FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
LOS ANGELES AERIAL RAPID TRANSIT PROJECT
LOS ANGELES, CALIFORNIA

December 2023



State Clearinghouse No. 2020100007

VOLUME II

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Los Angeles County Metropolitan Transportation Authority

Metro

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Comment Letter GO1 – Historic Cultural North Neighborhood Council, Phyllis Ling

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO1

Comment GO1-1 A resident who only has a landline asked me to find out if he can call into the LA ART DEIR public hearing tomorrow using one of Zoom's toll free numbers. The phone number provided is the San Jose phone number, which would cost him over 20 cents per minute for the call.

Will the toll free phone numbers work for joining the Zoom meeting?

Thanks,

Phyllis Ling

Historic Cultural North Neighborhood Council
Outreach Committee Chair • Solano Canyon Resident Representative
Email: pling.hcnnc@gmail.com
Website: hcnnc.org
Subscribe: hcnnc.org/subscribe

Response GO1-1 An email responding to this request with Zoom's toll-free dial in numbers was sent to the commenter on December 13, 2022.

Comment Letter GO2 – CCA, Jessica Lall

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO2

Comment GO2-1 Dear Mr. Zelmer,

CCA represents over 300 businesses, non-profits and trade organizations with a shared commitment to Downtown's vibrancy and increasing opportunity in the region. We are writing in support of the proposed zero-emission Los Angeles Aerial Rapid Transit Project (LA ART) that would connect Union Station to Dodger Stadium. The concept offers significant potential benefits to the City of Los Angeles and the broader communities of Los Angeles County by removing cars off the road, increasing access to public transit and improving air quality. It is also a key example of next generation transportation systems that will be critically important for LA's clean air future, which will require revolutionizing transportation on a scale not seen since the introduction of automobiles. LA ART has the potential to substantially improve traffic safety and facilitate mobility, while reducing traffic congestion and fuel consumption.

Response GO2-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.0, Project Description, of the Draft EIR, for an overview of how the proposed Project would provide a safe, sustainable, high-capacity zero emission aerial rapid transit option for visitors to Dodger Stadium, while also providing access between Dodger Stadium, the surrounding communities, and the regional transit system accessible at LAUS. As discussed in Section 2.3.7, Purpose and Need, of the Draft EIR, Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Although forms of aerial transit technology have been available and utilized for the last 100 years, modern applications have seen the evolution of the technology as a feasible mode of urban rapid transit. As discussed in the Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation.

Comment GO2-2 The emissions reductions from this permanent transit link, with its game-day capacity of 10,000 to 12,000 Dodger Stadium visitors, could benefit local communities by replacing up to 3,000 existing car trips before and after each Dodger game and Stadium event. In addition, the project's year-round operation opportunities can increase transit access for underserved communities and increase access to parks.

Response GO2-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Response GO2-1. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response C, Project Features, and Topical Response N, Environmental Justice, for discussion of how the proposed Project would provide new connections to and between currently underserved neighborhoods and uses along the proposed alignment, including El Pueblo, Chinatown, Mission Junction, the Los Angeles State Historic Park, Elysian Park, and Solano Canyon. The proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Moreover, transfers to and from the Metro regional transit system and the proposed Project would be free. In addition, the Community Access Plan would honor Metro's numerous discount fare programs for a variety of needs (i.e., senior fares, students fares, etc.). Residents and employees of businesses located within the communities adjacent to the proposed Project alignment would only pay the rate they pay to ride the Metro system. To facilitate this transportation connectivity, the proposed Project would include pedestrian access enhancements including pedestrian improvements between Metro's L Line (Gold) Station and Chinatown/State Park Station consistent with the Connect US Action Plan, shade structure, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge.

Comment GO2-3 Projects like these are important in addressing climate change and as an opportunity to create local jobs and economic opportunities for our communities, which is critically important as we look to move into the pandemic recovery phase and toward the future, including planning for the 2028 Olympics in Los Angeles.

We are pleased to support the LA ART project, recognizing the significant benefits potential from a successful project, and hope the approvals can be completed to realize the LA ART project's benefits in time for the 2028 Olympics.

Sincerely,

Jessica Lall
President & CEO

Response GO2-3 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Response GO2-2 regarding the proposed Project's ability to reduce greenhouse gases through reduced vehicular travel. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would positively impact the economy by creating jobs and how the Project Sponsor has committed to a goal of 35 percent utilization of minority business enterprises (MBE), women business enterprises (WBE), disadvantaged business enterprises (DBE), small business enterprise (SBE), disabled veteran business enterprises (DVBE), and LGBTQ-owned businesses during the proposed Project's construction phase. The proposed Project will enter into a Project Labor Agreement and will work in coordination with the LA/OC Building and Construction Trades. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, and Topical Response C, Project Features, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment Letter GO3 – Los Angeles Latino Chamber of Commerce, Darrel Sauceda

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO3

Comment GO3-1 I would like to go on the record, that the LALCC is recommending, that this project hire at least 35% local small diverse business, to not only construction but to provide maintenance and staff thru Local American Job centers of California (AJCC)

Darrel A. Sauceda

Chief Operating Officer
8531 Wellsford Pl., Suite E
Santa Fe Springs, CA. 90670
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562-556-6492 cell

Response GO3-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features, for a discussion of how the Project Sponsor has committed to a goal of 35 percent utilization of minority business enterprises (MBE), women business enterprises (WBE), disadvantaged business enterprises (DBE), small business enterprise (SBE), disabled veteran business enterprises (DVBE), and LGBTQ-owned businesses during the proposed Project's construction phase.

Comment Letter GO4 – Los Angeles Union Station Historical Society, Thomas R. Savio

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO4

Comment GO4-1 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 (LA Metro), has voted to formally comment against Los Angeles Aerial Rapid Transit's (LA ART) private, for-profit "gondola" (cable car system) and public land and air rights development scheme that proposes to link Union Station and LA Metro's supporting "Esplanade" project with Dodger Stadium that The Board believes is an unfair and illegal (pending a Superior Court decision) "accommodation" for LA ART. The Board believes that LA ART'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 facade of Union Station, and that Union Station, its passenger trains and patrons could be physically harmed in aircraft from the nearby Los Angeles Police Department's "Hopper Memorial Heliport" airport become entangled in LA ART's overhead cables and towers. Furthermore, The Board opposes LA Metro's planned removal of all "Disabled Parking" spaces from the "Esplanade" area, without public hearings or reasonable alternatives, to accommodate a new so-called "water feature" (aka a fogging-type water fountain) which is intended to cool LA ART riders cued-up for their rides to 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.)

