advancing LA ART. If you have any questions, please contact Senior Public Policy Manager Cameron Gil at CGIL@LAChamber.com. GO19-4

Sincerely,

Maria S. Salinas

Maria S. Salinas
President & CEO

50 S. Bixel S | Los Angeles, CA 90017 | }.580.7500 | F: 213.580.7511 | lachamber.com

From: Arts District Community Council LA <info@adccla.org>
Sent: 1/13/2023 8:34:27 PM
To: laart@metro.net
Subject: Fwd: ADCCLA DEIR Comments - McCourt Gondola

On behalf of ADCCLA. Please find attached our comment letter opposing this absurd project.

--
The Board of ADCCLA
Laura, Yuval, Gabrielle, Harley, Tim, David and Todd
Arts District Community Council LA
www.adccla.org

January 13, 2023

Via Email: ZelmerC@metro.net, laart@metro.net
Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)
SCH 2020100007
Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR.

Arts District Community Council LA (ADCCLA) is a 501c3 nonprofit focused on creating and preserving public green space. We further address government infrastructure and sustainability decisions that could negatively impact the Arts District Community.

ADCCLA became aware of the Project in 2018. In reviewing the scant material provided by LA ART, ADCCLA engaged its board and community members in researching the impacts of the Project.

GO20-1

Description

LA ART intends to build a private aerial tramway on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic** Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a "privately" funded project created to move people to a single private for-profit enterprise and is being billed as a PUBLIC transportation project. Various non-committal mitigations have been offered in the future that continue to be moving targets for stakeholders to try and unwind.

GO20-2

Comments:

1. The entirety of the NOP and DEIR is a farce.

a. The purpose of CEQA is to lay out in detail all aspects of the Project in order for the public and the communities impacted to have a clear and complete understanding of the Project.

GO20-3

b. To date, the Project has been driven by non-disclosure agreements (NDA) signed by both Metro (the agency overseeing the Project?) and State Parks. The NDA's gave and has continued to give LA ART and Metro cover to hide the full intent and scope of the Project. cont'd GO20-3

c. Early "public meetings" and requests for support by LA ART were based only on PR comments that have consistently been debunked, along with a host of confused and moving "options" for "mitigation."

d. LA ART's claims of extensive outreach were also debunked, when only 40 people were allowed into those same meetings, and no one was allowed to ask questions except in the chat, most of which went ignored. GO20-4

e. LA ART failed to provide reasonable alternatives to the Project. Only two alternatives were produced and discussed with the public. When the community screamed the loudest over one alternative, it was removed, leaving only one flawed alternative to be publically discussed. GO20-5

f. The entirety of the DEIR claims zero environmental impacts on the community and state park. That means:

(1) No noise
(2) No vibrations
(3) No construction impacts
(4) No visual blight
(5) No impact on traffic
(6) No impact on parking
(7) No impact on residential stakeholders
(8) No impact…anywhere. None, nothing. GO20-6

g. Visual elements have been egregiously misrepresented in the DEIR, including the park viewshed. Perspective drawings appear to be deliberately skewed. Heights and distances are increased and stretched to create a "nice view." Even the incorrect number of cables has been used to skew and reduce the visual blight the Project would bring. GO20-7

2. Metro is the wrong agency for this Project

As will be opined on by legal experts, Metro is the wrong agency to take the lead on this Project. While it's convenient to place this Project with an agency that has little accountability, it is not a governing agency, meaning that the lead agency must have the governing capacity and natural decision-making powers. Metro has no jurisdictional authority to be the lead. GO20-8

3. The Project has been improperly placed on Federal funding bundle lists

This would imply that this Project is a done deal which many of us have been told repeatedly by staff members in the former Mayor's Office. This suggests backroom discussions and agreements, pushed through at an all-cost mentality. GO20-9

4. LA ART relies on Vague, Unenforceable, or Deferred Mitigation Measures.

The PR voice of Mitigation has not been taken seriously in this DEIR as the document fails to lay out in detail, nor does it incorporate any of the mitigations publicly spoken about into the overall design of the Project. GO20-10

5. Metro awarded a sole source contract to an unqualified, untested entity.

Frank McCourt, nor LA ART, nor Climate Resolve, nor any other entity formed around the same people are qualified to engineer or construct a private gondola, let alone one claiming to be public transit. GO20-11

6. The "privately funded" Project appears to no longer be "privately funded"

Since efforts to add the Gondola to a federal transportation improvement bundle and improperly pass ownership to another entity that is untested and unqualified again change the playing field. GO20-12

The right for communities not to be assaulted by backroom deals should override tainted officials. cont'd GO20-12

7. This Project is an assault on communities of color.
The sordid history of the Dodgers and Chavez Ravine in addition to the aberrant treatment of Chinese migrants, seems to have alluded LA ART and McCourt. The idea of "we know what's best for you" is tone-deaf, to say the least. GO20-13

8. Politics are winning over what is best for our communities
At a recent metro Meeting, former Mayor Garcetti likened his colleague representing the impacted community to Mitch McConnell's treatment of SCOTUS because she was doing what her constituents asked her to do. These kinds of comments speak to backroom deals (NDAs), corruption, and an astounding lack of sound judgment. GO20-14

9. Over 75 mature-growth trees ranging between 15 and 50' are slated to be removed
to accommodate thousands of pounds of concrete GO20-15

30 / 30 California Initiative (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro.

30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone. GO20-16

10. Gondolas are not, in any way, shape, or form, new technology.
New for LA is not new and innovative to anyone but LA ART. GO20-17

11. This Gondola is NOT public transportation.
This is a private project, benefitting a private entity. Period. Public Transportation moves people to and from more than one environment. A stop at the Chinatown station is duplicative and is not needed. Additionally, the Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded. GO20-18

12. LA LART continues to offer no evidence that communities will benefit from increased foot traffic in their neighborhoods.
Indeed, the reverse seems to be true in that the hike to reach Broadway would be unreasonable and time prohibitive in both directions. GO20-19

13. Climate Resolve is not included in the DEIR as the managing/contracting entity.
Despite press releases and conferences, Climate Resolve, the latest entity to have become embroiled in this sham of a Project, is actually not included in the DEIR as there is no agreement in place, making the claims appear to be more about taking the heat off of McCourt and moving it to yet another unqualified entity. The legality of doing this midstream CEQA is also questionable at best. GO20-20

14. Digging into severely toxic soil
While significant remediation was done in the park to make sure that it was safe for all, deeper levels of soil, both at the park and surrounding areas, have a long, dark history of toxic and deadly soil contamination. No study was presented or addressed that would show that the public would be safe stirring up and unearthing severely toxic soil. GO20-21

15. Project Alternatives

Both the no-project alternative and the Dodger Express were left out of all public communication of available alternatives offered during all aspects of the process. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community and **DOES NOT REMOVE ANY EXISTING HABITAT.**

GO20-22

Conclusion

It is our observation and assumption that this Project is yet another lousy idea being rammed down the throats of our communities to satisfy a check box for the Olympics. The Olympics has traditionally created unwarranted hardships on communities, and this Project is no exception.

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law. Simply reframing the argument to make it look awesome doesn't change the fact that the premise is based on a lie with a complete and appalling disregard for CEQA and the law in general.

We ask that this Project be summarily "wished back into the cornfields." As of this letter **3,501 signatures have been collected from the surrounding neighborhoods** vehemently opposing this Gondola.

GO20-23

It is not wanted. It is not needed. It will exacerbate the climate crisis within LA City by pouring thousands of pounds of concrete into a community already registering at a 2% or lower tree canopy.

GO20-24

This Project is riddled with violations of process, violation of the law, willful disregard of the public's right to know, and a willful disregard for communities of color.

This Project should be immediately terminated, and Mr. McCourt be told, "thanks, but no thanks."

GO20-25

Sincerely,



Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago

From: Kathleen Johnson <kathleen@larsppartners.org>
Sent: 1/14/2023 10:53:30 PM
To: LAART@metro.net
Subject: LA River State Park Partners Comment Letter, LA ART DEIR

*Attn: *Cory Zelmer, Deputy Executive Officer, Los Angeles County Metropolitan Transportation Authority

Dear Mr. Zelmer,
Please see our attached comment letter to the DEIR for the Los Angeles Aerial Rapid Transit (LA ART) project.
Sincerely,
Kathleen

--
Kathleen Johnson
Executive Director
Los Angeles River State Park Partners
1799 Baker Street
Los Angeles CA 90012
323-717-9785
https://www.larsppartners.org/

LOS ANGELES RIVER
State Park
Partners

January 14, 2023

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza Mail Shop 99-22-6
Los Angeles, CA 90012
and via email: LAART@metro.net

cc: Armando Quintero, Director, California State Parks
California State Parks Commission

Re: Los Angeles Aerial Rapid Transit Project DEIR

Dear Mr. Zelmer,

I write to express our deep concerns with the proposed Los Angeles Aerial Rapid Transit Project (LA ART). I represent the Los Angeles River State Park Partners (LARSPP), the nonprofit support organization (and State Parks Cooperating Association) for the three state parks along the Los Angeles River - Los Angeles State Historic Park, Río de Los Angeles State Park, and the Bowtie Parcel. These three urban state parks serve historically underserved, park-poor communities and represent an intentional investment by the taxpayers of the State of California to re-dress historic inequities and preserve key historic elements of Los Angeles. GO21-1

As Executive Director of LARSPP, I have extensive on-the-ground experience with the day-to-day operations of these three parks, as well as knowledge of their creation, development, and ongoing needs. Our focus is on the considerable impacts of this project to Los Angeles State Historic Park (LASHP), a publicly funded green space that residents fought for decades to establish. The proposed gondola tramway route would cross one end of the 32-acre park with cables carrying gondola cars just 26 feet overhead, and a station building with a 98-foot-tall tower. The project would require the taking of park land for the footprint of the station, replacing 81 mature trees with hardscape, and would permanently alter the carefully designed vistas of the park, key features identified in the park's 2005 General Plan. GO21-2 GO21-3

Despite these major impacts, the DEIR states that "*The proposed Project would not result in any significant and unavoidable operational impacts,"* and concludes that "*no mitigation measures required"* (ES 10 p. 29 and ES 12 p. 31). We strongly disagree with this conclusion. GO21-4

This unsubstantiated finding is further complicated by the fact that the DEIR does identify as a "Significant Impact" the conflict with the LASHP General Plan. The DEIR describes as a "mitigation measure" the need to: "Obtain a Los Angeles State Historic Park General Plan Amendment (page 58, DEIR Executive Summary, Land Use and Planning element, LUP-2). The project asserts that "Pursuant to Public Resources Code 5002.2, the proposed Project shall obtain an amendment to the Los Angeles State Historic Park General Plan to allow transit uses within the Los Angeles State Historic Park General Plan." The current general plan for this park does not allow for transit uses within the state park because it is a ***park,*** a vital public green space in a historically underserved community. Putting a transit use within the park was never envisioned during the park development process and it will significantly impact the park user experience. Yet the DEIR simply claims that as long as the general plan document is amended to allow for transit, that mitigates the impact. *In no way does an amendment in a document mitigate the on-the-ground impacts of an aerial highway through a park, or the project's usurpation of public property.* GO21-5

This notion that the impacts to the park will disappear with a General Plan amendment is absurd on its face. Amending the General Plan of a State Park to make way for a private transit station represents a terrible precedent. Beyond these fundamental objections, we identify the following specific areas where the DEIR analysis has either been insufficient or where impacts are incorrectly dismissed as not significant.

1. Use of Park Land

The DEIR describes the Chinatown/State Park station location in section 2.5.1.3. It notes that the southern portion of the station would be on a City of Los Angeles ROW, while the northern portion of the station *would be integrated into the southern boundary of the Los Angeles State Historic Park.* This statement is highly misleading. Integration into a boundary implies something welcome and beneficial. This, rather, is a very tall, obtrusive building encroaching on state park land. Our **public** park has only 32 acres and cannot afford to lose acreage to a **private** project that benefits a private owner and individuals choosing to attend private events at a private stadium. The DEIR states that the station would take 2,195 square feet of state park property and an additional 9,320 square feet over the park from the station canopy. This would transform the park's entrance from one that feels pastoral and peaceful to a shaded, dense, built space. It shrinks the size of the park and takes parkland away from a community who fought hard to create it. GO21-6

On pages 2-61, the DEIR also outlines various approvals the applicant would need to obtain from the CA Department of Parks and Recreation (DPR). It notes the need for a lease or an easement to allow for the construction and operation of the project.

We wish to point out that the application could not obtain an easement because easements are governed by PRC 5003.5 and require the department to specify conditions to allow *minimum* alteration to the physical features of the park and *minimum* interference with the use of the park by the public (emphasis added). Taking parkland permanently for a large station is a substantial alteration of the physical features of the park. This station would interfere with the uses of the park currently enjoyed by the public who paid for its creation. Furthermore, PRC 5012 restricts easements to public agencies for public purposes. The gondola is a *private* project. GO21-7

We further note that this project could not proceed using a lease from DPR. The PRC 5003.17 specifies that the department may lease any parcel only if the director finds that the use would be compatible with the use of the real property as a unit or part of a unit, and with the sound management and conservation of resources within the unit. A new private gondola station is not compatible with the uses of the park, and is certainly not in furtherance of sound management and conservation of the resources of LASHP. GO21-8

2. Tree Removal

The DEIR states the project for the Chinatown/State Park Station would require the removal of 30 trees, and the aerial rights across the park would remove an additional 51 trees. The DEIR states that in place of the lost trees would be hardscape and replacement trees elsewhere in the park. Mitigating the loss of mature trees, particularly protected native trees, with new trees is insufficient; mature trees have established complex and interconnected ecologies not easily replicated, and they sequester much more carbon than do young trees.

The DEIR also does not indicate where the replacement trees would be sited, and does not provide sufficient information to demonstrate that the alternative locations of new trees would maintain the current park experience and ecosystems. The park was thoughtfully designed by landscape architects with specific outcomes in mind to accommodate a variety of human and wildlife activities. The park is a careful balance of open space and tree canopy that allows for flexible uses, including special events such as music festivals. The landscape plan was developed based on an extensive public planning and visioning process, and further refined to accommodate large-scale special events. GO21-9

It is not possible to simply plant 81 trees on the remaining property without potentially altering the use patterns of the park. In addition, the ratio of tree replacement should not be a 1:1 ratio, but rather, a mitigation ratio such as 5:1. In GO21-10

the case of native cottonwoods, for example, mature trees are not available for purchase, so it could be a matter of planting 5 immature trees for every mature tree removed (at 6-7 years old, the park trees would be considered mature). Replacement at this rate in other areas of the park may not be feasible as it would reduce the amount of overall open space and diminish the capacity for flexible use. Thus the public ends up losing open space in the rest of the park with this proposed mitigation scheme.

cont'd GO21-10

Trees also require proper space and maintenance, especially in the early years. This project is setting back a decade of tree growth, and shifting the burden of maintaining new trees on to the DPR staff. There is no guarantee that the same level of carbon sequestration could be replicated (we believe it would not), thus negating the 'zero emission' claim currently used by LA ART. The destruction of 81 mature trees is not "insignificant" as the DEIR claims.

GO21-11

3. Impact on Historic Resources: the Zanja Madre and Roundhouse

The Zanja Madre, or "mother ditch," is the original water conveyance pipeline that brought water from the LA River to El Pueblo de Los Angeles. During excavations in the late 1990's, Metro unearthed a portion of the original brick pipeline on the site that is now the park. This was one of the key factors of historic significance that led the State Park Commission to classify this new park as a State Historic Park. This exposed section of the Zanja Madre near the Metro track is currently a major historical attraction of the park, the views of which would be significantly impacted by the overhead gondola route.

GO21-12

There has also been a long standing interest in looking for other elements of the original Zanja Madre in El Pueblo Historic Monument. This archeology has not yet been conducted. It is possible that the construction of the proposed Alameda Station could unearth and damage this resource, yet the EIR is silent on the potential of this finding.

GO21-13

As an organization committed to preserving the history of Los Angeles as embedded in the elements of LASHP, we would also like to note that the Alameda Station would significantly alter the historic and cultural setting of El Pueblo Historic Monument, particularly Olvera Street. It is important to remember that as recently as 2015, the American Planning Association named Olivera Street as one of the 15 Great Places in America. El Pueblo is listed on the National Register of Historic Places. These designations look at both the buildings and setting. The DEIR dismisses the impacts of its large Alameda station on this historic resource without confirming that the project would not jeopardize these national designations. El Pueblo is also an essential stop along two national historic trails: the Juan Bautista de Anza National Historic Trail and the Old Spanish National Historic Trail.

GO21-14

Another key historic element of LA State Historic Park is its history as the Southern terminus of the Transcontinental Railroad and home of Southern Pacific Railroad's

GO21-15

River Station, built in 1875. Often referred to as "LA's Ellis Island, the Station was where many 19th- and early 20th-newcomers first arrived to the city. The original roundhouse footings have been carefully excavated and this sensitive area is protected by department staff whenever staged events are considered (this point will be further discussed in section 6).

cont'd GO21-15

4. Impact on Viewsheds

The park's 2005 General Plan identifies and emphasizes the view of downtown LA from this park, "*… the Park site is a large open space that is in stark contrast to the dramatic skyline of downtown Los Angeles. Sometimes referred to as the "front porch" of the City, there are no other sites that capture this welcoming view of downtown Los Angeles (p. 38).* The park design was created to optimize the opportunities for visitors to experience this view - a major park element accessible from most vantage points.