Until now, The Board has steadfastly refused to take sides in the above major, multi-million-dollar development scheme. However, in The Board's opinion LA Metro and its staff have obviously taken a pro-active role supporting LA ART, a potential competitor of LA Metro's efficient "Dodger Express" motor coach service, as well as planning to "gild the lily" of Union Station with its "Esplanade" project, all "backstage," using the public land and airspace without public discussion and participation as required by LA Metro policy and law.

Response GO4-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO4-2 through GO4-9.

Comment GO4-2 Among the reasons for The Board's opposition are, but not limited to:

A) LA Metro Board member Mayor Eric Garcetti, who introduced the motion to assist LA ART without public discussion or participation and to enlist LA Metro staff to "carry LA ART's water," i.e., facilitate it, did receive, according to public records, millions of dollars in both "behest payments" and political cash contributions from real estate and LA ART "gondola" developer Frank McCourt and/or his various entities and associates, which in The Board's opinion, is an apparent conflict of interest. Consequently, LA Metro is being sued by the non-profit California Endowment for willfully preventing public discussion and participation in the decision to partner with LA ART.

Response GO4-2 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The public input during this period led directly to changes to the proposed Project to incorporate public feedback, including changes to the proposed Project alignment to include the intermediate Chinatown/State Park Station, redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community engagement during the Draft EIR public review period and community engagement efforts during the preparation of the Final EIR. This comment also raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

Comment GO4-3 B) In The Board's opinion, LA Metro Deputy Executive Officer Cory Zelmer falsified an official document—LA ART's Draft Environmental Impact Report—by ticking-off the DEIR box that states there is no airport within two miles (or 3520 yards) of LA ART's proposed LA ART Union Station Terminal, when he had been informed repeatedly to the contrary by The Board. The Board presented proof to Zelmer and his superior, LA 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 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, i.e., a location where any type of flying machine is serviced. The fact that some airports serve only rotary-wing aircraft while others serve both rotary-wing aircraft and fixed-wing aircraft (airplanes) does not change the fact that all "heliports" are "airports" in the eyes of the governing agencies and the Federal Courts.

Furthermore, the argument that Hooper Memorial is a police airport, not a civilian airport, and therefore not an airport as far LA ART's DEIR is concerned, is fallacious and spurious. Any aircraft that becomes entangled in LA ART's cables and 13-story towers and thus crashes into Union Station, its trains and patrons would cause catastrophic harm regardless had that aircraft launched from a police airport or a public airport. Simply put, LA ART's proposed location is not safe for Union Station and Hooper Memorial Heliport airport.

"General Notice A. Safety is of the first importance in the discharge of duty."

--Los Angeles Union Passenger Terminal Rules and Regulations

Response GO4-3 The Draft EIR addresses potential airport hazards in Section 3.09 Hazards and Hazardous Materials, Section 5.5.5, Heliports, in Section 5.0, Other CEQA Considerations, and in Appendix O, Airspace Analysis Technical Memo. The determination on page 3.9-30 of the Draft EIR – that the proposed Project alignment is not in an area covered by an airport land use plan nor located within two miles of a "public airport" – is based on facts and the specific language of CEQA's thresholds of significance for this issue. This threshold is stated in the Draft EIR under Impact HAZ-5, which asks the question: "For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard…?" The Draft EIR concludes that the proposed Project alignment is not within two miles of a "public use airport" as that term is defined under CEQA. Regardless of any distinction between heliports and airports, the Draft EIR immediately follows this conclusion with a clear disclosure that the city-owned Jay Stephen Hooper Heliport is within 0.38 miles of the proposed Project. According to the LAPD and AirNav.com1, the Hooper Heliport is a city-owned, private use facility. As a private use facility, it does not meet the "public use airport" description in the CEQA threshold. Note that the determination is based on the distinction between public and private facilities, not the definition of "airport." Thus, comparison to federal or state case law or regulations relying on a different definition of "airport" is irrelevant to the analysis required by CEQA. The analysis in Appendix O, Airspace Analysis Technical Memo, of the Draft EIR, is based on FAA analysis standards, and concludes with substantial evidence that construction and

operation of the proposed Project is clear of the airspace associated with the existing heliports, including the Hooper Heliport, in the proposed Project's vicinity. As such, no adverse effects related to aeronautical hazards are predicted based on these findings, and no notification is required for the proposed Project construction unless the FAA makes a specific request to the Project Sponsor. In addition, refer to Appendix I, Firefighting Helicopter Response Memo, of this Final EIR, for discussion of how helicopter flight paths would not be impeded as a result of the proposed Project.

Comment GO4-4 C) Contrary to the promises made to The Board by Stephanie Wiggins, Cory Zelmer, and LA ART, 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 LA ART's Union Station Terminal.

Response GO4-4 Refer to Response GO4-3 for a detailed discussion of Hooper Heliport. Refer to Response GO4-5 regarding the proposed Project's Alameda Station. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period.

Comment GO4-5 D) LA Metro has forbidden 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 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 in years past. However, The Board's use of the model does 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 LA ART to produce a 3-D scale model given its apparent resources, but LA ART has never responded. This "shadow play," in The Board's opinion, is being performed by LA Metro and LA ART to obfuscate the issues and delay public criticism of LA ART and contrary to the public weal which LA Metro is obliged to serve. Furthermore, since the model is public property, The Board's use should be permitted so it can be compared to LA ART's distorted, wide-angle, artist's renderings of its proposed Union Station Terminal with Union Station's Hispanic-Art Deco architectural style. Simply put, it is The Board's opinion that cable car rides belong in San Francisco and Disneyland, not in front of Los Angeles' world famous "Cathedral of Transportation."

Response GO4-5 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual

simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area. As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

Comment GO4-6 E) In The Board's opinion, LA ART is designed to, among other things, compete with LA Metro's "Dodger Express," a highly efficient service that could be improved if LA Metro switched to modern, environmentally friendly motor coaches that it might fund by the savings from not building its Esplanade project.

Response GO4-6 Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed Project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. While some riders of the Dodger Stadium Express are likely motivated by traveling in more

sustainable ways than driving, the Dodger Stadium Express already uses clean natural gas (CNG) buses, which are more environmentally friendly than driving. Switching from CNG to a Zero Emissions Bus (ZEB) would have no bearing on the travel time or capacity limitations of the Dodger Stadium Express, so is not expected to materially increase the ridership of the service, and therefore would reduce fewer vehicle miles traveled (VMT) to Dodger Stadium than the proposed Project, which would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program, pursuant to GHG-PDF-A.

Comment GO4-7 F) Given the seasonal nature of baseball, it is also The Board's opinion that LA ART is a "Trojan Horse" proposal to facilitate year-around for-profit real estate development in Dodger Stadium's vicinity using public land and resources.