GO21-16

The station and gondola lines with their constant movement will degrade that viewshed, blocking the view from some vantage points. The DEIR images are inadequate to fully capture the impact of the station on the view of downtown from numerous places in the park. Putting a large-scale station at the end of the park will affect the park experience from multiple vantage points, especially from the bridge. What is currently a spectacular vista will now be marred by a new large building that encroaches on state park land, with constant movement emanating out of that building. This is a fundamental change in the park experience and is inconsistent with the original vision outlined in the General Plan.

We are also concerned that views of Elysian Park and the Historic Broadway Viaduct will also be severely impacted from certain vantage points within the park.

GO21-17

5. Impact on Park Users

One of the key elements that came out of the numerous public meetings during the park's design was the desire for quiet and tranquility. This gondola's continuous movement a mere 26 feet overhead will fundamentally alter the sense of peace and quiet in the park, a rare place of respite in a very dense, park-poor area of Downtown LA. The DEIR illustrations are highly misleading and show gondola cars, cables, and towers from a far distance, not from the vantage point of being directly overhead park users. The renderings are purposely not to scale and fail to demonstrate how the project would impact an individual sitting on a knoll right under the gondola line.

GO21-18

The DEIR dismisses the <u>importance of open space</u> to provide a respite from urban life when it states "Los Angeles State Historic Park is in a highly urbanized area north of downtown Los Angeles. Recreationalists that may reside in the area are assumed to be accustomed to the urban edge of the park, of which the proposed Project would become a part."(p. 74). In other words, LA ART claims it is acceptable

GO21-19

to eliminate a portion of a public park simply because urban residents who live in an urban area are used to urban edges.

cont'd GO21-19

The entire point of the considerable investment of state taxpayer dollars to acquire and develop LASHP was to create an anecdote to urban life, bringing a major open green space, with all the associated health and wellness benefits, to those who had no such amenity. The DEIR is highly misleading to suggest that taking scarce park land and 81 mature trees, replacing them with hardscape, bathrooms and a new concessions building, and running an aerial highway across the park with gondola cars passing every 30 seconds is somehow making the project a "part of the park." It is, in fact, destroying the park's southern end, not enhancing it or providing contributing elements.

GO21-20

State Parks, LARSPP, and one of our key community partners, Clockshop, stage an annual Kite Festival at LASHP. Kite flying is an identified use in the park's General Plan, and the park's design ensured kites would have adequate space. The Kite Festival has grown year over year and now attracts thousands of visitors. The south lawn is an important part of this event and the gondola would preclude that use, thus moving more people into a smaller space. This represents an additional project impact that the DEIR dismisses as insignificant.

GO21-21

The DEIR asserts that the project is consistent with a goal of the Cornfield Arroyo Seco Specific Plan (CASP) to increase access to open space. It claims that the gondola would provide greater access to the park. However, the existing Metro L (Gold) Line already provides convenient public transit access to the park. We would argue that eliminating open space through the taking of park land is not consistent with increasing access to open space, especially when this "increase" is merely duplicative of an already existing transit service.

GO21-22

6. Impact on Park Operations & Revenue

The proposed project alignment cuts across areas that are frequently used as concert venues, a carefully planned designated use in the park's planning process. These evening concerts are an essential part of the financial viability of the park and provide necessary revenues that directly fund ongoing park maintenance and preservation, habitat creation, and a rich array of free community programs - from arts and culture events, school programs, and our new Farmers' Market, to food distributions for seniors and wellness classes of all kinds. Since concert events restrict the public's use of the park, State Parks limits the number of large events so as to maximize revenues while minimizing park access restrictions.

GO21-23

During the design phase of LASHP, the staff of State Parks met with concert promoters, cultural resource experts, and natural resource specialists. This process resulted in the identification of two preferred concert areas that minimize noise, protect the cultural resources such as the roundhouse, and protect wildlife, especially birds that are now populating the wetland portion of the park's north end.

The main stage is on the main lawn in the middle of the park, and the second stage is *directly underneath the proposed flyway of the gondola*, rendering it unusable in the future.

cont'd GO21-23

Every major concert that books an event at LASHP currently uses *both stages*. Eliminating the southern stage would cause promoters to seek other venues and result in lost revenues. As noted in section 3 of this letter, the roundhouse is a significant archeological site. The second stage therefore cannot be relocated to the roundhouse area, contrary to the claims of the DEIR in Figure 5-3. This graphic suggests that the second stage could be moved directly OVER the roundhouse area. The department has never allowed a large stage with loud music to be placed over the round house. The vibrations from the music could potentially damage the excavated archeological site that lies below ground level here. The second stage cannot be moved closer to the northern part of the park either because that would disturb wildlife that has taken up residence as the park's native habitat matures.

GO21-24

Thus, the gondola path effectively eliminates the second stage, thereby reducing the size of events and hence would reduce revenues. State Parks could not maintain the revenue stream by substituting more frequent, smaller events without having a major impact on park users. Every event requires partial closure so increasing the frequency to make up for the loss of the major events is not compatible with a public park. These indirect impacts of the gondola cables over the southern part of the park are not disclosed in the DEIR and represent a significant impact to the operations and financial viability of the park, as well as the ability of the state to staff and maintain the park.

We are also concerned that the parking lot at the park will fill up during game days with people heading up to Dodger Stadium, thereby restricting access to those who wish to visit the park. The DEIR identifies numerous parking opportunities in the Chinatown area, including the State Park. Given that the park's lot will be the most convenient for gondola riders, we would expect our lot to fill first.

GO21-25

7. Meaningless Offer of 'New' Facilities

The addition of a concession building and a restroom as noted in Section 2.5.1.3 does not improve the park. There already exists a viable concession at the park, Cargo cafe, which would be negatively impacted by this project. The bathrooms outlined in section 2.5.1.3 serve the needs of the private gondola station, not the public State Park. If State Parks had additional funds for bathrooms, this is not the likely location they would site them.

GO21-26

The bridge over Broadway, identified as Design Option E (p. 21 Exec Summary), is a red herring. This bridge has already been identified as a key missing element, has been designed by State Parks, and has been targeted as a long range goal to be funded by State Parks.

GO21-27

LA ART makes no promises of funding this bridge so including it in the DEIR merely confuses and misleads the public into thinking these two projects are somehow linked. They are not. Eventually the Broadway bridge will be funded and built, if not now then from a future bond measure.

State parks typically take decades to be fully realized and we recognize that LASHP still has missing elements. However, the inclusion of Design Option E in the DEIR suggests a quid pro quo: destroy the southern part of the park in exchange for a bridge up to Broadway that would be funded by taxpayers. It is a cynical attempt to confuse the public into thinking the gondola project would be the reason a bridge would be built, when in fact, this bridge will become a reality anyway in the future with public funds.

GO21-28

In Conclusion

We find this project highly objectionable from an environmental justice perspective. LA State Historic Park was born from an outpouring of community activism from those who had historically been ignored. Community members joined with a coalition of 35 neighborhood, urban environmental, and social justice organizations to form the Chinatown Yard Alliance to fight a proposed warehouse development in favor of a new park. Recognizing the site's significance to the history of Los Angeles, as well as the need for neighborhood green space, the State of California purchased the parcel in 2001. In 2003, the Cornfield Advisory Committee was established to mirror the complexity and diversity of the original Alliance and lead a community-driven planning process that established an overall vision for the new park design.

GO21-29

After this long-fought struggle to transform a railyard brownfield into a lush, green oasis, park users deserve to have their original uses and designs for the park respected, and their public land protected. A project such as this would never be proposed over New York's Central Park, so why should the residents of Northeast LA be treated any differently?

This infrastructure project now threatening LASHP joins a long history of other projects once considered vital and worthy of sacrificing a State Park. In the early 21st century, high voltage power lines through Anza Borrego Desert State Park to bring solar energy to urban areas, and a toll road through San Onofre State Park to reduce congestion, both raised this question: when, if ever, is it acceptable to sacrifice a state park for a new proposed use? In both of the above instances, alternatives were found that saved the parks AND met the goals of the proposed projects.

GO21-30

Today, we note that there is indeed another way to meet the goals of reducing emissions and vehicle miles traveled (VMT) for Dodger Games: the Dodger Stadium Express. Electrifying the buses used for the Dodger Express and expanding their number would both meet the goals of this gondola and provide additional opportunities to reduce VMT and emissions elsewhere in the city on non-game days. We therefore

GO21-31

support the Transportation Systems Management Alternative, also identified as the Environmentally Superior Alternative, described in the Executive Summary on page 19.

Today LA State Historic Park is well used by residents, neighbors, and visitors from throughout the city, and has also become a vital, climate resilient native landscape supporting local wildlife. We thus urge you to reconsider the DEIR's claim of "not significant" park impacts from the gondola project.

cont'd
GO21-31

With sincere regards,

Kathleen Johnson
Executive Director
Los Angeles River State Park Partners

cc: Karen Bass
Eunisses Hernandez
Kevin de Leon

From: Richard Rojas <richard@latinooutdoors.org>
Sent: 1/18/2023 12:12:40 AM
To: LAART@metro.net
Subject: LA ART DEIR Comment Letter from Latino Outdoors

Dear Mr. Zelmer:

Attached please find a comment letter prepared by Latino Outdoors in response to the LA ART Draft Environmental Impact Report (DEIR). Please let me know if you have any questions or concerns regarding our response, or should you encounter any difficulty viewing the document.

Respectfully,

Richard A. Rojas, Sr.
--
Richard A. Rojas, Sr. // Immediate Past-Chairperson
Latino Outdoors - Advisory Board
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Community Initiatives

Via email to LAART@metro.net

Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012

January 17, 2023

RE: Los Angeles Aerial Rapid Transit (LA ART) DEIR Comments
SCH 2020100007

Dear Mr. Zelmer:

This letter is submitted on behalf of Latino Outdoors (LO) -- a national organization of 200+ volunteers currently operating in over 30 regional locations across the United States. Our mission is to inspire, connect, and engage Latino communities in the outdoors and embrace our *cultura y familia* as part of the outdoor narrative, ensuring our history, heritage, and leadership are valued and represented.

As an organization, we value our relationship with our community and serve as a voice in promoting diversity, inclusion, access, equity and social justice in the outdoors. For the last 10 years, we have grown a strong and trusting relationship with California State Parks, and we continue to enjoy a mutual commitment and partnership for expanding access and equity for all Californians to our State's most treasured beaches, parks and historic monuments.

GO22-1

In recent years, Los Angeles State Historic Park (LASHP) and its staff have hosted many LO events including a national NOLS Outdoor Wilderness Training Session and campout, evening campfire programs and several State Parks/Latino Outdoors interpretive hikes, Cradle LA events and community programs. As it is currently proposed, we believe that the LA ART project poses a serious threat to the LASHP, especially if the project's developer and supporters impose their political will to require California State Parks to amend the park's General Plan.

GO22-2

On June 10, 2005, the California State Park and Recreation Commission approved and adopted the General Plan and Environmental Impact Report for LASHP. In the plan's opening statement, park planners and commissioners shared a vision for LASHP. They described it as having a unique "Sense of Place". Their statement begins with the words…

> "Who are Angelenos? What is Los Angeles? As noted historian Dr. Leonard Pitt stated, "No other available 32 acres holds as much opportunity to enlighten us about the history and culture of Los Angeles and this region…" The Park site and its surroundings have a sense of place rooted in a long history of settlement. There are opportunities for discovery and revelation based on the untold stories, some contained in the remnant material culture of the site. The tangible resources today appear to be few, but we can still hear the whispers of the past resonating in the voices of the present, proclaiming the future of the area."

Key elements of the LASHP's General Plan include a Declaration of Purpose and Vision created by the California State Parks General Plan team.

Declaration of Purpose

> "The purpose of Los Angeles State Historic Park is to provide the public with a place to learn and to celebrate the ethnically diverse history and cultural heritage of Los Angeles, with an emphasis on its evolution to an economic and industrial metropolis of the 21st Century with extraordinary influence throughout the world. The Park will contribute to the emerging Los Angeles River Greenway, stretching from the San Gabriel Mountains to the Pacific Ocean. The Park will bring a wide range of visitors together to examine and experience the complete story of Los Angeles. It will be a sanctuary from the dense, urban environment that surrounds it. The Park will connect abstract historical and social patterns to the personal experiences of Angelenos and visitors from the city, the state, the nation, and the world." (LASHP General Plan, page 82, section 4.1)

cont'd
GO22-2

Vision

> "Visitors to Los Angeles State Historic Park will enjoy a rejuvenating respite from the surrounding urban landscape in an expansive open space. The Park will be a desirable destination and important point of interest. Visitors will experience the environment through interpretive media and landscape features that recall the historical events of the region. Educational programs and activities will appeal to the interests of many visitors, from the local to the global community, will be varied in media, scope and diversity, and will emphasize the City of Los Angeles' cultural, historic, and commercial heritage." (LASHP General Plan, page 83, section 4.2)

If not for the collective vision of the Cornfield Advisory Group, the California State Parks planning team and local community supporters, our LO volunteers would not be able to bring local area youth and families to LASHP to enjoy the park's unencumbered open-space, its shaded paths, informal picnic areas, and the amazing views of downtown Los Angeles, with the backdrop of the San Gabriel Mountains.

It is our belief that the LA ART project would permanently alter the core values of the Park's General Plan, including its Declaration of Purpose and Vision. Yet the Draft EIR (DEIR) fails to describe this impact. In particular, on page 58 of the DEIR Executive Summary, Land Use and Planning element, LUP-2, the report asserts that the preferred project (ES2 Proposed Project) Environmental Impacts shall create "Significant Impact" on LASHP and the project is in conflict with the current LASHP General Plan. Yet the DEIR suggests that the only "mitigation measure" needed to reduce the project's impact to the park under the category of Potential Environmental Impacts – LAND USE AND PLANNING would be to (LUP-A) "Obtain a Los Angeles State Historic Park General Plan Amendment. Pursuant to Public Resources Code 5002.2, the proposed Project shall obtain an amendment to the Los Angeles State Historic Park General Plan to allow transit uses within the Los Angeles State Historic Park General Plan." The DEIR goes on to assert that by doing so, the project proponents will reduce the project's significant impact to a "Less Than Significant Impact with Mitigation".

cont'd GO22-2

So rather than identifying potential detailed and specific impacts on the park (archeological/cultural, environmental, historic, viewshed, visual, etc.) and suggesting mitigations, the DEIR merely notes that the process of a granting a general plan amendment would reduce impacts from significant to less than significant 'with mitigation.' This tactic shifts the burden of identifying all potentially significant impacts (visual, noise, visitor access, pedestrian and parking, acceptable transit options, use of public airspace and others) from the project applicant onto the shoulders of California State Parks staff, the California State Parks and Recreation Commission, and to the public. This is unacceptable and incompatible with California Environmental Quality Act (CEQA) project review process and mitigation, and it sets an indefensible precedent for granting a private developer access and use of State resources entrusted to the State by its residents.

GO22-3

As currently proposed, the LA ART project is viewed by our community as just another environmental justice veiled attempt to degrade land that was hard fought and promised to be "The Central Park of LA" for seven generations of Californians and beyond. Recognizing the need for greenspace in LA's urban area, three great environmental warriors dedicated their lives to finding a way to create an open-space oasis in the industrial/commercial wasteland of northeast Los Angeles. The work of the late Robert Garcia (The City Project), Theodore "Ted" Jackson (CA State Parks Deputy Director for Operations) and Ron Shaffer (CA State Parks LA District Superintendent), now all diseased, must not be forgotten – but cherished, protected and preserved.

GO22-4

We urge you to reject the DEIR's faulty premise that California State Parks should be expected to mitigate the many obvious significant project impacts by hastily adopting a revised General Plan Amendment that ignores and papers over clear conflicts between the project and park's current General Plan. On behalf of our LO community and current and future park users, we urge you to instruct the project proponent to properly identify, analyze, and mitigate all park impacts as required by law, and not usurp their legal responsibility to provide a clear, thoroughly complete and defendable project DEIR.

GO22-5

A failure to do so, only reinforces our belief (as well as the majority of local community members) that a privately financed and constructed aerial tram tourist attraction should never be built inside and over Los Angeles State Historic Park.

GO22-6

Respectfully,

Richard A. Rojas, Immediate Past-Chairperson
Latino Outdoors – Advisory Board



Taken during Dedication of Corn Field Property (from left to right) are Sean Woods and the late Theodore "Ted" Jackson, Robert Garcia and Ron Schaffer.

RECEIVED
JAN 17 2023

Cory Zelmer
Deputy Executive
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, Mail Stop 99-22-6
Los Angeles, CA. 90012

Re: Metro Aerial Rapid Transit Project

Dear Mr. Zelmer:

As the President of the Old Spanish Trail Association (OSTA), I am voicing our concerns about the proposed Gondola project also known as the Metro Aerial Rapid Transit Project. OSTA is an organization dedicated to preserving the Old Spanish Trail (OST), and its historic legacy for present and future generations. The Old Spanish Trail, spanning more than 2,700 miles, crosses over the 6 states of California, Nevada, New Mexico, Arizona, Colorado and Utah. Los Angeles was the end destination for most of the trappers that left New Mexico in search for economic opportunity starting in 1829. The Old Spanish Trail was designated a National Historic Trail in 2002 after unanimously passing both the Senate and the House and was signed into law by President George W. Bush. GO23-1

The area now known as El Pueblo de Los Angeles National Monument has been the historic heart, soul and birthplace of Los Angeles since the early traders arrived over the Trail and eventually brought their families to settle in California. A certified site of the Old Spanish National Historic Trail (OSNHT), this area is crucial to telling the story of early Los Angeles. It has many important historic buildings such as the Avila Adobe, the oldest building in Los Angeles, built in 1818. The Plaza Church, La Iglesia Nuestra Senora La Reina de Los Angeles Roman Catholic Church, built in 1822, was the center of life in the Plaza. El Pueblo de los Angeles National Monument is an important historical gem, critical to Los Angeles history.

And now a group wants to use Disneyland-style gondolas which are wrong for this area. The gondola project threatens to destroy the historic importance of this district. The gondolas will arrive at its last stop at the proposed "Alameda Street" terminal which would be located adjacent to Olvera Street and Union Station. I have included the artist's illustration, which shows how the Gondola project's proposed "Alameda Station" would be detrimental to the integrity and view from the courtyard of the historic Avila Adobe, which in and of itself is a "high potential historic site" of the OSNHT. That proposed Station would be immediately east of the Avila Adobe and its courtyard. The proposed station's enormous bulk and height would overwhelm the view and experience in the Adobe's courtyard, compromising visitors' ability to feel back in the Trail's era and diminishing the historic value of the site. The DEIR fails to adequately convey how this project would affect the experience of the visitor to El Pueblo. For example, it doesn't show the perspective of the project from the vantage point of someone standing in the courtyard of the Avila Adobe. GO23-2

In addition, the large, modernistic terminal would be totally different from the Spanish style architecture of the area and could be very disruptive to world-famous and charming Olvera Street that is visited by over 2 million people every year. Why would Los Angeles want to risk this important business and tourist area for a visually intrusive, potentially dangerous gondola system in earthquake prone Los Angeles? The severe freeway overpass earthquake damage in Sylmar in the 1960's illustrates what earthquake damage can occur in Los Angeles. GO23-3

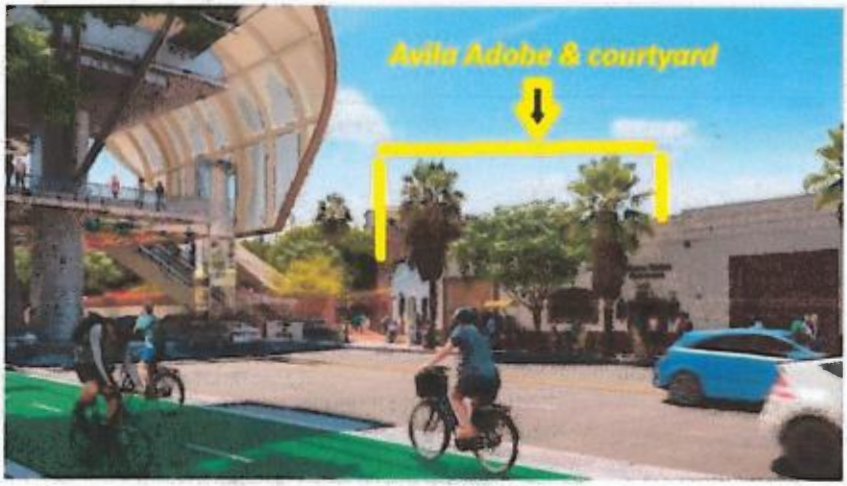


Figure 2-9: Proposed Pedestrian Plaza at El Pueblo



Figure 2-10: Proposed Alameda Station Location

There are also potentially many undiscovered archeological and historical sites, including the Zanja Madre, that could be ruined by the excavation for the gondola stations along the route from Dodger Stadium but particularly in the El Pueblo area. Once these artifacts are destroyed, they cannot be brought back and would be an historical loss for Los Angeles. GO23-4

As I said in the opening of this letter, the Old Spanish Trail Association is dedicated to preserving the OST wherever there are threats to its historic and cultural legacy and we are very concerned that the gondola project could cause irreversible harm to the OST in downtown Los Angeles, El Pueblo de Los Angeles National Monument, Olvera Street and the surrounding area. GO23-5

Sincerely, Conchita Marusich

Conchita Marusich
President, Old Spanish Trail Association

cc: Karen Bass, Mayor of Los Angeles
cc: Kevin de Leon, Councilman District 14
cc: Arturo Chavez, General Manager, El Pueblo de Los Angeles Historical Monument
cc: El Pueblo Park Association, 125 Paseo de la Plaza, station 400, Los Angeles, CA. 90012
cc: Homeboy Industries
cc: The California Endowment, 1000 Alameda St. Los Angeles, CA 90012
cc: L.A. Parks Alliance, 1855 Industrial Street #106, Los Angeles, CA 90021
cc: John Wirfs, President, Board of Commissioners, El Pueblo de Los Angeles Historical Monument

From: Jon Christensen <jon.a.christensen@gmail.com>
Sent: 1/17/2023 7:16:16 PM
To: LAART@metro.net
Subject: LA Aerial Rapid Transit project DEIR comment letter attached

Dear Mr. Zelmer,

Please find my comment letter on the LA Aerial Rapid Transit project DEIR attached here. I would appreciate a confirmation that you have received this.

Thank you.

Yours truly,

Jon

Jon Christensen, Adjunct Assistant Professor
UCLA Institute of the Environment and Sustainability
Luskin Center for Innovation
Laboratory for Environmental Narrative Strategies
mobile: 650-759-6534 | email: jon.a.christensen@gmail.com
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January 6, 2023

From: Jon Christensen

To: Cory Zelmer, Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
Via email at LAART@metro.net

Re: Los Angeles Aerial Rapid Transit project DEIR

Dear Mr. Zelmer:

I'm writing to express my grave concern about the inadequacy of the Draft Environmental Impact Report for the Los Angeles Aerial Rapid Transit project. I teach and do research at UCLA on environmental equity and access, green gentrification, and equitable community development strategies to prevent displacement and enable communities to thrive in place with new investments in green infrastructure and parks. GO24-1

My concerns about the DEIR arise from the lack of adequate analysis in four crucial areas:

1) The piecemealing of the whole project:

There is documented evidence that Frank McCourt has plans to develop an entertainment/hotel/retail complex on the parking lots at Dodger Stadium if he can build another form of transportation to bring fans to games. The DEIR only considers the new form of transportation — an aerial gondola. It does not consider the foreseeable end result: the ensuing development on the parking lots. Thus, it does not analyze the whole project. This is a fundamental violation of CEQA. While the McCourt group and its representatives have denied that they have such plans, the plans are documented in a court settlement that they have attempted to keep shielded from public view. I am attaching an investigative research report that I wrote with a student researcher that documents McCourt's plans for developing the parking lots at Dodger Stadium. This report should be considered part of my comments. GO24-2

2) The inadequate analysis of the aerial gondola's impact on traffic, pollution, and greenhouse gas emissions, and alternative transportation solutions:

The McCourt group and its representatives have made numerous and varying claims about the project's impact on traffic, pollution, and greenhouse gas emissions. The DEIR's analysis of these claims is woefully inadequate. The ridership assumptions found in Appendix N are deeply flawed. The modeling and conclusions on travel data were gathered from cell phone for only two zip codes. One zip code is very near Dodger Stadium. The other is located approximately 90 minutes via public transit from the stadium. This sample cannot be considered representative of the population that would or would not use the GO24-3

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proposed gondola and the sample size is too small to be statistically significant. Thus, the DEIR analysis is incomplete and inaccurate. cont. GO24-3

A simulation done by the UCLA Mobility Lab, attached here, uses actual data of current behavior of people using various forms of transit in the Los Angeles region, and uses "discrete choice" theory (which won a Nobel Prize) to simulate the choices and behaviors of those people when the proposed gondola project is added to the network of available transportation choices to get to Dodger Stadium for baseball games. This simulation is far more statistically representative because it is based on actual transportation choice data and provides a far more realistic assessment of projected ridership. The report on this simulation should be considered part of my comments. It shows that traffic and therefore greenhouse gas emissions would not change significantly with the aerial gondola in service. The EIR should include a much more robust analysis of traffic and greenhouse gas emissions, including effects from the foreseeable development described above. GO24-4

In the DEIR, LA ART ridership is assumed to ride the gondola both to and from games and events. But there is no proof, nor is there any discussion within the DEIR, that this assumption is correct. As the UCLA study shows, and consistent with Los Angeles County Transportation Commission's 1990 analysis of an aerial tram system, many people would be required to wait from 1 to 2 hours following games and events to return via the proposed gondola. Rather than waiting, many would instead either return via the Dodger Stadium Express or via Lyft or Uber, options that didn't even exist in 1990 when LACTC studied the idea. The assumption that all gondola riders would use it in both directions is entirely speculative and unsupported, and therefore throws off not only the DEIR's ridership conclusions, but also its conclusions regarding energy usage and greenhouse gas emissions. The DEIR therefore fails as an informational document for being inaccurate and incomplete. GO24-5

Finally, I am attaching an analysis that I conducted of the energy efficiency of the proposed aerial gondola compared to alternatives, the Dodger Stadium Express and individual electric vehicles, that shows that the aerial gondola is far less energy efficient per passenger trip than these alternatives. The DEIR fails to adequately consider feasible alternatives and conduct such a comparison and is therefore incomplete. GO24-6

3) The inadequate and inaccurate analysis of the project's impact on Los Angeles State Historic Park:

The DEIR claims that the proposed gondola will not have a significant impact on the park. This is preposterous. Anyone who looks at the plans for the proposed station at the entrance to the park and the path of the gondola over the park can plainly see that it will fundamentally change the character of the historic park and the experiences of park visitors. The station will loom over and dominate the southwestern portion of the park and dramatically change the views of the park from the southwest as well as the views inside the park looking west, both protected by the park's 2005 general plan and EIR. While the DEIR documents some of these views, it does not adequately consider the impact on other views of the park from other locations, such as from Chinatown, Radio Hill Gardens, Elysian Park and other places with iconic views of the park. GO24-7

The gondola cars will pass over a substantial portion of the park as they travel through the northwest quadrant of the park, passing just 26 feet over the ground as they traverse a popular knoll in the park, in other words just 20 feet over the head of someone who is GO24-8

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6-feet tall. The DEIR does not adequately analyze these impacts and is therefore incomplete and inaccurate. It also does not adequately analyze the impacts of the taking of land and air space from this public park, which would be required for the gondola to be built. cont. GO24-8

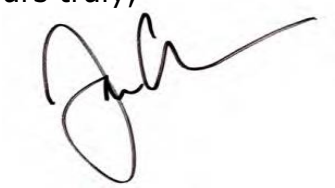
Furthermore, the DEIR shifts the burden of analyzing these impacts to the California State Park and Recreation Commission, which must complete a general plan amendment should it decide to allow the proposed gondola to take land and air space from the park. This is a fundamental violation of CEQA. The California State Park and Recreation Commission should not have to perform their own environmental analysis of the impact of the proposed gondola. It should be included in this DEIR. GO24-9

4) The failure to analyze the impact of the project on gentrification and displacement in the surrounding neighborhoods:

It is well-known that gentrification and displacement can result from green infrastructure projects, including transportation projects. The UCLA Urban Displacement Project has documented these effects around other Metro projects in Los Angeles. This is a well-recognized environmental justice issue at the local, state, and national level. It is inappropriate and unconscionable for a DEIR to fail to analyze these foreseeable impacts in 2022, especially in the disadvantaged communities where the aerial gondola stations are proposed to be located. This DEIR is incomplete and inaccurate in this regard as well. GO24-10

Given these fundamental flaws, this DEIR should not proceed to the final EIR stage but should instead be sent back to the drawing board so that the public has an accurate and complete understanding of the impacts of the project. Absent that, the public has been deprived of the right to understand and comment on the whole project. Metro would also be justified in scrapping this ill-advised project entirely.

Yours truly,



Jon Christensen
Adjunct Assistant Professor
Institute of the Environment and Sustainability
Luskin Center for Innovation

Attachments:

1. Hecht, Leo, and Jon Christensen, "Frank McCourt's Past and Future Schemes for Chavez Ravine," August 9, 2022.
2. UCLA Mobility Lab, "Study Finds Proposed Aerial Gondola to Dodger Stadium Will Do Little to Reduce Traffic and Emissions," October 24, 2022.
3. Christensen, Jon, "LA ART Gondola Energy Use Analysis," October 24, 2022.

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Frank McCourt's Past and Future Schemes for Chavez Ravine



Frank McCourt shows then-L.A. Mayor Antonio Villaraigosa a model of proposed developments in the parking lots surrounding Dodger Stadium at a press conference in 2008. Newly uncovered court documents reveal that McCourt still has permission from the current owners of the Dodgers and plans to develop a massive retail, entertainment, and hotel complex at Chavez Ravine. And a gondola he has proposed from Union Station to the stadium would pave the way for the development Brian Vander Brug, *Los Angeles Times*, April 25, 2008, via Getty Images.

GO24-11

By Leo Hecht and Jon Christensen, August 9, 2022[1]

LOS ANGELES — Former Dodgers owner Frank McCourt is proposing to build a gondola from Union Station to Dodger Stadium, where he still owns a 50% share in 260 acres of land surrounding the stadium. That land, known as Chavez Ravine, represents a

[1] Leo Hecht is an independent, investigative researcher and environmental policy analysis and planning student at UC Davis. Jon Christensen is an adjunct assistant professor in the Institute of the Environment and Sustainability at UCLA.

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huge financial opportunity for the owners of the property if development ever occurs there.[2] Currently, it is used for surface parking, and the McCourt Global company proposing the gondola — Los Angeles Aerial Rapid Transit — makes no mention of future development plans. But McCourt has long had plans for an ambitious retail and entertainment complex around the stadium. Those plans are evident in McCourt's "Next 50" plan, which was unveiled when he owned the Dodgers, and in court documents that he tried to hide from public scrutiny during the bankruptcy proceedings that forced him to sell the team. McCourt failed to secure funding for "Next 50," but the agreements revealed in the bankruptcy proceeding are still in force and tell a very different story about the relationship between the proposed gondola, McCourt's plans to develop the parking lots around Dodger Stadium, and the future of Chavez Ravine.

This report examines McCourt's history with the Dodgers, the stadium, and his documented intentions to develop the parking lots in light of his current proposal to build a gondola from Union Station to Dodger Stadium. McCourt Global's denial of any current intention to develop the parking lots are belied by McCourt's previous plans, his 50% ownership of the land, and the fact that the gondola makes little or no sense without a major development at Dodger Stadium, which a gondola could facilitate through provisions in the court document that McCourt tried to keep secret. There are only 81 home games in the regular baseball season. And even adding a maximum of 12 post-season games, a couple of exhibition games, a maximum of four special events a month permitted under the Conditional Use Permit issued by the City of Los Angeles for the stadium, and the Los Angeles Marathon, at most the gondola is likely to be used at

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GO24-11

[2] Vincent, Roger & Bensinger, Ken. "Developing Chavez Ravine is likely in play for new Dodgers owner" *Los Angeles Times,* 16 Apr. 2012

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or near capacity on only 144 days per year.[3] Unless, that is, the Dodger Stadium parking lots are developed as an entertainment, retail, and hospitality district like L.A. Live as Frank McCourt has long envisioned.

In 2004, McCourt bought the Los Angeles Dodgers from Newscorp for $430 million. The purchase was financed primarily with loans, with over a third of the purchase price lent directly from Newscorp.[4] At the time of McCourt's purchase, no specific plans for development of the parking lots surrounding the stadium were made public. However, on April 25, 2008, McCourt unveiled a sprawling development plan for the stadium itself and the surrounding lots. Marketed as the "Next 50" plan, the proposed development was slated to include a Dodger museum, a Dodger retail store, office space, and two new parking structures. In addition, the project was advertised as a green initiative, including the addition of 2,000 trees in the area around the stadium.[5] The development was expected to cost $500 million, more than McCourt's purchase price for the team.

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GO24-11

The "Next 50" plan would have turned the stadium into a retail and entertainment venue to attract customers outside of game times, expanding the use of Dodger Stadium beyond baseball.[6] The William Morris Agency, a Los Angeles talent agency, partnered with the Dodgers to obtain branding deals with companies in an attempt to fund the project by naming parts of the new development after corporate

[3] The McCourt Global subsidiary proposing the gondola, Los Angeles Aerial Rapid Transit (LA ART), claims that it will transport up to 5,000 passengers per hour in each direction and remove 3,000 car trips from neighborhood streets before and after Dodger ga https://www.laart.la/benefits/, accessed on 17 July 2022.
[4] Wharton, David. "Dodgers' New Owner Steps Up to the Plate" *Los Angeles Times,* 30 Jan 2004
[5] Smith, Dakota. "New Dodgers Stadium Reveal: We Got Trees!" *Curbed LA,* 24 Apr. 2008
[6] Hernandez, Dylan & Shaikin, Bill. "Stadium makeover is unveiled" *Los Angeles Times,* 25 Apr. 2008

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sponsors.[7] Photographs of McCourt presenting a scale model of development plans at a press conference beside then Mayor of Los Angeles Antonio Villaraigosa show the proposed changes, including large, terraced plazas lined with trees and new buildings outside of the stadium. McCourt's planned development was designed to make use of the parking lots surrounding the stadium to increase the economic productivity of the land and turn Chavez Ravine into a year-round destination.