Response GO4-7 Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO4-8 G) LA Metro's proposed Esplanade project, according to LA 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 LA Metro's defunct LINK-US project that itself was rejected because of the Board's and the public's opposition. Moreover, LA Metro has stated to The Board's Executive Director via telephone that it plans to accomplish the Esplanade project by eliminating all public parking including all "disabled parking" from the front of Union Station without public discussion or participation in violation of the Americans with Disabilities Act (ADA). Furthermore, according to a retired LA Metro staff person, the Esplanade's so-called

"water feature" (a fogging-type water fountain) will likely attract "homeless" citizens seeking showers, contrary to LA Metro's stated policy—according to former LA Metro Union Station supervisor the late Ken Pratt—of not catering to the needs of the "homeless." In The Board's opinion, The Esplanade's is designated to cool future LA ART and "Olvera Street" customers as they walk between Union Station, LA ART's terminal and the "Hispanic-style" Olvera Street tourist attraction.

(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 developed in the 1930s by a husband-and-wife real estate development team who went on to develop Los Angeles' "New Chinatown Tourist Attraction." Alas, historic Chinatown was demolished in a racist bid to rid Los Angeles of the Chinese who settled there after building the railroad to Los Angeles. Union Station was then built on top of old Chinatown's rubble.)

Response GO4-8 Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of Metro's LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt.

Comment GO4-9 Moreover, erecting the Esplanade water feature, whilst 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 lessen environmental harm. One only needs to recall the classic Los Angeles-based movie "Chinatown" to understand what The Board believes is driving the related LA ART and Esplanade schemes. To paraphrase the immortal Yogi Berra: "It's 'Chinatown' (*the movie*) all over again."

Response GO4-9 Refer to Response GO4-8 for discussion of how the proposed Project does not include a water fountain in the planned LAUS Forecourt. As described on page 2-49 in Section 2.0, Project Description, of the Draft EIR, the proposed Project includes several sustainability and water efficiency measures, including drought tolerant landscaping and use of reclaimed water for irrigation where available.

Comment GO4-10 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 LA ART and LA Metro's related Esplanade project in the interests of honest government, Union Station preservation, the environment and above all safety.

Respectfully,

Thomas R. Savio
Executive Director
Los Angeles Union Station Historical Society
Cc. Stephanie Wiggins, CEO, LA Metro Karen Bass, Mayor-Elect of Los Angeles

Response GO4-10 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. This

comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO4-2 through GO4-9.

Comment Letter GO5 – Los Angeles Chinatown Firecracker Run Committee, Inc.

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO5

Comment GO5-1 On behalf of the Firecracker Board of Directors, I am writing to express our support for the proposed zero-emission Los Angeles Aerial Rapid Transit Project (LA ART), connecting Union Station to Chinatown to Dodger Stadium. LA ART offers significant potential benefits to the City of Los Angeles and specifically the community of Chinatown by increasing access to public transit, improving air quality by removing cars off the road, and highlighting the businesses and culture in the area.

Response GO5-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment GO5-2 This project will improve mobility and increase access to opportunity for the local community. The LA ART represents a zero-emission permanent transit link that would provide game-day capacity of 10,000 to 12,000, replacing up to 3,000 trips before and after each Dodger game and Stadium event. It would also provide year-round operation opportunities to increase transit access for underserved communities and parks.

Response GO5-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities.

Comment GO5-3 In addition, by connecting Union Station to Chinatown, LA ART would create a cultural landmark that will enhance the visibility of Chinatown and increase visitors to the

business corridor. The project represents an opportunity for businesses along Broadway and across Chinatown to create partnerships with LA ART to highlight and learn more about the attractions, culture, history, and events in Chinatown.

Response GO5-3 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The proposed Project would also provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. The proposed Project could partner, for example, with the Chinese American Museum to help in addressing visitor, educational, and customer access to the Museum. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Topical Response C, Project Features, for discussion of how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area, which would be discussed with identified stakeholder groups. In addition, to reflect the diversity of Los Angeles, the Project Sponsor would convene stakeholder groups to identify unique ways to use the proposed Project to provide additional interpretation of the adjacent neighborhood culture and history, particularly aimed at a diverse visitor community.

Comment GO5-4 I appreciate LA ART's diligence in working with Metro and the community to bring to life a vision for a safe, accessible transit option for the community and urge you to support this important investment for Chinatown.

Sincerely,

Raymond Su

President, Board of Directors
Los Angeles Chinatown Firecracker Run Committee, Inc.

Response GO5-4 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical Response C, Project Features, for discussion of the proposed Project team's outreach efforts to

neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Metro sought to engage with stakeholders in neighborhoods along the proposed Project alignment in each stage of the environmental review process. Input from the public, including local community stakeholders, led directly to the selection of the proposed Project alignment, including an intermediate station in Chinatown (the Chinatown/State Park Station), as well as to the redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements.

Comment GO5-5 List of Signatures in support for the proposed zero-emission Los Angeles Aerial Rapid Transit Project (LA ART)

#	Name	Title	City
1	Michelle Jong	Past President, Chinese Family History Group	Long Beach
2	clayton frech	CEO and Founder, Angel City Sports	Los Angeles
3	David Kent Gold	President, Bicycle Angels	Redondo beach
4	Evelyn Lee	President, Chinese Family History Group	Long Beach
5	Jose J. Hernandez	Principal, Ann Street Elementary	Los Angeles
6	Lisa Loo	Director – Community Services	San Gabriel
7	Jorge Parra Jr.	Educator	Los Angeles

Response GO5-5 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter GO6 – Asian Business Association, Dennis J. Huang

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO6

Comment GO6-1 As an office tenant of Chinatown for over 5 years, we like to see our community develop and advance. Having the Aerial Rapid Transit will bring more foot traffic which will help with economic development. Chinatown is very tourist friendly and walkable. We also like to see increased security and funding from this new transit to support Chinatown shops.

On behalf of our board of directors and 1200+ members, we are in full support of the LA Aerial Rapid Transit.

Dennis J. Huang

Executive Director & CEO

*A*sian *B*usiness *A*ssociation
767 N. Hill Street, Suite 308
Los Angeles, CA 90012
(213) 628-1ABA
dennis@abala.org
www.abala.org

Response GO6-1 This comment indicating support for the proposed Project is noted and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. Refer also to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of how comparable aerial transit systems in other cities and countries have brought benefits to their surrounding areas by connecting disparate neighborhoods, promoting commerce, beautifying communities, and enhancing transit system rider safety.

Comment Letter GO7 – Climate Resolve, Kellie Hawkins Davis

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO7

Comment GO7-1 I support the proposed zero-emission Los Angeles Aerial Rapid Transit Project (LA ART), connecting Union Station to Dodger Stadium.