As part of his plans for the "Next 50" development, McCourt discussed a desire to connect Dodger Stadium to public transit, saying he "hoped local leaders would 'tweak and adjust subway lines' to add a Dodger Stadium stop and provide 'bus access in the interim.'" Then city council member Ed Reyes further endorsed connecting the development to new public transit lines, saying that the "renovation 'hopefully can stimulate a whole new transit system that gets us in and out of this great place.'"[8] In developing plans for his additions to Dodger Stadium and the surrounding land, McCourt clearly identified expanded public transit options as increasing potential visitors as well as revenue in new retail and entertainment destinations.

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GO24-11

Under McCourt's ownership the Dodgers fell deep into debt, ultimately filing for bankruptcy on June 27, 2011. In addition to bankruptcy court conflicts with Major League Baseball, McCourt was ordered to pay $150 million in a divorce settlement, and defended a suit by a San Francisco Giants fan who was badly beaten in the Dodger Stadium parking lot.[9] The "Next 50" development never materialized, as McCourt failed to secure funding.

[7] Vincent, Roger. "Naming rights could turn Dodger diamond into gold" *Los Angeles Times,* 14 Oct. 2008
[8] Hernandez, Dylan & Shaikin, Bill. "Stadium makeover is unveiled"
[9] Shaikin, Bill. "Frank McCourt appears close to agreeing he'll sell Dodgers" *Los Angeles Times,* 31 Oct. 2011

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McCourt was very resistant to selling the Dodgers, and only agreed to a sale in November 2011 after a series of long court battles. After several rounds of negotiations, a group led by Magic Johnson and financed by Guggenheim Partners won the bid to purchase the Dodgers for $2 billion. As part of the deal, Guggenheim Partners entered into a venture with a McCourt entity to jointly own the stadium parking lots.[10]

The terms of the parking lot sale and any potential future development of the land around the stadium was filed under court seal as part of the supplement to the Dodger's chapter 11 bankruptcy plan on April 6, 2012. Of nine sections totaling 139 pages, the exhibit titled the "Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine," consisting of 93 pages of terms and agreements relating to the current usage and future development of Chavez Ravine, is the only piece of the document not available in public court records.[11] After objecting to the Dodger's attempt to block public viewing of the land use plans, the Los Angeles Times was able to obtain the document in 2012.[12] The exhibit was subsequently recorded by the Los Angeles County Recorder's Office, which is where it was obtained for this report.

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GO24-11

The exhibit shows that Guggenheim Partners pays $14 million a year to the McCourt entity Blue Landco LLC to rent the stadium parking lots. The document also details possible future developments that "may include, but are not limited to (i) office buildings, (ii) hotel and exhibition facilities, (iii) residential buildings, (iv) medical buildings, (v) academic buildings, (vi) parking structures, and/or (vii) retail, dining, and

[10] Shaikin, Bill. "Few new details in Dodgers' sale court documents" *Los Angeles Times,* 6 Apr. 2012
[11] "Plan Supplement" for Case No. 11-12010 (KG) in the Delaware Bankruptcy Court, filed 6 Apr. 2012
[12] Shaikin, Bill. "L.A. Times objects to Dodgers' bid to seal conditions of land use" *Los Angeles Times,* 11 Apr. 2012

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entertainment facilities."[13] The document includes a provision stating that Guggenheim Partners agrees "to cooperate with Landco, and to take all steps reasonably requested by Landco, in connection with the general plan of improvement and development of the Landco Parcels," and "not to oppose, or to interfere in any fashion (including, without limitation, by speaking out at public hearings) with any efforts by Landco to complete development of the Landco Parcels."[14] This provision effectively grants Landco the sole discretion to develop the stadium parking lot lands.

Although McCourt and Guggenheim Partners claimed at the time of the sale that they did not have plans for development in the immediate future, McCourt's attorney said that the document outlining potential plans was created to keep possibilities for development open. The document includes an agreement with Guggenheim Partners for a 99-year lease of the land with the Landco LLC half-owned by McCourt. The agreement states that the parking lots contain 19,000 parking spaces, and that any reduction of the number of parking spaces below 16,500 must be approved by Major League Baseball and the City of Los Angeles.[15]

cont'd
GO24-11

An additional section of the exhibit, however, provides a workaround for this provision that is especially significant in light of McCourt's proposed gondola. It states that "in connection to any Mass Transportation…Landco shall have the right to provide less than the 16,500 Required Parking Spaces."[16] This would allow for developments in

[13] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 4.1, Los Angeles County Recorder's Office, Document #20120642991
[14] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 14.3, Los Angeles County Recorder's Office, Document #20120642991
[15] Shaikin, Bill. "Dodgers' owners to pay $14 million a year to rent parking lots from McCourt entity" *Los Angeles Times*, 4 May 2012
[16] "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 5.1.2, Los Angeles County Recorder's Office, Document #20120642991

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the parking lots that could significantly reduce the number of parking spaces if the developments were completed after or concurrent with the addition of a mass transit connection to Dodger Stadium. Under this agreement, construction of a gondola to the stadium from Union Station could enable McCourt's vision for additional development in Chavez Ravine to be realized.

McCourt Global's website trumpeted its ownership interest in the 260-acre Chavez Ravine land as a "current real estate project" through at least October 2021, though that statement appears to have been removed from the website once the company began facing significant opposition to its proposed gondola project.[17] McCourt's proposal for a gondola from Union Station to land he co-owns at Dodger Stadium could be a necessary first step to allow development there.

cont'd
GO24-11

On April 26, 2018, Aerial Rapid Transit Technologies LLC submitted an unsolicited proposal to Los Angeles County Metropolitan Transportation Authority ("Metro") for an aerial gondola from Union Station to Dodger Stadium that it calls Los Angeles Aerial Rapid Transit or "LA ART." LA ART was founded by Drew McCourt, Frank McCourt's son. The company claims that the estimated $125 million project will be privately funded by Frank McCourt's investment firm and others.

According to LA ART, each gondola cabin will hold 30 to 40 people and the system will be able to move up to 5,000 people per hour to or from the stadium. LA ART claims the gondola will take 3,000 cars off of neighborhood streets and reduce traffic on the 110 freeway before and after Dodger games. Current plans show gondola cars suspended from cables 150 to 175 feet above the ground from Union Station to Dodger

[17] "Our Company" *McCourt Global*
http://web.archive.org/web/20210724150915/https://www.mccourt.com/mccourt-global-overview
Accessed via The Wayback Machine

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Stadium with an intermediate station at Los Angeles State Historic Park adjacent to Chinatown.[18]

The Los Angeles Times noted that even though the project director Martha Welborne claimed no future development is planned in 2018, "lenders might be more receptive to finance a gondola that goes to Dodger Stadium 365 days a year — rather than just on 81 home-game dates."[19] At that time McCourt Global still listed the parking lots as a "current real estate project."[20]

Despite LA ART's insistence that the gondola is not a precursor to future development, the gondola project would generate significantly more revenue for McCourt if it could deliver consumers to a commercial development with restaurants, retail, entertainment, and hospitality venues on the approximately 220 days of the year when the stadium does not host home games, exhibition games, post-season games, or special events. And McCourt's share of profit from the real estate development would vastly exceed any profit from a gondola.

The "Declaration of Covenants, Conditions, Restrictions, and Easements for Chavez Ravine" that McCourt secured and tried to hide from the public in the Dodgers' bankruptcy case shows the proposed gondola is not the end game at Dodger Stadium, but a means to yet another end.

cont'd
GO24-11

[18] "FAQs" *LA ART* http://www.laart.la/faqs/
[19] Nelson, Laura J. & Shaikin, Bill. "A gondola from Union Station to Dodger Stadium? It could happen by 2022, Mayor Garcetti says" *Los Angeles Times,* 26 Apr. 2018

[20] See footnote 17.

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References:

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"Benefits" *LA ART*, https://www.laart.la/benefits/

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GO24-11

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UCLA Mobility Lab

Study Finds Proposed Aerial Gondola to Dodger Stadium Will Do Little to Reduce Traffic and Emissions

October 24, 2022
University of California Los Angeles

GO24-12

Executive Summary

Los Angeles Aerial Rapid Transit (LA ART), a subsidiary of former Dodgers owner Frank McCourt's company McCourt Global, wants to build an aerial gondola to take people from Union Station to Dodger Stadium. Promoters of the gondola claim that it will take 3,000 polluting cars off neighborhood streets and the 110 freeway before and after Dodger games, leading to a net reduction in greenhouse gas emissions.

Transportation researchers from the University of California, Los Angeles (UCLA) examined these claims using a state-of-the-art transportation simulation model and found that the gondola could reduce traffic on major roads around Dodger Stadium on the night of a sold-out game, but the impact would likely be very limited. They found that the gondola likely would take only around 608 cars off the road. The gondola is thus unlikely to significantly reduce greenhouse gas emissions and traffic overall.

Methodology

GO24-13

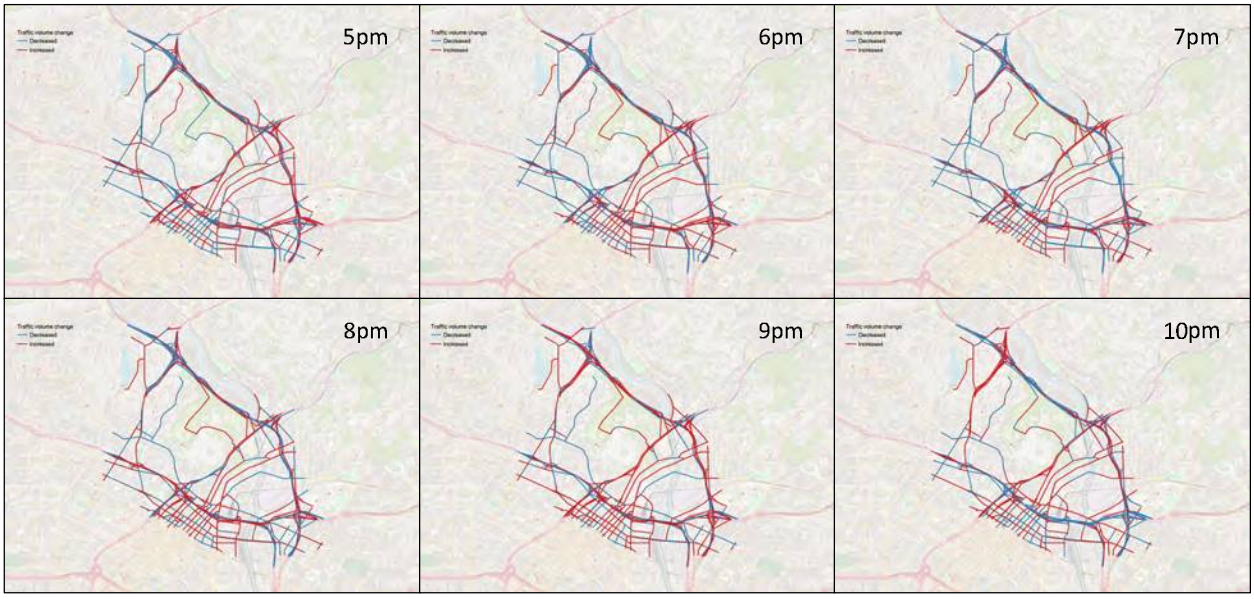
The UCLA researchers — led by Dr. Brian Yueshuai He and Dr. Jiaqi Ma in the UCLA Mobility Lab at the UCLA Samueli School of Engineering — used the "LA Sim" model they created based on activity-based travel demand and agent-based simulation

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models. The model is grounded in the theory of "discrete choice," for which Daniel F. McFadden won a Nobel Prize in economics in 2000. Based on real data about road network, traffic, public transportation, and other modes of moving around the city, including walking and bicycling, LA Sim simulates the individual choices that millions of travelers will make when something changes, such as adding another form of transportation, like a gondola to the Los Angeles transportation network.

cont'd
GO24-13

The researchers caution that this simulation only models the probable use of the gondola for a sold-out night game and further research could reveal different scenarios for a day game or double-header, for example. But the research does model the most likely scenario for fans to choose the gondola — when traffic around the stadium is likely to be most heavy. Around 85% of baseball games played at Dodger Stadium are night games, starting at 7:10pm.



GO24-14

Figure 1: Traffic simulation results by the hour

Findings

- **Contrary to claims from LA ART, researchers found that the gondola would not significantly reduce traffic around Dodger Stadium.** Results showed the gondola would likely slightly reduce traffic on some roads around the stadium for a sold-out night game and increase traffic on others, leading to little

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reduction in greenhouse gas emissions. The red lines in Figure 1 above indicate road segments that have a higher traffic volume after the proposed gondola is added to the traffic simulation. The blue lines indicate a decrease in traffic volume. According to the simulation, the total traffic volume would likely be reduced by around 0.9% (less than 1%) on the roads surrounding the stadium if the proposed gondola is built.

cont'd GO24-14

- **It's unlikely the gondola would contribute to a significant net decrease in greenhouse gas emissions.** Approximately 608 cars would be taken off the road, not nearly close to the 3,000 LA ART claims. Most of the people who choose the gondola in the simulation — 4,470 —board the gondola at Union Station, with another 220 passengers boarding at a station proposed to be located at Los Angeles State Historic Park near Chinatown. With only 4,690 people taking the gondola in total and of those 2,500 estimated to be regular users of the Dodger Stadium Express clean energy buses there would only be 2,190 new people taking public transportation to the game using the gondola. The average car parking at the stadium carries 3.6 people, which means that the approximate number of cars taken off the road would be around 608. The simulation only models the number of passengers connecting to the gondola via public transportation, on foot or by bike. It does not model people who would drive to Union Station or Chinatown to take the gondola. However, people who drive to those stations to take the gondola would not contribute to a net reduction in traffic or greenhouse gas emissions.

GO24-15

- **The gondola would carry fewer passengers than LA ART has claimed.** LA ART originally claimed that the gondola could carry up to 5,000 passengers per hour on game days. Researchers found that the gondola is likely to carry fewer than a total of 5,000 passengers to Dodger Stadium — 4,690 according to the simulation — even when the service is provided free with a game ticket for a sold-out night game like the playoffs. In a recent parking study, LA ART revised their claim, estimating that 6,000 would ride the gondola to games by 2026, with

GO24-16

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4,350 arriving to the gondola via public transportation. The project's Draft Environmental Impact Report contains the same estimate, which corroborates the UCLA estimate of ridership if the gondola were in operation today.

cont'd GO24-16

- **Fewer people would take the gondola after the game – resulting in more traffic and emissions.** In the simulation, some fans — around 2,500 — seem to switch from the free Dodger Stadium Express buses to the gondola on the way from Union Station to a sold-out game, reducing the use of that service by close to half of the passengers it has carried to playoff games in the past. But about half of those passengers — more than 1,000 — seem to switch back to the Dodger Stadium Express on the way home, perhaps to avoid having to wait for a gondola car. Only 1,380 fans take the gondola on the way home in the simulation. This suggests that fans are unlikely to wait in line for the gondola after the game, instead taking the Dodger Stadium Express or perhaps opting for a ride-share, which would increase traffic and greenhouse gas emissions after the game.

GO24-17

- **Few people would use the gondola as a form of transportation other than to get to or from games.** The simulated use of the gondola during the daytime before the game suggests that very few people would use it as a form of transportation outside of getting to and from games: in the simulation, only 60 people — around one gondola carload — traveled to Dodger Stadium during the day, and only 140 passengers traveled from the stadium to Chinatown or Union Station during the day.

GO24-18

- **The model produced very similar results at different costs for a gondola trip.** LA ART previously announced that a gondola trip would cost $15. Later, they announced that game ticket holders could ride the gondola for free. They have also said that local rides could be purchased for a standard Metro fare. The researchers modeled two scenarios: 1) $10 for residents and free for game ticket holders, and 2) free to the public, and found very little difference in the results, indicating that residents are more likely sensitive to travel time rather

GO24-19

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than cost. One key factor is that the service area of the gondola is limited and may not attract residents to choose it for daily travel.

cont'd GO24-19

About the Researchers

Dr. He is an Assistant Research Scientist at the UCLA Mobility Lab. He has extensive experience in big data analytics, transportation system analysis, and transportation policy evaluations. In the scope of cyber-physical systems, his research enables interactions between the physical infrastructure and virtual cyber systems by adopting data-driven techniques to support long-term urban system planning, management, and decision-making.

Dr. Ma is an Associate Professor in the UCLA Samueli School of Engineering and Associate Director of UCLA Institute of Transportation Studies. He has led and managed many research projects funded by U.S. DOT, NSF, state DOTs, and other federal/state/local programs covering areas of smart transportation systems, such as vehicle-highway automation, Intelligent Transportation Systems (ITS), connected vehicles, shared mobility, and large-scale smart system modeling and simulation, and artificial intelligence and advanced computing applications in transportation. He is an Associate Editor of the IEEE Transactions on Intelligent Vehicles and IEEE Open Journal of Intelligent Transportation Systems and Journal of Intelligent Transportation Systems. He is Member of the Transportation Research Board (TRB) Standing Committee on Vehicle-Highway Automation, Member of TRB Standing Committee on Artificial Intelligence and Advanced Computing Applications, Member of American Society of Civil Engineers (ASCE) Connected & Autonomous Vehicles Impacts Committee, Co-Chair of the IEEE ITS Society Technical Committee on Smart Mobility and Transportation 5.0.

GO24-20

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UNIVERSITY OF CALIFORNIA, LOS ANGELES

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SANTA BARBARA • SANTA CRUZ

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Jon Christensen

24 October 2022

LA ART Gondola Energy Use Analysis

The UCLA Mobility Lab's traffic study estimates that 4,690 passengers would ride the gondola to a sold-out night game at Dodger Stadium and 1,380 would ride the gondola on their way home. These figures are very close to the figures in the DEIR and LA ART parking study. That's 6,084 passenger miles since the gondola is 1.2 miles long.

The DEIR states that the gondola running at full capacity uses 2.5 mega-watts per hour. If we conservatively estimate that the gondola has to run at full power for one hour before the game to get passengers to the stadium and one hour to get them back, that's 5 mega-watt hours (MWh). Divided by 6,084 passenger miles that is 0.822 kilowatt hours (kWh) per passenger mile, and 1.184 kWh per passenger trip. If the gondola has to run longer than two hours to move the same number of projected passengers, those energy use figures will go up and the gondola's energy efficiency per passenger mile will go down proportionally. LA ART estimates the gondola will run daily from 6am to 12am. GO24-21

Each Dodger Stadium Express bus can carry 55 passengers. The average electric bus uses 2.1 kWh per mile. That is 0.038 kWh per passenger mile and 0.061 per passenger trip on the 1.6-mile trip. The Dodger Stadium Express is approximately 19 times more efficient than the gondola.

The average EV uses 0.346 kWh per mile, and the average vehicle carries 3.6 people to Dodger Stadium, that is 0.096 kWH per passenger mile, and 0.154 per passenger trip, assuming a 1.6-mile trip, like the bus. An EV is approximately 8 times more efficient than the gondola.

Jon Christensen
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From: Los Angeles Beautiful <losangelesbeautiful@gmail.com>
Sent: 1/17/2023 9:02:20 PM
To: laart@metro.net
Subject: Metro re: LA ART DEIR SCH 2020100007

Please add the attached Coalition for a Beautiful Los Angeles comment letter to the record for the Metro LA Art Draft Environmental Impact Report and add us to the notification list for this project.

Thank you,

Coalition for a Beautiful Los Angeles
losangelesbeautiful@gmail.com

CBLA

Coalition for a Beautiful Los Angeles
200 S. Barrington Ave., Box 49583
Los Angeles, CA 90049
losangelesbeautiful@gmail.com

Est. 1986

Comment Letter - GO25

January 17, 2023

Mr. Cory Zelmer
Deputy Executive Officer, Metro
One Gateway Plaza, Mail Stop 99-22-6
Los Angeles, CA 90012
VIA EMAIL: LAART@metro.net

RE: Los Angeles Aerial Rapid Transit Project
SCH 2020100007

Dear Mr. Zelmer:

This letter is submitted on behalf of The Coalition for a Beautiful Los Angeles (CBLA) in response to the Draft Environmental Impact Report (DEIR) released by Metro for the Los Angeles Aerial Rapid Transit Project (LA ART), proposed by LA Aerial Rapid Transit Technologies LLC. The Project, which is proposed to connect Los Angeles Union Station to the Dodger Stadium property with an intermediate station at the Los Angeles State Historic Park via an aerial gondola system, is one of great concern to CBLA.

Our CBLA organization (formerly Coalition to Ban Billboard Blight), is a non-profit organization dedicated to protecting and enhancing the City's visual environment through education and political action on behalf of many important issues, including: reducing visual blight from billboards and other forms of commercial signage to promote traffic safety and improve public health; preserving urban forest and open space; establishing federally-recognized Scenic Byways; undergrounding utility lines; treating our scenic resources as treasures to be passed on to future generations; promoting equitable public policies to accomplish those goals.

GO25-1

With the LA Art Project, our main concern is the lack of specificity and vaguely referenced advertising program within the gondola stations, on gondola towers, at the junction, and on the gondolas themselves and the potential significant impacts. We are also concerned about light glare and aesthetic impacts to the LA State Historic Park over which gondolas will travel at varying heights. In addition, we question whether the visual impact analysis in the DEIR appropriately uses the LA City CEQA threshold guide for analysis of park impacts, because it is a very minimal standard and should not apply.

GO25-2

GO25-3

Neither the DEIR document nor its appendices adequately describe the Project's proposed signage program. The vague description contained in the DEIR that the "proposed Project would include signage" that "may include identification and other static signs, electronic digital displays and/or changeable message light-emitting diode (LED) boards that include both transit information and other content, which may include off-site advertising" does not provide adequate information to assess impacts and attempt to identify mitigations (if possible to mitigate the impacts). The DEIR goes further to state that "Signage would be architecturally integrated into the design of the ART system including its stations, the junction, towers, and cabins." (DEIR p. 2-45)

GO25-4

CBLA

The Project Description Section 2.7.3 Signage states: “Such signage may include identification and other static signs, electronic digital displays and/or changeable message light-emitting diode (LED) boards that include both transit information and other content, which may include off-site advertising that generates proceeds to support transit system costs and operations.” Thus, we know that the operators of the Program seek to raise advertising revenues to help support the operation of the Project. This stated reliance upon advertising revenues to help finance the Project tells us only one thing for certain. That is the potential for the addition of more and more advertising faces, structures and/or panels associated with this program should operating revenues fail to provide the revenues anticipated and/or desired.

There is clearly not sufficient information provided for the public or those responsible for evaluating the Program to assess impacts when we are not provided with any specific descriptions of what lies within the realm of possible signage programs. We request a full analysis of every type, size, and manner of sign and whether static or digital, projection, or video, single or two-faced, lighting source and intensity of lighting, changing messaging, rotation rates, proximity to traffic, whether they will project ambient glare into the Historic Park, nearby residences, and other sensitive uses, etc. A chart that identifies types and numbers of signs must be provided. Will there be inward or outward facing signs on the cabins? Will there be analytics and/or data gathering capabilities on any of the signs which will trigger the need to address privacy issues? Please explain and provide a complete detailed analysis.

cont'd GO25-4

The provision of wayfinding signage should not present significant negative impacts if done in a consistent, tasteful manner and with signage respectful of its setting. Examples should be provided. Such signage, particularly if seen by passing drivers, should not incorporate changing messaging.

Transit information signage is provided in many cities on singular solar-powered poles with small LED text displays. Metro and LA ART do not need and should not seek to construct massive structures or advertising structures under the guise of providing transit riders with wayfaring information. The reference to “other content” is extremely troubling and opens the door to untold commercial signage.

GO25-5

Section 2.7.4 of the Project Description introduces many sources of lighting that are not sufficiently defined or described. The very presence of the LA ART project creates the need for lighting in numerous locations, including but not limited to its stations, junction, and towers. Additional lighting is to be placed underneath stations and along pedestrian access routes. The lighting is an issue not only pertaining to aesthetics, but it carries impacts to biological resources, wildlife, night sky pollution and may negatively impact those individuals who live in the area. There are many studies that document the impacts of lighting on wildlife, including this study done in conjunction with USC for the National Park Service, which is relevant to this Project because of its impacts on parkland: Longcore, T., and Rich, C., 2016. Artificial night lighting and protected lands: ecological effects and management approaches (revised August 2017). Natural Resource Report NPS/NRSS/NSNS/NRR — 2017/1493. National Park Service, Fort Collins, Colorado.

GO25-6

Coalition for a Beautiful Los Angeles
200 S. Barrington Ave., Box 49583, Los Angeles, CA 90049
losangelesbeautiful@gmail.com

CBLA

Those who live, work, or travel in the vicinity of this Project, those who visit the Historic Park, those who look upon Union Station and El Pueblo de Los Angeles as landmark and architectural icons for our City may be negatively impacted by a barrage of electronic advertising beamed via electronic displays (digital or otherwise) from stations, gondola towers, junctions, and gondola cabins.

cont'd GO25-6

We do not accept the language in the DEIR that states that "signage would be in conformance with all applicable requirements of the Los Angeles Municipal Code (LAMC)" as adequate assurance that the negative impacts of the Project's sign program will be acceptable or adequately mitigated. Given that the LAMC is subject to change and that the adoption of sign regulations in Los Angeles has proven to be highly politicized, such language provides no long-term assurance to those who value the visual landscape and seek to reduce sign blight and halt its proliferation in the City. The introduction of (digital) signage on moving gondolas in the sky presents an entirely new form of sign blight with the only comparable image being one of the singular Goodyear blimp that travels across the LA Basin with a very irregular presence in any one given location or community. The blimp travels at much higher elevations than the proposed gondolas and is seen only incidentally while the gondolas would have a fixed route and presence, leading not only to the impacts experienced as viewed, but contributing to harmful cumulative impacts as well.

GO25-7

It is vital to consider the impacts of the advertising program on the Los Angeles State Historic Park. Should lighted advertisements appear on the outside of the moving gondola cabins there will be significant visual and aesthetic impacts at visually sensitive locations along the gondola alignment. The DEIR acknowledges the impact of the gondolas and their towers on views from the Historic Park toward the downtown skyline, a protected aesthetic resource, which will "be partially interrupted due to the Project" and this does not even take into account the impacts that would occur should outside mounted advertisements be placed on the cabins. With the advent and advancements seen in LED lighting technology, it is possible that each gondola cabin could have changing ad panels with messages that rotate within seconds. There are no descriptions as to the types, hours of operation, message rotation schedules, etc. included in the DEIR. There are no limits as to what might be installed or operated. It is therefore impossible to assess the light and glare impacts of unknown displays. The project description is faulty, analyses is deferred until later as are proposed mitigations. This makes it impossible to conclude in the DEIR that the impacts will be less than significant.

GO25-8

Please add our comments to the record in this case and keep us informed of any upcoming meetings and/or hearings related to this Project.

Sincerely,

Barbara Broide
Co-President

Wendy-Sue Rosen
Co-President

Coalition for a Beautiful Los Angeles
200 S. Barrington Ave., Box 49583, Los Angeles, CA 90049
losangelesbeautiful@gmail.com

From: Gay Yuen <gqyuen@sbcglobal.net>
Sent: 1/18/2023 2:36:58 AM
To: "laart@metro.net" <laart@metro.net>
Subject: Support for LA ART and Comments on DEIR

Dear Mr. Cory Zelmer,
The Chinese American Museum of Los Angeles is in support of LA ART. Our museum is located in the El Pueblo Historical Monument and is adjacent to Los Angeles Chinatown, both are significant locations for LA ART. GO26-1

While CAM's mission is to tell and educate the general public about the history and the contributions of the Chinese in America, it also takes on the advocacy role of protecting and promoting for the betterment of our Chinatown community. From the information shared with the residents of our community, LA ART represents a new innovative mode of transportation that will support our climate goals in communities that have far too long been burdened by poor air quality. We've been pleased to follow the progress of its partnership with zero emissions programs. GO26-2

The Chinese American Museum recognizes the importance that an infrastructure of this scale represents, and it will be important to leverage such a large investment for the benefit of our community members. We applaud the willingness of LA ART to include us in conversations regarding community benefits to the neighborhoods it aims to serve. We look forward to the ongoing conversations this project is willing to have with us and other stakeholders to ensure that this project reflects the entire community and a true landmark for El Pueblo and Chinatown. GO26-3

Since the DEIR does not discuss community benefits, we would like you to elaborate on how any additional conversations with stakeholders will be included as an official document. I or other representatives of the Chinese American Museum would be willing to participate in further discussions and conversations in addressing Community benefits. GO26-4

In addition, the Chinese American Museum is an educational resource for the diverse communities of Los Angeles through our exhibits and educational programming, aiming to ensure that our programs are reflective of our entire community. To that end, we would like to know how will the project's Alameda Station adjacent to El Pueblo de Los Angeles Historical Monument reflect the community that it is located in, including the diversity of Los Angeles? GO26-5

One of the Chinese American Museum's objectives is to curate contemporary art that is reflective of Chinese American artists. How will the project provide opportunities for local contemporary Chinese American artists to showcase their works? GO26-6

We appreciate the open dialogue LA ART has had with CAM from the beginning stages of this project and how the leaders of the project has made concerted efforts to communicate with us at every stage of development. We are looking forward to continuous dialogue that will benefit Chinatown and the El Pueblo communities. GO26-7

Thank you,Dr. Gay Yuen

??? ??Gay Q. Yuen, Ph.D.
Board Chair,Friends of the Chinese American Museum

From: "Zelmer, Cory" <ZelmerC@metro.net>
Sent: 1/18/2023 1:34:56 AM
To: LAART <LAART@metro.net>
Subject: Fwd: Comments on DEIR

Cory

Begin forwarded message:

From: Robin Mark <Robin.Mark@tpl.org>
Date: January 17, 2023 at 5:31:53 PM PST
To: "Zelmer, Cory" <ZelmerC@metro.net>
Subject: Comments on DEIR

?
Mr. Zelmer,
Please see attached regarding the Los Angeles Aerial Rapid Transit Project.

Thank you,

Robin Mark (she/her)
Los Angeles Program Director
Trust for Public Land
135 W. Green St, Suite 200
Pasadena, CA 91105
(O) 323.223.0441 ext. 14
(C) 323.333.6310

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tpl.org

January 14, 2023

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza Mail Shop 99-22-6
Los Angeles, CA 90012

Dear Mr. Zelmer,

I am writing to express my deep concern regarding the proposed alignment of the Los Angeles Aerial Tramway (LA ART). As you may know, this private project, being shepherded by the Los Angeles County Metropolitan Transit Authority (Metro), would connect Union Station to Dodger Stadium via an aerial tram. The DEIR states that "The proposed Project would not result in any significant and unavoidable operational impacts," and concludes that "no mitigation measures required" (ES 10 p. 29 and ES 12 p. 31). Trust for Public Land disagrees with this conclusion. GO27-1

Trust for Public Land works nationally to protect the places people care about and to create close-to-home parks – particularly in and near cities, where 80 percent of Americans live – ensuring livable communities for generations to come. Since 1972, Trust for Public Land has protected more than 4 million acres and completed more than 5,400 park and conservation projects including the LA State Historic Park. GO27-2

The finding in the DEIR is further complicated by the fact that the DEIR does identify as a "Significant Impact" the conflict with the LASHP General Plan. The DEIR describes as a "mitigation measure" the need to: "Obtain a Los Angeles State Historic Park General Plan Amendment (page 58, DEIR Executive Summary, Land Use and Planning element, LUP-2). The project asserts that "Pursuant to Public Resources Code 5002.2, the proposed Project shall obtain an amendment to the Los Angeles State Historic Park General Plan to allow transit uses within the Los Angeles State Historic Park General Plan." The current general plan for this park does not allow for transit uses within the state park because it is a park, a vital public green space in a historically underserved community. Putting a transit use within the park was never envisioned during the park development process and it will significantly impact the park user experience. Yet the DEIR simply claims that as long as the general plan document is amended to allow for transit, that mitigates the impact. In no way does an amendment in a document mitigate the on-the-ground impacts of an aerial highway through a park, or the project's usurpation of public property GO27-3A GO27-3B GO27-3C

Below is a list of additional areas where the DEIR falls short:

1. Tree Removal

The DEIR states the project for the Chinatown/State Park Station would require the removal of 30 trees, and the aerial rights across the park would remove an additional 51 trees. The DEIR states that in place of the lost trees would be hardscape and replacement trees elsewhere in the park. Mitigating the loss of mature trees, particularly protected native trees, with new trees is insufficient; mature trees have established complex and interconnected ecologies not easily replicated, and they sequester much more carbon than do young trees.

The DEIR also does not indicate where the replacement trees would be sited, and does not provide sufficient information to demonstrate that the alternative locations of new trees would maintain the current park experience and ecosystems. The park was thoughtfully designed by landscape architects with specific outcomes in mind to accommodate a variety of human and wildlife activities. The park is a careful balance of open space and tree canopy that allows for flexible uses, including special events such as music festivals. The landscape plan was developed based on an extensive public planning and visioning process, and further refined to accommodate large-scale special events.

GO27-4

2. Impact on Historic Resources: the Zanja Madre and Roundhouse

The Zanja Madre, or "mother ditch," is the original water conveyance pipeline that brought water from the LA River to El Pueblo de Los Angeles. During excavations in the late 1990's, Metro unearthed a portion of the original brick pipeline on the site that is now the park. This was one of the key factors of historic significance that led the State Park Commission to classify this new park as a State Historic Park. This exposed section of the Zanja Madre near the Metro track is currently a major historical attraction of the park, the views of which would be significantly impacted by the overhead gondola route.

GO27-5

3. Impact on Viewsheds

The park's 2005 General Plan identifies and emphasizes the view of downtown LA from this park, "... the Park site is a large open space that is in stark contrast to the dramatic skyline of downtown Los Angeles. Sometimes referred to as the "front porch" of the City, there are no other sites that capture this welcoming view of downtown Los Angeles (p. 38). The park design was created to optimize the opportunities for visitors to experience this view - a major park element accessible from most vantage points.

The station and gondola lines with their constant movement will degrade that viewshed, blocking the view from some vantage points. The DEIR images are inadequate to fully capture the impact of the station on the view of downtown from numerous places in the park. Putting a large-scale station at the end of the park will affect the park experience from multiple vantage points, especially from the bridge. What is currently a spectacular vista will now be marred by a new large building that encroaches on state park land, with constant movement emanating out of that building. This is a fundamental change in the park experience and is inconsistent with the original vision outlined in the General Plan.