The gondola would benefit visitors to Dodger Stadium and the community by taking cars off the road, increasing access to public transit, and reducing greenhouse gas pollution. Projects like these are important in addressing climate change and improving the quality of life for Angelenos.

Sincerely,

Kellie Hawkins Davis
Climate Resolve Boardmember

Response GO7-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter GO8 – LA Parks Alliance, John Given

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO8

Comment GO8-1 Dear Mr. Zelmer:

This letter is submitted on behalf of LA Parks Alliance[1] with respect to the above-captioned Los Angeles Aerial Rapid Transit Project (the "Project") in response to the release of the Project's Draft Environmental Impact Report ("Draft EIR" or "DEIR"). This letter focuses on LA Parks Alliance's strong objection to Los Angeles County Metropolitan Transportation Authority ("Metro") acting as lead agency for the Project's environmental review instead of the proper lead agency, the City of Los Angeles. LA Parks Alliance will submit a more thorough comment letter regarding the Project's inadequate environmental review before the current comment deadline in January 2023.

Footnote 1: LA Parks Alliance was formed in 2019 as a response to land use threats to LA State Historic Park. Its members are park and public space advocates. See https://www.laparksalliance.org.

Response GO8-1 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of why Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. As the agency tasked with planning, operating, and coordinating funding for the Los Angeles Region's transportation system, Metro has primary responsibility for implementation of the proposed Project, and is the proper lead agency. Under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).) Metro elected to serve as lead agency, and the City has not disputed this designation and has cooperated as a responsible agency.

Comment GO8-2 The City of Los Angeles Must be the Lead Agency for the Project, not Metro

Metro asserts it is the appropriate lead agency — "the public agency with the greatest responsibility for supervising or approving the project as a whole." Metro fails to offer an explanation as to how or why it should (or even can) be considered the public agency with the greatest responsibility for supervising or approving the project. Review of the relevant statutes shows Metro cannot be the lead agency because it has insufficient authority to authorize or supervise the Project. The City of Los Angeles must be the lead agency for the Project.

Footnote 2: DEIR, p. ES-1, quoting but not specifically citing Cal. Code Regs. Tit. 14 (hereinafter CEQA Guidelines), § 15051(b).

Response GO8-2 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro is the proper lead agency for the proposed Project. Under CEQA, a lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole." (CEQA Guidelines, §15051(b).) Under state law, Metro has broad authority over public transportation planning and coordination for the Los Angeles region's transportation system and is authorized to do "any and all things" to carry out these purposes. (Public Utilities Code, § 130105(f).) For the proposed Project, Metro is tasked with considering approval of all plans for design, construction, and implementation under Public Utilities Code section 130252, as well as with consideration of the written approvals to operate the proposed Project, pursuant to its authority under Public Utilities Code section 130252. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. Metro is the appropriate lead agency for the proposed Project.

Comment GO8-3 A. CEQA Requires the City of Los Angeles to be the Lead Agency for the Project

Public Resources Code section 21067 defines "lead agency" as "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (See also CEQA Guidelines, § 15367.)

CEQA Guidelines section 15051 explains the mandatory process by which a lead agency is chosen:

> Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:
>
> > (a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.
> >
> > (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.
> >
> > > (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.
>
> (2) Where a city prezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the prezoning. The local agency formation commission shall act as a responsible agency.
>
> (c) Where more than one public agency equally meet the criteria in subdivision (b), the agency which will act first on the project in question will normally be the lead agency.
>
> (d) Where the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.

Here, there are numerous public agencies that will be involved with the project. As the DEIR acknowledges, permits and other approvals will be required from the California Department of Transportation (CalTrans), California State Parks, Cal/OSHA, the City of Los Angeles, and Metro. (DEIR, pp. 2-57, 2-61 to 62.) Guidelines section 15051 therefore applies.

There is no doubt the Project will not be "carried out" by Metro. Metro tacitly admits as much by quoting CEQA Guidelines section 15051 subdivision (b) in the DEIR, which would not apply if Metro planned to carry out the project. Subdivision (a) would instead apply and Metro would be the appropriate lead agency. (DEIR, p. ES-1.) But as all available evidence shows, Metro will *not* carry out the Project.

Response GO8-3 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO8-2 for a discussion of how Metro is the appropriate lead agency for the proposed Project, consistent with its statutory authority under Public Utilities Code section 13052. Refer to Section 2.0, Project Description, for an overview of the potential discretionary entitlements, reviews, and approvals required for implementation of the proposed Project. Section 2.0 outlines the various agencies that could approve aspects of the proposed Project pursuant to their regulatory and statutory authority, including Caltrans, California State Parks, Cal/OSHA, Metro, and the City of Los Angeles.

Comment GO8-4 Metro documents, created during a confidential process by which Metro determined ARTT LLC would have sole source status to construct and operate the Project, show that the Project "is envisioned to be privately designed, built, operated, maintained, funded, insured, and financed" and that "Metro does not envision taking a hands-on, prescriptive, or performance minded approach to this project, instead focusing on the

elements of the project for which Metro would be responsible." (Response to Metro Request for Information ["Response to Metro"], Sept. 26, 2018, p. 8.)[3] Thus, CEQA Guidelines section 15051 subdivision (a) does not apply.

Footnote 3: See also, Response to Metro, p. 16: "Unlike other Metro projects, the ART is a privately funded/financed, designed, built, operated, maintained, and insured transport conveyance to a private property that is open to the public. Like Dodger Stadium, the ART system will be open to the public for certain events and activities but not publicly owned. It is more akin to the Palm Springs Aerial Tram as a service provided for transportation to a specific location."

Response GO8-4 The cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. Nevertheless, Metro's statement does not suggest that Metro has absolved itself of oversight for the proposed Project as this comment and letter suggests. Metro recognizes that as the lead agency it is responsible for overseeing aspects of the proposed Project within its jurisdiction, and will exercise its independent judgment in consideration of the proposed Project, which as discussed in Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, is being proposed by Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects. Refer to Responses GO8-1 and GO8-2 for a discussion of how Metro is the appropriate lead agency for the proposed Project, consistent with its statutory authority under Public Utilities Code section 13052. As recognized by CEQA Guidelines section 15051(b), where the proposed Project would be "carried out by a nongovernmental person or entity," such as here, where the Project Sponsor would carry out the proposed Project, "the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole" or "will normally be the agency with general governmental powers." Metro elected to serve as lead agency, and the City has cooperated as a responsible agency, including consultation in preparation of the Draft EIR. Further, Metro independently decided to act as the CEQA lead agency following the Unsolicited Proposal Process, consistent with CEQA Guidelines section 15051(b). In addition, under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).)

Comment GO8-5 Guidelines section 15051 subdivision (b), which does apply, strongly disfavors Metro as the lead agency because Metro does not have the "greatest responsibility for supervising or approving the project as a whole." First, in admitting that it will not take a hands-on, prescriptive approach to the Project, Metro has disavowed that it will supervise the Project's construction.[4] Second, Metro's role in approving the Project will be limited. It will focus only on the Project elements for which it is responsible. (Ibid.)

According to the DEIR, Metro's oversight is limited to three approvals:

- review and approval of Project plans for design, construction, and implementation;
- an easement or other approval to allow construction and operation of the Project within a portion of Los Angeles Union Station; and,
- an encroachment permit or other approval to allow construction and operation of the Project within Metro's Gold Line right-of-way. (DEIR, p. 2-61.)

The first of the above approvals that will purportedly be made by Metro is properly within the jurisdiction of Cal/OSHA's Amusement Ride & Tramway Division, not Metro. It appears the primary reason the Project proponent agreed that Metro could also review and approve its plans is because the proponent specifically requested and negotiated with Metro to serve as the lead agency, not because it believes Metro has primary authority over the design, construction, and implementation of the Project. To the contrary, as LA ART argues and LA Parks Alliance agrees, Metro clearly does not have this authority:

> In response to Metro's assertion that ART is subject to Metro approval under the requirements of the California Public Utilities Code ("CPUC), ARTT LLC agrees in general that such approval is appropriate since ARTT LLC has asked Metro to act as the Lead Agency for environmental clearance, together with assistance with the acquisition of surface land and/or aerial easements, as necessary, and the potential location of a passenger station at or near Los Angeles Union Station. We do ask Metro to recognize, however, that **aerial gondolas and tramways are regulated by the California Labor Code, Sections 7340-7357, and the detailed implementation of design, plans, and specifications falls under the jurisdiction of the Department of Industrial Relations, Division of Occupational Safety and Health ("Cal/OSHA"), which includes an Amusement Ride and Tramway Unit.**

(Response to Metro, p. 16 [emphasis added].)

Footnote 4: Nor does Metro have the authority to supervise the Project. See section D, infra, pp. 8-10.

Response GO8-5 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro has discretionary authority to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project (Public Utilities Code § 130252), which will include several discretionary approvals (multiple approvals of design and construction plans, approvals and agreements contemplated in the Memorandum of Agreement and subsequent amendments, agreement to integrate fares with Metro's fares / one tap system). This discretionary authority is considerably more broad than the individual land use and other review and approvals

to be issued by responsible agencies for the components of the proposed Project occurring within their jurisdiction. In short, Metro has "the greatest responsibility for supervising or approving the project as a whole" and is the appropriate lead agency. (CEQA Guidelines, §15051(b) [emphasis added].) Simply because other agencies have approval authority for the proposed Project, does not mean that Metro does not have the "principal responsibility" for approving or supervising the proposed Project. Indeed, CEQA recognizes that multiple agencies may have authority over a project. Therefore, CEQA includes the responsible agency process and consultation requirements in order for other agencies to provide necessary review and approval of aspects of a project. (Pub. Resources Code, §§ 21067, 21069.) The proposed Project would require review and approvals from Caltrans, State Parks, the City, and Cal/OSHA, as responsible agencies, in addition to review and approval by Metro as lead agency. Responsible agencies' discretionary approvals required for the proposed Project are secondary to Metro's statutory authority to review and approve transportation projects, and these other agencies were appropriately named as responsible agencies. Further, Metro engaged in required consultation with all responsible agencies during the process of preparing the Draft EIR for the proposed Project, in compliance with CEQA. The cited document predates the initiation of the CEQA review process for the proposed Project, and accordingly has no bearing on the sufficiency of the Draft EIR. No further response is warranted. Refer to Responses GO8-19 through GO8-22 for responses to comments raised in Section D to this letter.

Comment GO8-6 The DEIR acknowledges that approvals from Cal/OSHA's Amusement Ride & Tramway Division will be required pursuant to Cal. Code Regs. Tit. 8, §§ 3150-3191, including a Certificate of Construction. (DEIR, p. 2-61.) It does not, however, mention that California law requires all passenger tramways to receive a permit pursuant to Division 5 of the California Labor Code. The DEIR is therefore incomplete and inaccurate for failing to acknowledge this additional requirement.[5]

Footnote 5: California Labor Code, § 7341: "A passenger tramway shall not be operated in any place in this state unless a permit for the operation of the tramway is issued by the division, and unless the permit remains in effect and is kept posted conspicuously in the main operating terminal of the tramway."

Response GO8-6 As discussed in Section 2.10, Required Permits and Approvals, of the Draft EIR, "the Project EIR will provide environmental clearance as needed for all of the potential discretionary entitlements, reviews, and approvals required for implementation of the proposed Project, including, but not necessarily limited to . . . Pursuant to Title 8, California Code of Regulations sections 3150 through 3191, approvals from the Amusement Ride & Tramway Division [of Cal/OSHA], including a Certificate of Construction." Under Labor Code Section 7341, quoted by this commenter, "[a] passenger tramway shall not be operated in any place in this state unless a permit for the operation of the tramway is issued by the division, and unless the permit remains in effect and is kept posted conspicuously in the main operating terminal of the

tramway." 'Division' means the Division of Occupational Safety and Health. This is consistent with the approvals identified in the Draft EIR and is therefore not an additional requirement beyond what the Draft EIR identified.

Comment GO8-7 CEQA's mandatory process to determine the appropriate lead agency does not permit confidential negotiations between a project proponent and its preferred public agency for the role, a perverse sort of lead agency "forum shopping." (See Planning & Conservation League v. Department of Water Resources (2000) 83 Cal.App.4th 892, 906 ["PCL v. DWR"]: private party and local agency are "not at liberty to anoint" the local agency as lead agency through a private agreement.)

Response GO8-7 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Responses GO8-1 and GO8-2, for a discussion of how Metro is the appropriate lead agency for the proposed Project. Metro is the agency tasked with planning, operating, and coordinating funding for the region's transportation system, and is the appropriate lead agency for the proposed Project, which will become an integrated part of the regional transportation system. Further, this comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's process and sole source determination for the proposed Project.