GO27-6

4. Impact on Park Users

One of the key elements that came out of the numerous public meetings during the park's design was the desire for quiet and tranquility. This gondola's continuous movement a mere

GO27-7

26 feet overhead will fundamentally alter the sense of peace and quiet in the park, a rare place of respite in a very dense, park-poor area of Downtown LA. The DEIR illustrations are highly misleading and show gondola cars, cables, and towers from a far distance, not from the vantage point of being directly overhead park users. The renderings are purposely not to scale and fail to demonstrate how the project would impact an individual sitting on a knoll right under the gondola line.

cont'd GO27-7

The DEIR dismisses the importance of open space to provide a respite from urban life when it states "Los Angeles State Historic Park is in a highly urbanized area north of downtown Los Angeles. Recreationalists that may reside in the area are assumed to be accustomed to the urban edge of the park, of which the proposed Project would become a part."(p. 74). In other words, LA ART claims it is acceptable to eliminate a portion of a public park simply because urban residents who live in an urban area are used to urban edges.

GO27-8

The entire point of the considerable investment of state taxpayer dollars to acquire and develop LASHP was to create an anecdote to urban life, bringing a major open green space, with all the associated health and wellness benefits, to those who had no such amenity. The DEIR is highly misleading to suggest that taking scarce park land and 81 mature trees, replacing them with hardscape, bathrooms and a new concessions building, and running an aerial highway across the park with gondola cars passing every 30 seconds is somehow making the project a "part of the park." It is, in fact, destroying the park's southern end, not enhancing it or providing contributing elements.

GO27-9

Lastly, I would like to call out the unavoidable impact LA Art will have on the Chinatown residents that will live beneath it. There is no scenario where residents are not impacted by the noise, sight, and regular maintenance the LA ART will cause. It is also no coincidence that this community most at risk of impacts from the LA ART is a low-income community of color. Please consider the people who will be negatively impacted everyday by the gondola, not the private entity that stands to benefit from its proceeds.

GO27-10

With sincere regards,



Robin Mark

Los Angeles Program Director

Trust for Public Land

From: "Zelmer, Cory" <ZelmerC@metro.net>
Sent: 1/18/2023 5:23:30 PM
To: LAART <LAART@metro.net>
Subject: FW: LAART Gondola project CSPRA comments to DEIR

Cory

From: David Carle <dave@cspra.com>
Sent: Wednesday, January 18, 2023 9:15 AM
To: Zelmer, Cory <ZelmerC@metro.net>
Subject: Fwd: LAART Gondola project CSPRA comments to DEIR

Dear Mr. Zelmer,
I sent this message from the California State Park Rangers Association (CSPRA) on December 20, 2022, but do not see it included in the list of comments at https://laartsb44.net/#!/documents<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Flaartsb44.net%2F%23!%2Fdocuments&data=05
Was it not received or logged? Thanks for your attention.

[https://ci3.googleusercontent.com/mail-sig/AIorK4yCtlOrk4mkEBMi86B6mxvcFzsqPBnD7sIxj0Rg_TpmZay_lFXK2RnaS3BxcqT36_YYWE58WBA]

David Carle
CSPRA President
dave@cspra.com<mailto:dave@cspra.com>

---------- Forwarded message ---------
From: David Carle <dave@cspra.com<mailto:dave@cspra.com>>
Date: Tue, Dec 20, 2022 at 10:23 AM
Subject: LAART Gondola project CSPRA comments to DEIR
To: <zelmerc@metro.net<mailto:zelmerc@metro.net>>
Cc: Armando Quintero <Armando.Quintero@parks.ca.gov<mailto:Armando.Quintero@parks.ca.gov>>, State Parks and Recreation Commission@Parks <SPR.Commission@parks.ca.gov<mailto:SPR.Commission@parks.ca.gov>>

Dear Mr. Zelmer,
The comment letter attached with this email is regarding the Los Angeles Aerial Rapid Transit (LAART) Project DEIR, and is provided by the California State Park Rangers Association (CSPRA), an organization of active and retired State Park professionals dedicated to advancement of the highest principles of public service, established to support and preserve California State Parks for present and future generations. Our focus is on the impacts of this project to Los Angeles State Historic Park, (LASHP) as the proposed gondola tramway route would cross one end of the 32-acre park, including cables carrying gondola cars just 26 feet overhead, and a station building with a 98-foot-tall tower. To permit a "transportation corridor" across the park would require an amended LASHP General Plan. That amendment process should never begin. This project has no relationship to LASHP's historic purposes, is not consistent with the mission of a state historic park, and would be an abuse of public land designated to be preserved for its historic and open space values. The DEIR claims, without documentation, that the gondola could remove 3,000 cars from the streets and provide clean energy transportation benefits. Those claims do not hold up to expert analysis in transportation and energy research reports from the University of California, Los Angeles (UCLA).* Instead, little traffic reduction will result, according to the UCLA transportation analysis, while electric busses would be 19 times more energy efficient than a gondola.

LASHP was created more than two decades ago, in a successful effort by a coalition of far-sighted community members and organizations that pushed for the creation of a unique State Historic Park in the urban core of Los Angeles. The land was set aside to save it from development, to address a critical lack of open space in Los Angeles, and to preserve an area that played important historic roles in the development of the city. After years of public meetings and planning, the California State Parks

California State Park Rangers Association
Promoting Professionalism in California State Parks since 1964
PO Box 39, Lee Vining, CA 93541
www.cspra.com

December 21, 2022

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Rob Pickett
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Sue Neary

Cory Zelmer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza Mail Shop 99-22-6
Los Angeles, CA 90012

cc: Armando Quintero, Director, California State Parks
California State Parks Commission

Re: Los Angeles Aerial Rapid Transit Project DEIR

These comments regarding the Los Angeles Aerial Rapid Transit (LAART) Project DEIR, are provided by the California State Park Rangers Association (CSPRA), an organization of active and retired State Park professionals dedicated to advancement of the highest principles of public service, established to support and preserve California State Parks for present and future generations. Our focus is on the impacts of this project to Los Angeles State Historic Park, (LASHP) as the proposed gondola tramway route would cross one end of the 32-acre park, including cables carrying gondola cars just 26 feet overhead, and a station building with a 98-foot-tall tower. To permit a "transportation corridor" across the park would require an amended LASHP General Plan. That amendment process should never begin. This project has no relationship to LASHP's historic purposes, is not consistent with the mission of a state historic park, and would be an abuse of public land designated to be preserved for its historic and open space values. The DEIR claims, without documentation, that the gondola could remove 3,000 cars from the streets and provide clean energy transportation benefits. Those claims do not hold up to expert analysis in transportation and energy research reports from the University of California, Los Angeles (UCLA).* Instead, little traffic reduction will result, according to the UCLA transportation analysis, while electric busses would be 19 times more energy efficient than a gondola.

GO28-1

GO28-2

GO28-3

LASHP was created more than two decades ago, in a successful effort by a coalition of far-sighted community members and organizations that pushed for the creation of a unique State Historic Park in the urban core of Los Angeles. The land was set aside to save it from development, to address a critical lack of open space in Los Angeles, and to preserve an area that played important historic roles in the development of the city. After years of public meetings and planning, the California State Parks Commission assigned this parkland the stringent protections that go along with a State Historic Park classification. There is a societal responsibility to preserve, and not diminish that accomplishment. Every state park, including LASHP, is protected as a unique and special place. It is wrong for developers to target parks as relatively inexpensive routes across what they perceive as "open public land." This park, and all state park units, are held in public trust for the benefit of the people.

GO28-4

Comments follow about specific concerns in the DEIR.

David Carle
CSPRA President dave@cspra.com 760 709-1181

Specific comments by CSPRA to LAART DEIR**:**

Page 58 of the DEIR Executive Summary, Land Use and Planning element, LUP-2, identifies as a "Significant Impact" the conflict with the LASHP General Plan, and describes, as a "mitigation measure" the need to: "*Obtain a Los Angeles State Historic Park General Plan Amendment*. Pursuant to Public Resources Code 5002.2, the proposed Project shall obtain an amendment to the Los Angeles State Historic Park General Plan to allow transit uses within the Los Angeles State Historic Park General Plan." This approach pushes analysis of the impacts to the park and its visitors out of the DEIR and onto the shoulders of the California State Parks Commission. However, the appropriate place for that analysis is within the project DEIR, where concerns listed below should have been addressed. GO28-5

Appendix C, Visual Elements, includes Table 3-1 on pages 16 and 17, "Los Angeles General Plan Goals and Guidelines." However, the visual analysis that follows draws conclusions that are inconsistent with those goals and guidelines. Specifically, the General Plan "Natural Resources" topic calls for establishing "the Park as *an important natural open space* in the Los Angeles Urban area" (emphasis added) and protecting "and enhancing scenic viewsheds and features…by minimizing adverse impacts to aesthetic resources." An example of the philosophical approach to state historic park management is provided where the Plan calls for "providing visitors with positive natural fragrances and sounds, such as the scent of landscape plantings and sounds of birds and water." GO28-6

Appendix C, KOP 16-20, pages 71-74, provide analysis of visual impacts to LASHP, with specific reference to photos 5-18 through 5-22 (comparing existing and simulation views), on pages A18 – A22 of Appendix A. It is challenging to evaluate the text when it references imagery provided later in the document. The focus of the discussion is primarily on distant skyline views and never adequately addresses or effectively illustrates more immediate visual and experiential impacts to park visitors. No consideration is made here of visual awareness or feelings about the invasive presence of cables carrying large gondolas to transport up to 5,000 people per hour in each direction just 26 feet overhead (20 feet for a six-foot-tall person), The photo simulations in Figures F-18, 19, and 20 come closest to depictions of overhead presence. Image 5020a includes groups of park visitors spread out across the area, but adding a simulation to include the cables and cars cannot reveal any reactions from those people to that invasive presence. Still photos cannot portray the attention-grabbing movement of the gondola cars. The DEIR, limited by focusing mostly on distant views, concludes that impacts are insignificant because cables are just part of a busy scene that includes other existing lines, and gondola cabins would be constantly moving in and out of view. That very movement -- one gondola cabin after another in rapid motion -- is instead a convincing argument for a significant impact. GO28-7

We find these sentences on page 74 to be telling examples of a blindness in this analysis to traditional park values and the unique purpose of LASHP to address a critical lack of open space in Los Angeles: "*Los Angeles State Historic Park is in a highly urbanized area north of downtown Los Angeles. Recreationalist that may reside in the area are assumed to be accustomed to the urban edge of the park, of which the proposed Project would become a part.*" (Emphasis added). Transforming part of the park into an "urban edge" is unacceptable and inconsistent with the General Plan. The discussion becomes argumentative when addressing iconic distant views towards the downtown skyline: *"Existing views of downtown from other areas in the park are already interrupted under existing conditions by trees and intervening development."* The existence of current spots where the views are interrupted does not justify adding more. "*A visual benefit of the Project near Los Angeles State Historic Park would also be the Park amenities, potential mobility hub, pedestrian improvements, and* GO28-8 GO28-9

installation of hardscaping and landscaping at the southern entrance to Los Angeles State Historic Park, which currently only includes hardscaping." The text then lists these so-called visually beneficial amenities as 740 square feet of concessions, 770 square feet of restrooms, and a 220 square-foot covered breezeway. It seems exceedingly odd to suggest that this list, plus the associated 98-foot-tall tower (unmentioned here) provides any *visual* benefit to a State Historic Park. Rather, they are new and significant changes. Unmentioned here is how many currently growing park trees would be removed nearby to accomplish this installation.

cont'd GO28-9

GO28-10

Design option E, page 21 of the Executive Summary) addresses the pedestrian bridge from the park over rails toward Chinatown. While that project has been identified as a goal for State Parks, this gondola project, with its many environmental impacts for the park, is not required to accomplish bridge access and inclusion within this flawed proposal is not necessary.

GO28-11

Regarding the alignment alternatives described in the Executive Summary on page 19, the Transportation Systems Management Alternative, also identified as the Environmentally Superior Alternative, or the No Project Alternative, are preferred by CSPRA, as having no direct impacts on LASHP. To repeat a point made earlier in our letter, this project has no relationship to LASHP's historic purposes, is not consistent with the mission of a state historic park, and would be an abuse of public land designated to be preserved for its historic and open space values.

GO28-12

David Carle
CSPRA President
www.cspra.com

GO28-13

*John Christensen. "LA Art Gondola Energy Use Analysis." Institute of the Environment and Sustainability, Luskin Center for Innovation. October 24, 2022
"Dr. Brian Yueshuai He and Dr. Jiaqi Ma. "Study Finds Proposed Aerial Gondola to Dodger Stadium Will Do Little to Reduce Traffic and Emissions." UCLA Mobility Lab at the UCLA Samueli School of Engineering, October 24, 2022.

Commission assigned this parkland the stringent protections that go along with a State Historic Park classification. There is a societal responsibility to preserve, and not diminish that accomplishment. Every state park, including LASHP, is protected as a unique and special place. It is wrong for developers to target parks as relatively inexpensive routes across what they perceive as "open public land." This park, and all state park units, are held in public trust for the benefit of the people.

Formal comments are attached with a cover letter followed by specific concerns within the DEIR.
Thank you for hearing our voice.
Sincerely,
[cid:ii_lbwjyob41]
David Carle
CSPRA President
dave@cspra.com<mailto:dave@cspra.com> 760 709-1181
PO Box 39, Lee Vining, CA 93541
www.cspra.com<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.cspra.com%2F&data=05%7C01%7Czelmerc%40metro.net%7

From: "Zelmer, Cory" <ZelmerC@metro.net>
Sent: 1/13/2023 12:33:26 AM
To: LAART <LAART@metro.net>
Subject: FW: Comments on DEIR for Los Angeles Aerial Rapid Transit Project (LA ART)

Cory

From: Sue Bell Yank <sue@clockshop.org>
Sent: Thursday, January 12, 2023 12:52 PM
To: Zelmer, Cory <ZelmerC@metro.net>
Cc: Board Clerk <BoardClerk@metro.net>; adrian.vazquez@mail.house.gov; assemblymember.santiago@assembly.ca.gov; Mark.gonzalez@asm.ca.gov; assemblymember.carillo@assembly.ca.gov; marisela.villar@assembly.ca.gov; mayor.helpdesk@lacity.org; michelle.Vergara@lacity.org; serapia.kim@lacity.org; council.member.hernandez@lacity.org; Eunisses Hernandez <eunisses@eunissesforthepeople.org>
Subject: Comments on DEIR for Los Angeles Aerial Rapid Transit Project (LA ART)

Dear Mr. Zelmer,

Please find attached and below comments from Clockshop on the LA ART aerial tramway DEIR.

Thank you for your attention.

Best,
Sue

--
[clockshop logo]
Sue Bell Yank
Executive Director
she | her | hers

P: 213-915-4311
@clockshopla<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.instagram.com%2Fclocksho

clockshop.org<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.clockshop.org%2F&data=05

_____

January 12, 2023

Via Email: ZelmerC@metro.net<mailto:ZelmerC@metro.net>

Corey Zelmer

Deputy Executive Officer

Los Angeles County Metropolitan Transportation Authority

One Gateway Plaza , Mail Stop 99-22-6

Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project (LA ART)

SCH 2020100007 Draft EIR - Comments

Dear Mr. Zelmer:

Below are comments for the Los Angeles Aerial Rapid Transit Project DEIR from Clockshop.

Clockshop is a 501c3 nonprofit that has worked in partnership with California State Parks for nearly a decade to provide free community arts and cultural events in public green spaces. Some of our key programs include an annual Kite Festival in LA State Historic Park, a Reading and Listening by Moonrise concert series, youth arts workshops, and temporary public art installations by some of LA's most rigorous BIPOC visual artists. Over 10,000 community members yearly take advantage of our free cultural offerings. We often work in partnership with environmental justice advocates, because we see our work in the arts as a key pathway for community members to form emotional connections to public land and advocate to preserve it. As part of that work, we speak out against private developments and government infrastructure projects that negatively affect the communities around the public park spaces that we work within, and advocate for those that provide better access and sustainability for those communities. Clockshop became aware of this project in 2018, and has researched and engaged with partners in assessing the impact of this project on the park and the surrounding communities.

"The Project" we reference is the private aerial tramway that LA ART intends to build on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the LA State Historic Park and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a "privately" funded project created to move people to a single private for-profit enterprise and is being billed as a public transportation project. We believe that this is a gross misrepresentation of what this project actually is, which is a private development that will steal public land, negatively impact communities of color, and pre-mitigate shady profit-driven future developments that have not been transparently presented to the public.

Clockshop is strongly opposed to this project, as it would deeply impact our operations as a non-profit, and would incredibly negatively impact LA State Historic Park, which is the key site for most of our arts and cultural activities. Here are some further details:

1. The aerial tramway will eliminate a beloved annual Kite Festival.

Nearly 5,000 people, 70% of whom were people of color from Chinatown, Lincoln Heights, and Solano Canyon (neighborhoods surrounding LA State Historic Park) attended our last Kite Festival in 2022. The tramway will make this annual, free, and beloved community event impossible to produce, as its pathway travels directly over the park.

1. The tramway will interrupt community arts and cultural programming at the LA State Historic Park.

Free public programming at the park, including readings, conversations, and experimental music, will be negatively impacted by the interrupted viewsheds and noise of the aerial tramway.