Comment GO8-8 Moreover, compared to Metro's somewhat limited role with only two necessary approvals (both for use or encroachment upon Metro land), the anticipated role of the City of Los Angeles is far more extensive and complex. The DEIR identifies the necessary City approvals as likely including, but not limited to:

- a franchise agreement to operate "upon, over, under, or along any street, highway or other place in the City of Los Angeles";
- approval of the Project design from the Cultural Affairs Commission for components located within the City's public right-of-way;
- creation of a Specific Plan;
- adoption of a Sign District;
- a Plan Approval under the existing 1960 Dodger Stadium Conditional Use Permit;
- relief from the River Implementation Overlay District, to allow for the construction of several project components (Alameda Station, Alameda Tower, and Alpine Tower);
- relief from Cornfield Arroyo Seco Specific Plan to allow construction and operation of the Chinatown/State Park Station;

- a Development Agreement between the "Project Sponsor" and the City of Los Angeles for 20 years; and,
- "Other discretionary and ministerial permits, approvals, consultations, and coordination will or may be required, including…temporary street closure permits, demolition permits, grading permits, excavation permits, archaeological permits, encroachment permits, building permits, dewatering permits, stormwater permits, noise variances, work hour variances, haul routes, sign permits, any operational agreements…and any applicable permits or clearances related to water and/or energy infrastructure or emergency access."

  (DEIR, pp. 2-61 to 62.)

The vast majority of these "other discretionary and ministerial permits" and other approvals referenced in the DEIR will be made by the City of Los Angeles, since the 1.2-mile- long Project is proposed to be built and operated predominantly on or above City right-of-way. (DEIR, pp. 2-2 and 2-6 [Figure 2-3].)

Response GO8-8 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO8-5 for a discussion of Metro's role as the lead agency and how Metro's discretionary authority is considerably more broad than individual land use and other review and approvals to be issued by responsible agencies for the components of the proposed Project occurring within their jurisdiction. Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of required permits and approvals from responsible agencies for the proposed Project. Refer to Response GO8-5 for discussion of Metro's consultation with responsible agencies, including the City.

Comment GO8-9 CEQA strongly prefers to confer lead agency status on an "agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." (CEQA Guidelines, § 15051(b)(1).) Metro is an agency with a single purpose, albeit a very important one. But it does not have general governmental powers as the City of Los Angeles does to, for example, grant relief from City land use regulations, create a specific plan, agree to a franchise agreement for Project use of public rights-of-way, enter into a 20-year Development Agreement, or offer any of the "other discretionary and ministerial permits" and approvals necessary for the Project to be ultimately approved.

Response GO8-9 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations and the Draft EIR. Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of required permits and approvals from responsible agencies for the proposed Project. Refer to Response GO8-5 for discussion of Metro's role as the lead agency, and how Metro's discretionary authority is considerably more broad than individual land use and other review and approvals to be issued by responsible agencies for the

components of the proposed Project occurring within their jurisdiction, the City's role as a responsible agency, and Metro's consultation with responsible agencies, including the City.

Comment GO8-10 As the DEIR admits, the City of Los Angeles has direct and exclusive 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.") The required franchise agreement is key to the Project moving forward since the Project operates primarily within the City's public right-of-way. In addition, it is the City that is responsible to ensure the Project's consistency with the City's General Plan and its components, including numerous community plans and two existing specific plans, not Metro. (DEIR, pp. 3.11-8 to 3.11-13). Metro has no experience or expertise in evaluating the Project's consistency with the City's General Plan or crafting appropriate mitigation measures to address significant conflicts. The City clearly does.

Response GO8-10 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO8-5 for discussion of the City's role as a responsible agency and Metro's consultation with responsible agencies, including the City. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a consistency analysis of the proposed Project conducted with local plans and documents, including the City of Los Angeles General Plan, including the Community Plans, Alameda District Specific Plan, Cornfield Arroyo Seco Specific Plan, City of Los Angeles Municipal Code and RIO District Ordinance. As discussed in Section 1.0, Introduction, of the Draft EIR, the City of Los Angeles is a responsible agency under CEQA for the Draft EIR and, as discussed in Section 8.0, List of Preparers, of the Draft EIR, was consulted during the preparation of the Draft EIR, including on Section 3.11, Land Use and Planning.

Comment GO8-11 The City is also entirely responsible for any changes to and conditions associated with the 1960 Dodger Stadium Conditional Use Permit, and for relief from other City land use regulations in the Project area. The City is also responsible for required "temporary street closure permits, demolition permits, grading permits, excavation permits," etc. (DEIR, p. 2-62.) Metro has no experience, expertise, or authority for a private project over these fundamental City concerns.

Response GO8-11 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO8-5 for discussion of the City's role as a responsible agency and Metro's consultation with responsible agencies, including the City. Under CEQA, the EIR provides the necessary environmental clearance for the whole of the project, including subsequent actions by responsible agencies. A responsible agency participates in the EIR preparation process through consultation and review of the Draft EIR. As a decision-maker, the responsible agency will consider the project's environmental impacts as described in the EIR prepared by the lead agency, and then decide whether to approve the action before it. (CEQA Guidelines, § 15096(a).) Accordingly, should Metro approve the proposed Project and certify the EIR, the City would then rely on the EIR in considering the aspects of the proposed Project within

its jurisdiction. Refer to Section 2.10, Required Permits and Approvals, and Section 3.11, Land Use, of the Draft EIR, noting that, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.24.M, the Project Sponsor may seek a Plan Approval for the existing 1960 Dodger Stadium Conditional Use Permit ("CUP") to allow Stadium Tower and Dodger Stadium Station to implement the proposed Project. CUP Condition 4 provides for collaboration "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." Refer to pages 3.11-17 through 3.11-18, of Section 3.11, Land Use, of the Draft EIR, for a discussion of the CUP's requirements, including 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 site, so a total of 15,556 parking spaces must be provided and maintained on site. There are currently a total of 18,889 parking spaces provided and maintained on site." An analysis of the proposed Project's consistency with the CUP and the CUP's requirements (including how a total of 18,889 parking spaces are currently provided on the site, and a total of 15,556 are required to be provided under the CUP) is provided on page 3.11-43. As discussed in Section 1.0, Introduction, of the Draft EIR, the City of Los Angeles is a responsible agency under CEQA for the Draft EIR, and as discussed in Section 8.0, List of Preparers, of the Draft EIR, was consulted during the preparation of the Draft EIR, including on Section 3.11, Land Use and Planning.

Comment GO8-12 Metro does not have the desire (recalling that it has already disavowed Project oversight) or the necessary incentive or expertise to enforce the many Mitigation Measures associated with the Project for components not located on Metro property.[6] This may be one reason Metro has allowed so many of the Project's proposed Mitigation Measures to be improperly deferred, a subject that will be raised in greater detail in LA Parks Alliance's (and likely other) comment letters regarding the inadequate DEIR.

Footnote 6: These include: 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].

Response GO8-12 Contrary to this comment's assertion, Metro has not "disavowed" oversight of the proposed Project. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, and to Table 7-1, Mitigation Monitoring and Reporting Program, of the Final EIR, for

the full Mitigation Monitoring and Reporting Program for the proposed Project. The Mitigation Monitoring and Reporting Program for the proposed Project designates which agencies, including Metro, are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require that a lead agency be responsible for enforcing all mitigation measures, nor could it. Refer to Response GO8-5 for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority and how the proposed Project would require review and approvals from Caltrans, State Parks, the City, and Cal/OSHA, as responsible agencies, in addition to review and approval by Metro as lead agency. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project would not impermissibly defer mitigation.

Comment GO8-13 Indeed, the DEIR appears to assume that ARTT will prepare all these deferred mitigation plans, not Metro. (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.).

Response GO8-13 Refer to Response GO8-12, for a discussion of how agencies will retain enforcement authority over mitigation for the proposed Project. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, and Table 7-1, Mitigation Monitoring and Reporting Program (MMRP), of the Final EIR, the Mitigation Monitoring and Reporting Program prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require that a lead agency be responsible for enforcing all mitigation measures.

Comment GO8-14 The City of Los Angeles has direct regulatory authority over approval of the majority of physical Project components, which are primarily located on or above City land or City public right of way. The City is plainly the "public agency with the greatest responsibility for supervising or approving the project as a whole" and has the "general governmental powers" necessary to make most necessary Project approvals. (CEQA Guidelines, § 15051(b).) Metro has neither the greatest responsibility over the Project nor does it have general governmental powers to make Project approvals. Its approvals are limited to only two locations: one for permission to use Metro-controlled land, and another to cross Metro-controlled airspace.

The City of Los Angeles must be the lead agency.

Response GO8-14 Refer to Responses GO8-1 through GO8-13 for a discussion of how Metro is the appropriate lead agency for the proposed Project, and the City's role as a responsible agency for the proposed Project.

Comment GO8-15 B. CEQA Guidelines Section 15051 Subdivisions (c) and (d) are Inapplicable

CEQA Guidelines section 15051 subdivision (c) only applies "[w]here more than one public agency equally meet the criteria in subdivision (b)." It is inapplicable, as the City of Los Angeles is clearly the appropriate lead agency under subdivision (b). Even if subdivision (c) did apply, and it does not, between Metro and the City of Los Angeles it is the City that would likely "act first on the project in question" due to the many preliminary approvals necessary for a project of this scope and magnitude. (See list of City approvals required for the Project, DEIR, p. 2-61 to 2-62, and discussion supra, pp. 4-6.)[7]

Footnote 7: In fact, the City of Los Angeles already approved a Project-related permit when it issued Permit No. 22020-10000-00312 for ARTT LLC's gondola exhibit within the Dodger Stadium parking lot. /www.ladbsservices2.lacity.org/OnlineServices/PermitReport/PcisPermitDetail?id1=22020&id2=1 0000&id3=00312.

Response GO8-15 This comment takes into consideration the link provided in Footnote 7. Under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).) Metro elected to serve as lead agency, and the City has cooperated as a responsible agency, including consultation in preparation of the Draft EIR. Further, as discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project requires approvals from the City. Refer to Response GO8-5 for further discussion of discretionary approvals required for the proposed Project, including from responsible agencies. CEQA does not require a lead agency to have jurisdiction over all areas where a proposed Project may result in environmental impacts. (Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) The Draft EIR properly considered all potential impacts in the area of the proposed Project, which includes property that is in the jurisdiction of Metro, the City, State Parks, and Caltrans. Metro consulted with all responsible agencies, including the City, regarding potential impacts to their property, in compliance with CEQA. And, under the Mitigation, Monitoring and Reporting Program for the proposed Project, included in Section 7.0, Mitigation Monitoring and Reporting Program, of this Final EIR, the City would have certain enforcement authority to ensure mitigation of any potentially significant impacts that would occur on City-owned property and ROW. The fact that the City issued a ministerial permit for a gondola cabin exhibit display at the Dodger Stadium property is not evidence that the City is the appropriate lead agency for the aerial gondola system—a transportation project. As discussed in Response GO8-2, Metro is the

proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority.

Comment GO8-16 While the project proponent agreed in a private negotiation that Metro may also review and approve Project plans for design, construction, and implementation, as ARTT privately admitted to Metro during early discussions about the Project, the statutory duty to review and approve plans for design, construction, and implementation of an aerial tram system properly belongs to Cal/OSHA pursuant to the California Labor Code, not to Metro. (Response to Metro, p. 16, citing Labor Code, §§ 7340-7357.) Moreover, nothing in the Labor Code or other statute requires it to be the first action taken on the Project.

Response GO8-16 Refer to Response GO8-5 for discussion of how the proposed Project would require review and approvals from Caltrans, State Parks, the City, and Cal/OSHA, as responsible agencies, in addition to review and approval by Metro as lead agency, and responsible agencies' discretionary approvals required for the proposed Project are secondary to Metro's statutory authority to review and approve transportation projects, and these other agencies were appropriately named as responsible agencies. In addition, the cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. This comment also mischaracterizes the cited document, which requested that the Project Sponsor list potentially applicable statutes and regulations.

Section 2.0, Project Description, of the Draft EIR, sets forth potential approvals from responsible agencies such as the City, Caltrans, State Parks, and Cal/OSHA, and approvals from Metro, which will involve additional opportunities for public hearing and comment on the proposed Project. For example, Metro's discretionary authority under Section 130252 to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project involves several potentially discretionary approvals, including, for example, approvals of design and construction plans, approvals and agreements contemplated in the Memorandum of Agreement and subsequent amendments, and agreement to integrate fares with Metro's fares / one tap system. The proposed Project would comply with applicable standards, requirements, building codes, and guidelines as determined by the City of Los Angeles, Metro, and/or Cal/OSHA or the appropriate agencies/regulatory authorities during the permitting process for the proposed Project.

This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate). The appeal in this lawsuit was abandoned on May 26, 2023, and accordingly the Los Angeles Superior Court's decision is final.