1. The aerial tramway is an injustice to the communities that fought for LA State Historic Park.

This park was fought for by the community for decades, and now a private developer billionaire will take part of the park away from them. This is a huge injustice, to take their viewsheds and their park for no reasonable purpose.

4. Over 75 mature-growth trees ranging between 15' and 50' are slated to be removed.

The State's 30 / 30 plan (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro. 30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone, and the aerial tramway will destroy important habitat.

5. The aerial tramway WILL have a negative environmental impact.

Contrary to LA ART's claims, the pouring of thousands of pounds of concrete and the

construction of this station will have a very negative environmental impact on the land and surrounding communities.

6. The aerial tramway is not needed, and is not a public infrastructure project.

This is a private project, benefitting a private entity. A stop at the Chinatown station is duplicative and is not needed. The Dodger express represents non-invasive buses (soon to be fully electric) already routed and funded. The existing Dodger Express has been consistently cited as the preferred method of transport by community stakeholders.

The infrastructure already exists, and the Dodger Express team has committed to electrifying all the buses as a response to climate change. This alternative is preferred by Clockshop, and our community and stakeholders at large as it does not pour thousands of pounds of concrete into an already stressed community, does not remove precious park space, and does not remove important natural habitat.

Conclusion

Clockshop strongly opposes this project, which would layer unnecessary negative environmental impact, remove free public park space and viewsheds, and interrupt or remove free community cultural programs that serve primarily surrounding communities of color. It is not fair, and it is not right to do this to the generations of community members that fought for this public green space with blood, sweat, tears. There is no public benefit to this project that does not already exist in another already funded, already public, free form (i.e. the Dodger Express).

The manner in which electeds and Metro have conducted this process is utterly shameful and displays a flagrant disregard for the residents and communities being impacted, not to mention the law.

Clockshop's staff, board, and diverse community of parkgoers agree that this project should be immediately terminated.

Sincerely,

[https://lh3.googleusercontent.com/6kFlDjhN_whuLGWryz8mLTuTaxgJVoV88UFB3Pl1xgKRupElpi4yb2gyDsYOrYjC5x

Sue Bell Yank

Executive Director, Clockshop

Cc: Supervisor Hilda Solis, Mayor Karen Bass, Congressmember Jimmy Gomez, Assemblymember Miguel Santiago, Assemblymember Wendy Carillo, Councilmember Eunisses Hernandez

Clockshop
2806 Clearwater Street
Los Angeles, CA 90039

clockshop.org
info@clockshop.org
213.915.4311

January 12, 2023

Via Email: ZelmerC@metro.net
Corey Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza , Mail Stop 99-22-6
Los Angeles, CA 90012
RE: Los Angeles Aerial Rapid Transit Project (LA ART)
SCH 2020100007 Draft EIR - Comments

Dear Mr. Zelmer:

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"The Project" we reference is the private aerial tramway that LA ART intends to build on behalf of Frank McCourt to go 1.2 miles from Union Station to near the gold line stop and then over the **LA State Historic Park** and residential communities to Dodger Stadium. The Project has been billed as a sustainable project that will take 3,000 cars off the road. It purports to be a "privately" funded project created to move people to a single private for-profit enterprise and is being billed as a public transportation project. We believe that this is a gross misrepresentation of what this project actually is, which is a private development that will steal public land, negatively impact communities of color, and pre-mitigate shady profit-driven future developments that have not been transparently presented to the public. GO29-2

Clockshop
2806 Clearwater Street
Los Angeles, CA 90039

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Clockshop is strongly opposed to this project, as it would deeply impact our operations as a non-profit, and would incredibly negatively impact LA State Historic Park, which is the key site for most of our arts and cultural activities. Here are some further details:

1. **The aerial tramway will eliminate a beloved annual Kite Festival.**

   Nearly 5,000 people, 70% of whom were people of color from Chinatown, Lincoln Heights, and Solano Canyon (neighborhoods surrounding LA State Historic Park) attended our last Kite Festival in 2022. The tramway will make this annual, free, and beloved community event impossible to produce, as its pathway travels directly over the park.

GO29-3

2. **The tramway will interrupt community arts and cultural programming at the LA State Historic Park.**

   Free public programming at the park, including readings, conversations, and experimental music, will be negatively impacted by the interrupted viewsheds and noise of the aerial tramway.

GO29-4

3. **The aerial tramway is an injustice to the communities that fought for LA State Historic Park.**

   This park was fought for by the community for decades, and now a private developer billionaire will take part of the park away from them. This is a huge injustice, to take their viewsheds and their park for no reasonable purpose.

GO29-5

4. **Over 75 mature-growth trees ranging between 15’ and 50’ are slated to be removed.**

   The State’s 30 / 30 plan (CA climate change report) is being entirely ignored by LA ART, Climate Resolve, the City, and Metro. 30 / 30 calls for the preservation/conservation of ALL HABITAT in red zones. Los Angeles County is officially a red zone, and the aerial tramway will destroy important habitat.

GO29-6

5. **The aerial tramway WILL have a negative environmental impact.**

   Contrary to LA ART’s claims, the pouring of thousands of pounds of concrete and the construction of this station will have a very negative environmental impact on the land and surrounding communities.

GO29-7

6. **The aerial tramway is not needed, and is not a public infrastructure project.**

GO29-8

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cont'd
GO29-8

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Clockshop's staff, board, and diverse community of parkgoers agree that this project should be immediately terminated.

GO29-9

Sincerely,

Sue Bell Yank
Executive Director, Clockshop

Cc: Supervisor Hilda Solis, Mayor Karen Bass, Congressmember Jimmy Gomez, Assemblymember Miguel Santiago, Assemblymember Wendy Carillo, Councilmember Eunisses Hernandez



LOS ANGELES UNION STATION HISTORICAL SOCIETY
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laushs@earthlink.net
626-799-3925

December 31, 2022

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza, Mail Stop 99-22-6
Los Angeles, CA 90012

Ref: Amended and Revised Comments Opposing LAART's "Gondola" Draft EIR

Dear Mr. Zelmer,

The Board of Directors (The Board) of the Los Angeles Union Station Historical Society (LAUSHS), a non-profit, Section 106 designated historic preservation consultant for Los Angeles Union Station (Union Station), a world recognized National Historic Landmark owned by Los Angeles County Metropolitan Transit Authority (Metro), has voted to formally ***comment against*** **Los Angeles Aerial Rapid Transit's (LA ART)** private, for-profit cable car line **(aka "Frank McCourt's Gondola")** and its public land and air rights development scheme that proposes to link Union Station and Metro's related "Esplanade-Forecourt" project with Dodger Stadium that The Board believes is contrary to Metro's public participation policy and **illegal (pending a Superior Court decision**) **"accommodation" for LA ART.** The Board believes that LA ART's proposed **"futuristic-Carnaval" Union Station Terminal** on Alameda Street and Metro's supporting "Esplanade-Forecourt" project **will blight the viewscape** of the historic and architecturally significant west facade of Union Station, and that Union Station, its trains and patrons could be **physically harmed** if aircraft from the nearby Los Angeles Police Department's "Hooper Memorial Heliport" airport become entangled in LAART's overhead cables, gondolas and 13-story towers. Furthermore, **The Board opposes Metro's planned removal of all "Disabled Parking"** spaces from the "Esplanade-Forecourt" area, without public hearings and reasonable alternatives, to accommodate a new so-called "water feature" (aka a fogging-type water fountain) which will cool LAART patrons cued-up for their rides to New Chinatown and Dodger Stadium. Moreover, the water feature would be **contrary to the state's water conservation policy.** (Even if the water feature recirculates, at least 10% of its water will be lost to evaporation day after day, year after year.)

GO30-1

Until now, The Board has steadfastly refused to take sides in the above major, billionaire development scheme. However, in The Board's opinion, **Metro and its staff have obviously taken a pro-active role supporting LAART, a potential competitor of Metro's efficient "Dodger Stadium Express"** bus service, as well as planning to **"gild the lily" of Union Station** with its Esplanade-Forecourt Project, all **"backstage,"** using public land, resources and airspace but **without public participation** as required by Metro policy and the law, before METRO agreed to be "engaged" by LAART.

Among the reasons for The Board's opposition are, but not limited to:

A) Metro Board member, the former **Mayor of Los Angele Eric Garcetti, who originally introduced the motion for Metro to assist LAART without public** participation and to enlist Metro staff to **"carry LAART's water"** as it were, did receive, according to public records, **millions of dollars** in both "behest payments" and political cash contributions **from Billionaire real estate and LAART developer Frank McCourt** and/or his family and various entities and associates, which in The Board's opinion, is an apparent conflict of interest. **Consequently, Metro is being sued** by the non-profit California Endowment for willfully preventing public participation in Metro's decision to partner with LAART. (Ironically, Metro is using public resources to defend itself before Superior Court.) GO30-2

B) In The Board's opinion, **Metro Deputy Executive Officer Cory Zelmer and/or subordinates falsified an official environmental document--**LAART's Draft Environmental Impact Report (DEIR)--by checking-off the DEIR box that states there is **no airport within 2 miles [3520 yards]** of LA ART's proposed Union Station Terminal, when he had been informed repeatedly to the contrary by The Board. Moreover, The Board presented proof to Zelmer and his superior, Metro CEO Stephanie Wiggins, that the Los Angeles Police Department's "Hooper Memorial Heliport" (variously described as the country's or the world's busiest airport for rotary-winged aircraft aka helicopters) **is only 1/2 mile (880 yards)** from LA ART's proposed Union Station Terminal. Furthermore, The Board reminded Zelmer and Wiggins that **according to the Los Angeles Police Department, the California Department of Transportation, the California Public Utilities Commission, the Federal Aviation Administration, and the 8th U.S. Circuit Court of Appeals, all heliports are airports** officially defined as a location where any flying machine is serviced. The fact that some airports serve only rotary-winged aircraft (helicopters) while others serve fixed-wing aircraft (conventional-winged aircraft) does not change the fact that: **all heliports are airports in the eyes of all governing agencies and the Federal Courts.** Furthermore, the argument presented by Metro that Hooper Memorial is a police facility, not a civilian facility, and therefore not subject to the LAART DEIR, is **illogical and fallacious**. A helicopter that becomes entangled in LAART's cables, gondolas and 13-story towers and consequently crashes into Union Station, its trains and patrons, could cause catastrophic harm regardless had that aircraft launched from a police facility or a public facility. Simply put, **LAART's proposed location is not safe** for the Union Station community and helicopters from Hooper Memorial Heliport airport. Please note, the *Rules and Regulations of Los Angeles Union Passenger Terminal* has for decades stated: **"General Notice A. Safety is of the first importance in the discharge of duty."** Or did Metro abolish this paramount railroad safety rule when it bought Union Station? GO30-3

C) Contrary to the promises made to The Board by Stephanie Wiggins, Cory Zelmer and LAART, **no meeting has ever been organized between them and The Board to discuss the difference of opinions concerning the nature of LAPD's Hooper Memorial Heliport airport and the proposed location for LAART's Union Station Terminal.** In fact **Metro forbade The Board's examination of the only known 3-D scale model of Union Station's location** because, in The Board's opinion, of a **deliberate subterfuge** that the model dating from former Union Station owner--the Santa Fe Railway--is too old to be accurate today, and furthermore the sharing of the model with The Board would **somehow be a "conflict of interest"(?)** even though The Board previously had access to the model. However, The Board's use of the model did not depend on the model's age, but only the juxtaposition of Union Station with Alameda Street which has not changed appreciably since the station was opened in 1939. Consequently, at a loss for options, The Board asked LAART to produce a 3-D scale model given its apparent resources, but **LAART has never responded. This "shadow play,"** in The Board's opinion, was being **performed by LA Metro and LAART to obfuscate** the **issues and delay public criticism** of LAART contrary to the public weal which Metro is obliged to serve. Furthermore, since the model is public property, The Board's use should have been permitted so it could be compared to LAART's distorted artist's rendering of its Futuristic-Carnaval Alameda Street Terminal with Union Station's Hispanic-Cathedral style. Finally, after wasting The Board's time and resources for over a year, in December 2022 Metro provided to the general public an aerial diagram of LAART's Alameda Terminal that is in the **worst possible viewscape location--directly in front of Union Station!** Cable car rides have their place but **not in front of Los Angeles' world famous "Cathedral of Transportation."** GO30-4

D) In The Board's opinion, LAART is designed to compete with Metro's "Dodger Stadium Express," a highly efficient road service that could be further improved **if Metro switched to modern**, **environmentally friendly motor coaches** that it might fund by the savings from not building its Esplanade-Forecourt project. GO30-5

E) Given the seasonal nature of baseball, it is also The Board's opinion that **LAART is a "Trojan** Horse" scheme to facilitate year-around, for-profit real estate development in Dodger Stadium's vicinity **at the expense of public land and airspace as well as the viewscape of magnificent Union Station.** GO30-6

F) Metro's proposed Esplanade-Forecourt project, according to Metro employees--who wish to remain anonymous for the sake of their careers--will be funded by so-called **"overlap money"** that was **"peeled-off" from Metro's defunct LINK-US project** that itself was rejected because of The Board's and the public's opposition. Moreover, Metro has stated to The Board's Executive Director via telephone that ultimately the Esplanade-Forecourt project will come to fruition by a two-step process eliminating all public parking including **"disabled parking"** from in front of Union Station **without public discussion or participation** in violation of the Americans with Disabilities Act (ADA). **(A disabled motorist has already filed a formal complaint with the ADA authorities against Metro's Esplanade-Forecourt project.)** Step one would be the **"temporary" elimination** of all Union Station west front parking for the construction vehicles needed to build the Esplanade-Forecourt project followed by step two—well there really isn't a **step two—when the project is completed there won't be any parking spaces left permanently**. Not only will this **negatively impact the "disabled Parking" but also the parking for Metro's tenants** the Homebound Restaurant and Brewery, TRAXX restaurant and the numerous social and artistic events that take place in the great **"Ticketing Hall"** which has fallen from use given computerized ticketing. Furthermore, according to a retired Metro staff person, the Esplanade's so-called "water feature" (a fogging-type water fountain) will **likely attract more "homeless" citizens seeking "showers"** contrary to Metro's stated policy--according to former Metro Union Station supervisor the late Ken Pratt--of not catering to the needs of the "homeless." In The Board's opinion, Metro's Esplanade Project is designed to cool future LAART and Olvera Street tourist attraction visitors as they saunter between Union Station, LAART and Olvera Street. (While Olvera Street's right-of-way and some of its structures and art works are historic, the **"Olvera Street tourist attraction" per se was invented in 1930** by a husband-and-wife real estate development team who went on to develop Los Angeles' **"New Chinatown tourist attraction."** (Ironically, Old Chinatown was demolished in a racist bid to rid Los Angeles of the Chinese who settled after building the railroad to Los Angeles, **then Union Station was then built on top of Old Chinatown's rubble.)** GO30-7

G) Finally, building the Esplanade-Forecourt project's water-feature while semi-desert Los Angeles is **experiencing one of its worst droughts in history** flies in the face of the State of California's policy to conserve dwindling natural resources. One only needs to recall the classic Los Angeles-based movie **"Chinatown"** to understand what The Board believes is driving LAART and Esplanade-Forecourt schemes**—the greed of land developers, the greed of Metro careerists and ultimately the greed of politicians!** Or, to paraphrase the immortal Yogi Berra: **"It's 'Chinatown' (*the movie*) all over again."**

For the above reasons, but not necessarily only because of them, the Board of Directors of the Los Angeles Union Station Historical Society **opposes construction of LAART and LA Metro's related Esplanade-Forecourt Projects in the interests of honest government, Los Angeles Union Station preservation, the environment and safety.** GO30-8

Respectfully,

/s/

Thomas R. Savio
Executive Director
Los Angeles Union Station Historical Society

Cc: Karen Bass, Mayor of Los Angeles
Stephanie Wiggins, Metro CEO

Comment Letter – GO31

This comment number has been intentionally skipped.

Message

From: Sue Bell Yank [sue@clockshop.org]
Sent: 10/13/2022 12:37:53 PM
To: Rockwell, Holly [RockwellH@metro.net]; Board Clerk [BoardClerk@metro.net]
Subject: Extension of Draft Environmental Impact Report Comment Period – Los Angeles Aerial Rapid Transit Project

October 13, 2022

Ms. Holly Rockwell,
Senior Executive Officer – Community Mobility Planning
Los Angeles Metropolitan Transportation Authority
One Gateway Plaza, Mail Stop 99-3-1
Los Angeles, CA 90012-2952
RockwellH@metro.net

Re: Extension of Draft Environmental Impact Report Comment Period – Los Angeles Aerial Rapid Transit Project

Dear Ms. Rockwell,

On behalf of Clockshop, I'm writing to request that the public comment period for the Los Angeles Aerial Rapid Transit Draft Environmental Impact Report (DEIR) be no less than 90-days. GO32-1

From METRO's communication shared on September 28, 2022, there is no clarity on how long the public comment period will last or how community members are expected to participate. The two meetings scheduled after the DEIR is released clearly state that no public comment will be taken. It is imperative that the community be given an opportunity to meaningfully participate in the CEQA process by providing a total of 90-days to comment and a clear pathway to engage. GO32-2 GO32-3

To date, our communities have been shut out of this process, with little to no details being shared. The few details provided by LA ART are wholly insufficient to understand the complexities of a project that will greatly impact surrounding communities. GO32-4

Frankly, we deserve better. We must be heard and provided with a chance to meaningfully participate in the CEQA process. From our experience, we know that DEIR's like this one are lengthy, complex documents with technical information that will require significant time to review and analyze. It is our understanding that similar environmental review processes such as the South Los Angeles and Southeast Los Angeles Community Plan and the LA Zoo Vision Plan have also been extended beyond 45-days. GO32-5

The DEIR has been delayed numerous times, and if you proceed with a 45-day comment period, what message does that send to our communities? You can delay the release of the DEIR but not extend a public comment period that will be held during the holiday season when it is challenging for community members to participate. There is no need to rush through this process at this stage. GO32-6

Finally, extending the public comment period is critical for transparency and fairness. Councilmember-elect Eunisses Hernandez, who has voiced concerns and will represent the communities most impacted by this project, deserves the chance to review and analyze the DEIR. GO32-7

Please do the right thing by extending the comment period to a total of 90-days.

Sincerely,

Sue Bell Yank

cont.'d
GO32-7

CC: Ms. Stephanie Wiggins, Metro Chief Executive Officer
Metro Executive Committee:
Chair Ara J. Najarian
Vice Chair Janice Hahn
Director Katherine Barger
Director James Butts
Director Eric Garcetti
Director Hilda Solis
Director Gloria Roberts

--

Sue Bell Yank
Executive Director
she | her | hers

P: 213-915-4311
@clockshopla
clockshop.org

From: Sue Bell Yank [sue@clockshop.org]
Sent: 10/13/2022 12:37:53 PM
To: Rockwell, Holly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=09fcfc15fbd846e0961daf05db7435a9-Rockwell, H]; Board Clerk [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41e930ed02944980ab2e8a0fa865d894-BoardSecret]
Subject: Extension of Draft Environmental Impact Report Comment Period – Los Angeles Aerial Rapid Transit Project

October 13, 2022

Ms. Holly Rockwell,
Senior Executive Officer – Community Mobility Planning
Los Angeles Metropolitan Transportation Authority
One Gateway Plaza, Mail Stop 99-3-1
Los Angeles, CA 90012-2952
RockwellH@metro.net

Re: Extension of Draft Environmental Impact Report Comment Period – Los Angeles Aerial Rapid Transit Project

Dear Ms. Rockwell,

On behalf of Clockshop, I'm writing to request that the public comment period for the Los Angeles Aerial Rapid Transit Draft Environmental Impact Report (DEIR) be no less than 90-days. GO33-1

From METRO's communication shared on September 28, 2022, there is no clarity on how long the public comment period will last or how community members are expected to participate. GO33-2 The two meetings scheduled after the DEIR is released clearly state that no public comment will be taken. GO33-3 It is imperative that the community be given an opportunity to meaningfully participate in the CEQA process by providing a total of 90-days to comment and a clear pathway to engage.

To date, our communities have been shut out of this process, with little to no details being shared. The few details provided by LA ART are wholly insufficient to understand the complexities of a project that will greatly impact surrounding communities. GO33-4

Frankly, we deserve better. We must be heard and provided with a chance to meaningfully participate in the CEQA process. From our experience, we know that DEIR's like this one are lengthy, complex documents with technical information that will require significant time to review and analyze. It is our understanding that similar environmental review processes such as the South Los Angeles and Southeast Los Angeles Community Plan and the LA Zoo Vision Plan have also been extended beyond 45-days. GO33-5

The DEIR has been delayed numerous times, and if you proceed with a 45-day comment period, what message does that send to our communities? You can delay the release of the DEIR but not extend a public comment period that will be held during the holiday season when it is challenging for community members to participate. There is no need to rush through this process at this stage. GO33-6

Finally, extending the public comment period is critical for transparency and fairness. Councilmember-elect Eunisses Hernandez, who has voiced concerns and will represent the communities most impacted by this project, deserves the chance to review and analyze the DEIR. GO33-7

Please do the right thing by extending the comment period to a total of 90-days.

cont.'d
GO33-7

Sincerely,

Sue Bell Yank

CC: Ms. Stephanie Wiggins, Metro Chief Executive Officer
Metro Executive Committee:
Chair Ara J. Najarian
Vice Chair Janice Hahn
Director Katherine Barger
Director James Butts
Director Eric Garcetti
Director Hilda Solis
Director Gloria Roberts

--

Sue Bell Yank
Executive Director
she | her | hers

P: 213-915-4311
@clockshopla
clockshop.org

From: Levitt, Melissa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D613FEE560E1489DB678AA80D6E2502F-LEVITT, MEL]
Sent: 10/21/2022 8:58:02 AM
To: Zelmer, Cory [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e2ad7acc5414ea394bde78db47b52a8-Zelmer, Cor]; Clark, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c74978669ccb41628414596c281ed76d-Clark, Dani]
CC: Kefalas, Tom [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f5a8e9b8104e4a51aa0635492374a75a-Kefalas, To]; Sinclair, Stacy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7517009e03ae47d1b5af3101b5275048-Sinclair, S]
Subject: FW: Comments From LAUSHS on Metro Esplanade Project & LA ART Cable Car

Hi Cory and Daniel,

Sending over this communication from the LAUS Historical Society. There main focus on the Gondola project. Stephanie was included on this email. I am just coming back from vacation, so my apologies for delay in getting this to you. I will see if I can track down the letter mentioned.

Thanks,
Melissa

Melissa Faigeles Levitt
LA Metro
Principal Environmental Specialist
Environmental Services
213.265.0774 C
Metro's mission is to provide world-class transportation for all.

From: Harper, Kip@DOT <Caprice.Harper@dot.ca.gov>
Sent: Tuesday, October 11, 2022 11:45 AM
To: LA Union Station HS <laushs@earthlink.net>
Cc: Wiggins, Stephanie <WIGGINSS@metro.net>; Crawford, Karen <Karen.Crawford@icf.com>; Levitt, Melissa <LevittM@metro.net>; Wang, Andi <WangA@metro.net>; Roberts, Jane <RobertsJ2@metro.net>
Subject: RE: Comments From LAUSHS on Metro Esplanade Project & LA ART Cable Car

Dear Tom,

Caltrans is not a lead agency for the projects you mention below, i.e., Los Angeles Aerial Rapid Transit (LA ART), nor the Alameda Esplanade. Caltrans is the federal lead agency for Metro's LAUS Alameda Esplanade and Los Angeles Streets Improvements Projects at L.A. Union Station. The project area for those two projects is on Alameda and Los Angeles Streets only. The fountain is not a part of the projects under Caltrans' authority. Your comments do not raise any issues related to the Environmentally Sensitive Area/Archaeological Monitoring Area (ESA/AMA) Action Plan for Metro's Alameda and Los Angeles Streets Improvements Project. Therefore, I recommend that you direct your comments to Metro, FRA, and/or the City of Los Angeles.

Regards,

Kip

Caprice "Kip" Harper
Associate Environmental Planner

PQS Principal Investigator--Prehistoric Archaeology &
PQS Principal Architectural Historian
Caltrans - District 7 (Los Angeles)
Telephone: (213) 332-0316
caprice.harper@dot.ca.gov

NOTE: Teleworking until further notice.

From: LA Union Station HS <laushs@earthlink.net>
Sent: Tuesday, October 11, 2022 2:12 AM
To: Harper, Kip@DOT <Caprice.Harper@dot.ca.gov>
Cc: Wiggins <wigginss@metro.net>
Subject: Comments From LAUSHS on Metro Esplanade Project & LA ART Cable Car

EXTERNAL EMAIL. Links/attachments may not be safe.

October 10, 2022

Ms. Kip Harper
Associate Environmental Planner
CalTrans

Dear Ms. Harper,

This letter is to inform you that the Los Angeles Union Station Historical Society (LAUSHS) Board of Directors, a non-profit, Section 106 historic preservation consultant for Los Angeles Union Station, a National Historic Landmark, has voted to campaign against Los Angeles Aerial Rapid Transit (LA ART), a for-profit cable car development, aka "Frank McCourt's Gondola," that plans to link LA Metro's Los Angeles Union Station with Dodger Stadium where Mr. McCourt owns one-half of the parking lot and leases the other half from the Los Angeles Dodgers, and LA Metro's "Esplanade Project" that our Board believes to be an "accommodation" for LA ART and the Olvera Street Merchants Association. Our Board believes that the proposed LA ART "futuristic" Union Station Terminal on Alameda Street and LA Metro's adjacent "Esplanade Project" will blight the very historic, architecturally significant facade of Union Station which itself could be endangered Union Station and its patrons if helicopters from the nearby Los Angeles Police Department's Hooper Memorial Heliport airport become entangled in LA ART's overhead cables. Furthermore, our Board opposes LA Metro's planned removal of all "Disabled Parking", without public hearings, from the same location to accommodate it's "Esplanade Project's" so-called "water feature" (aka a water fountain) which itself would be contrary to water conservation policy. Even if the water feature recalculates its water at least 10% will be lost to evaporation day after day.

GO34-1
GO34-2
GO34-3
GO34-4
GO34-5

Consequently, it is only right that our Board present the reasons why it has taken these positions. Until now, our Board has steadfastly refused to take sides in these major multi-million-dollar schemes. However, LA Metro and its staff, in our Board's opinion, have obviously taken a supportive role for LA ART, a potential competitor of LA Metro's efficient "Dodger Express" service, as well planning to "gilt the lily" with its Esplanade Project

GO34-6

Among the reasons for our Board's actions are, but not limited to:

A) The LA Metro Board member, Eric Garcetti, who introduced a motion to assist LA ART, without public discussion, and enlist LA Metro staff to "carry LA Art's water" did receive, according to public records, millions of dollars in both political and "behest payments" from Frank McCourt and his various entities and associates, which in our Board's opinion, has the serious appearance of a conflict of interest. Consequently, LA Metro is being sued by the non-profit California Endowment for preventing public participation prior to deciding to "partner" with LA Art.

cont.'d GO34-6

B) LA Metro Deputy Supervisor, Cory Zelmer, in our Board's opinion, may have falsified an official document--LA ART's Draft Environmental Impact Report--by checking off the box that states there is: "no airport within two miles" of its proposed Union Station Terminal, when he had been informed repeatedly to the contrary by our Board. Moreover, our Board produced evidence that the Los Angeles Police Department's Hooper Memorial Heliport"--variously described as the country's or the world's busiest airport for rotary-winged aircraft (aka helicopters)--is about one-third of a mile from proposed LA ART's proposed Union Station Terminal. Moreover, our Board reminded LA Metro CEO Stephanie Wiggins and her Deputy Zelmer that according to the Los Angeles Police Department, CalTrans, the California Public Utilities Commission, the Federal Aviation Administration and the 8th U.S. Court of Appeals all "heliports" are "airports." The fact that some airports are restricted to helicopters and others open to both helicopter aircraft and fixed-wing aircraft (passenger airplanes) doe not change the simple fact that all "heliports" are "airports."

GO34-7

C) Contrary to the assurances made to our Board, by CEO Stephanie Wiggins, Deputy Zelmer and LA ART, no meeting has been organized between them and our Board to explain the difference of opinions concerning the nature of LAPD's Hooper Memorial Heliport airport.

D) LA Metro has forbidden our Board's examination of the only known scale model of Los Angeles Union Station's vicinity, because of, in our Board's opinion, a subterfuge that the model, dating from the former Union Station owner--the Santa Fe Railway--is now dated by simply by age and thus unacceptable, and furthermore the sharing of the model with our Board would be somehow "a conflict of interest" even though our Board previously had access to the model in years past. However, our Board's use of the model does not depend on the date of the model buildings per se but only the juxtaposition of Alameda Street and Union Station which has not changed at all since the station was opened in 1939. Consequently, at a loss for options, our Board asked LA ART to produce model given its great resources, but LA ART never responded. This "shadow play," in our Board's opinion, is being performed by LA Metro and LA ART to obfuscate the issues and delay public crittism in favor of LA ART and contrary to the public weal. Furthermore, since the model is public property its use should be continued by our Board and the public so it can be compared it to LA ART's distorted wide-angle artist's renderings of its proposed "futuristic-style" Union Station Terminal with Los Angeles Union Station's monumental "Hispanic-Art Deco style." Cable car rides belong in San Francisco and Disneyland, not in front of our beautiful "Cathedral Of Transportation.

GO34-8

E) In our Board's opinion LA ART is designed to compete with LA Metro's "Dodger Express," a low-fare, highly efficient service that could be even better if Metro switched to modern natural gas and/or battery-powered motor coaches funded by the savings from not building its Esplanade Project.

GO34-9

F) LA Metro's proposed Esplanade Project, according to LA Metro persons--who remain anonymous for the sake of their careers--will be funded by so-called "overlap money" that was "peeled-off" LA Metro's defunct "LINK-US" project that was rejected because of our Board and the public's opposition. According to a former LA Metro professional, the Esplanade fountain will likely attack more disadvantaged "street denizens" seeking showers," contrary to LA Metro policy. The Esplanade's "water feature" (aka "fogging" water fountain) in the opinion of our Board is designed to cool-off future LA ART and "Olvera Street" customers as they walk

GO34-10

between Union Station, LA ART's Terminal and the circa 1930's “Hispanic” Olvera tourist attraction. (While Olvera Street's right-of-way and some of its structures are historic, the "Olvera Street" attraction was developed by a wife and husband real estate team that went on to develop Los Angeles' current “Chinatown” tourist attraction. (Alas, historic Chinatown was demolished in a racist bid to rid Los Angeles of the Chinese who settled here, in part, after building the railroad to Los Angeles. Los Angeles Union Station was then built on top of old Chinatown's rubble.) This explains why Union Station is about a mile from downtown when railway stations were traditionally located in the heart of downtown. Furthermore, erecting the Esplanade water fountain while semi-desert Los Angeles is experiencing its worst drought in recorded history, flies in the face of the State of California's policy to lessen climate change. One only needs to recall the classic Los Angeles-based movie “Chinatown” to understand what our Board believe's drives LA ART and the Esplanade Project. Or to paraphrase the immortal Yogi Berra, “It’s ‘Chinatown’ (the movie) all over again.”

cont.'d GO34-10

For the above reasons, but not necessarily only because of them, The LAUSHS Board of Directors has reluctantly voted to oppose construction of LA ART and LA Metro’s “Esplanade Project.”

GO34-11

Respectfully submitted,

Thomas R. Savio

Executive Director

Los Angeles Union Station Historical Society

Cc: LAUSHS Board of Directors and members

Stephanie Wiggins, LA Metro CEO

Message

From: Martha Jimenez [MJimenez@Calendow.org]
Sent: 10/7/2022 4:30:02 PM
To: Rockwell, Holly [RockwellH@metro.net]; Wiggins, Stephanie [WIGGINSS@metro.net]; Englund, Nicole [EnglundN@metro.net]; De La Loza, James [DelalozaJ@metro.net]
CC: Lynell Davis [LDavis@Calendow.org]; Sarah Reyes [SReyes@Calendow.org]; Edward de la Torre [Edelatorre@Calendow.org]
Subject: Request for Extension of DEIR Comment Period for the Gondola Project
Attachments: 2022 10 07 - To Rockwell Holly RE Extension of DEIR Comment Period.pdf

Dear Holly, Stephanie, and Metro Colleagues,

Attached please find our request for a 45 day extension of the minimum statutory DEIR comment period for the Gondola Project. For the reasons indicated, we believe such an extension is both justified and necessary to ensure that the public will have a meaningful opportunity to review, assess, and respond to what we expect will be extensive and voluminous reports related to the construction, operation, maintenance, financing and myriad environmental and community impacts of the proposed Gondola Project.

We appreciate your kind consideration and attention to this request.
Best regards,
Martha

GO35-1

Martha I. Jimenez
Executive Vice President / General Counsel/Secretary (Pronouns: *She, Her, Hers)*
The California Endowment
1000 North Alameda Street | Los Angeles, CA 90012
T: (213) 928-8885 | F: (213) 253-0970
www.calendow.org



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Message

From: David Carle [davidcarlebooks@gmail.com]
Sent: 10/14/2022 9:07:31 AM
To: Rockwell, Holly [RockwellH@metro.net]
CC: Board Clerk [BoardClerk@metro.net]
Subject: Extend Public Comment Period for LA ART project Draft Environmental Impact Report

Dear Ms. Rockwell,

I'm writing on behalf of the California State Park Rangers Association (CSPRA) to request a 45-day extension of the public comment period for the Los Angeles Aerial Rapid Transit Draft Environmental Impact Report so that the total comment period would be 90 days. GO36-1

As this project will impact the Los Angeles State Historic Park, the public deserves to be heard and provided the opportunity to meaningfully participate in the CEQA process. We know that draft environmental impact reports like this one will likely be long and complex, requiring time to review and analyze the full details of this project. GO36-2

We have not received information on important details of the project and will need sufficient time to review and understand it. GO36-3

A 45-day extension to ensure proper community engagement is necessary for a public comment period that would fall squarely during the holiday season when COVID-19 is likely to spike, thereby limiting the ability for proper outreach and education efforts.

Please extend the comment period by 45-days to give our organization and other interested parties an opportunity to review and participate after the holiday season.

Sincerely, GO36-4



David Carle
California State Park Rangers Association President
dave@cspra.com
760 709-1181
PO Box 39, Lee Vining, CA 93541
www.cspra.com