Metro followed the prescribed process for unsolicited proposals to the Metro Office of Extraordinary Innovation ("OEI"), which involved several public meetings where the proposed Project was discussed in an open forum and otherwise made public on Metro's website. On April 25, 2018, the Project Sponsor submitted its Unsolicited Proposal to OEI. At the April 26, 2018, Metro Board of Directors meeting, the then-Metro CEO and Chair spoke about the proposed Project during their respective reports. Metro issued a press release on this date, noting that Metro had received the proposal and would evaluate the proposal under its Phase I analysis process "within 60 days of being received" in accordance with the Unsolicited Proposal policy process, prior to then choosing whether or not to advance the proposal to the more-detailed Phase II consideration. ("Metro receives Unsolicited Proposal for aerial rapid transit between Union Station and Dodger Stadium," Metro – The Source (April 26, 2018).)[1]

Following its consideration of the proposal consistent with the OEI process, Metro sent a letter to the Project Sponsor on October 11, 2018, confirming that the proposed Project would proceed to a sole source agreement, noting that Metro was prepared to enter into exclusive negotiations on the proposed Project. Metro's December 3, 2018 Board Box included a discussion of the OEI process, noting that the Project Sponsor met the sole source criteria and, that during the Phase I review, Metro "felt that this zero-emission mode could provide a useful, creative and fun means of accessing Dodger Stadium and Elysian Park while reducing congestion and improving air quality in the neighborhoods surrounding the Stadium" and "conducted due diligence on the feasibility of this unique partnership and assessed the costs and benefits to Metro and the public of partnering on the project."[2]

At the December 6, 2018, Metro Board of Directors meeting, the then-Metro CEO and Chair provided the Metro Board with an update on the proposed Project in his CEO Report to the Board, noting that he had "signed a memo closing out the unsolicited proposal process for the Los Angeles Aerial Rapid Transit Project and advancing that project to the implementation phase" and that Metro would "continue to develop the project by entering into an exclusive negotiation with our partner, the Aerial Rapid Transit Technologies LLC."[3] On this same day, Metro issued a press release announcing that Metro and LA ART had signed a letter of intent to "formally begin the negotiations necessary" for the proposed Project and that the letter of intent "signals Metro's interest in implementing the project and moves it from the Unsolicited Proposals evaluation stage to project development."[4] Metro formally concluded the Unsolicited Proposal process on December 14, 2018, determining that

[1] Hymon, Steve. 2018. Metro receives Unsolicited Proposal for aerial rapid transit between Union Station and Dodger Stadium. Available at: https://thesource.metro.net/2018/04/26/metro-receives-unsolicited-proposal-for-aerial-rapid-transit-between-union-station-and-dodger-stadium/. Accessed August 2023

[2] Los Angeles County Metropolitan Transportation Authority (LA Metro). December 3, 2018 Board Box Update.

[3] Los Angeles County Metropolitan Transportation Authority (LA Metro). Metro Meeting Recordings - December 6, 2018 Metro Board of Directors meeting recording. Available at: https://metro.granicus.com/player/clip/987?view_id=2&redirect=true&h=7b1d4fe0fe92c06e7a30b6c30ed61f65. Accessed September 2023.

[4] Hymon, Steve. 2018. Metro and ARTT co-sign Letter of Intent to begin negotiations on developing gondola to Dodger Stadium. Available at: https://thesource.metro.net/2018/12/06/metro-and-artt-co-sign-letter-of-intent-to-begin-negotiations-on-developing-gondola-to-dodger-stadium/#:~:text=Metro%20announced%20on%20Thursday%20that,to%20Dodgers%20Stadium%20a%20reality. Accessed August 2023.

the proposal satisfied the Phase II criteria, and advanced the proposal to the implementation process.

Contrary to this comment's suggestion that Metro's OEI process occurred "privately," as stated above, the then-Metro CEO and Chair provided the Metro Board with an update on the proposed Project on December 6, 2018 at the public Board of Directors meeting, noting that Metro was "entering into an exclusive negotiation" with LA ART. Metro's December 3, 2018 Board Box included a discussion of the OEI process, noting that "after reviewing the Phase II proposal submitted," the Metro "review team recommended moving forward to implementation by entering into exclusive negotiations." Metro's Unsolicited Proposal Policy FAQs recognizes that "Metro Board meetings are matters of public record,"[5] and this extends to items provided within Metro's Board Box. In addition, at the publicly-noticed April 18, 2019 Metro Executive Management Committee ("EMC") meeting and the April 25, 2019 Metro Board meeting, Metro received and filed a status report on the proposed Project that outlined the steps for moving forward with the proposed Project, including continuing negotiations on the Memorandum of Agreement ("MOA") between the Project Sponsor and Metro, and the CEQA process. The reports for these meetings outlined the MOA's terms, including that Metro will act as lead agency for the proposed Project under CEQA. The reports also affirmatively acknowledge Metro's sole source determination, stating that in 2018, "Metro formally concluded the unsolicited proposal process and began exclusive negotiations with ARTT."

The proposed Project was also discussed at publicly-noticed Metro EMC and Board meetings on September 17, 2020, September 24, 2020, June 17, 2021, and June 24, 2021.

Metro's consideration of the proposed Project did not occur solely behind closed doors.

Comment GO8-17 CEQA Guidelines section 15051 subdivision (d) is also inapplicable. It applies "[w]here the provisions of subdivisions (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency." As discussed, here Metro does not have a substantial claim to be the lead agency because it cannot be seen as "the public agency with the greatest responsibility for supervising or approving the project as a whole," and CEQA strongly prefers the lead agency to have "general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." (CEQA Guidelines, § 15051(b).) Metro has taken on the role by private agreement with the Project proponent and with the apparent acquiescence of the City, whose former Mayor championed the Project in his role as chair of

[5] Los Angeles County Metropolitan Transportation Authority (LA Metro). Unsolicited Proposal Policy FAQS. Available at: https://uc17dec76f6ff009d08b76dae4be.dl.dropboxusercontent.com/cd/0/inline2/CFZWXUnLWHIFFjN-qROvNU3jzqvBjzXBeXioSlapFscbSh4sS3yTE5K6B9cI9QsU4_mfjyNaIHgc7tJB0s7hCgzFWOJ6JsyvUFIsc7wh3qo90zontBx4OUGFSW-i7itNfjciBwWtZWBuezBb2MQ38T5vW4-ikfEjIhHekMHqQEOjFCsTVFGlcwIQ45pmHwyydyFy5_m03V43XzyTyDFfCltqB-c_-XJyccuYmLwG6Jy9xuQEn_lzzn8sdJlDqIbyFOwHu8usBh2MSLWfDjk679sg3tFQJhJXgTtQ2bYnfdGz1fYJJwqXozn2gRq6_0vP7E0ZWI0Sl_SYqk6vUVo88vz6AagBWicVJcbJ5ImaZuo1vWm0U6aXVAOhZJsoitE8ooY/file. Accessed September 2023.

Metro's board of directors. Indeed, Mayor Garcetti described himself openly in a recent Metro Executive Management Committee meeting as a "pretty unabashed supporter" of the Project, which raises significant concerns over Metro's possible precommitment to approve the Project.[8]

Footnote 8: See Joe Linton, StreetsBlogLA, Mayor Garcetti Supports Dodgers Gondola, Disses Project Skeptics Comparing Them To Mitch McConnell, Sept. 16, 2022, attached as Exhibit A, available at: https://la.streetsblog.org/2022/09/16/mayor-garcetti-supports-dodgers-gondola-disses-project-skeptics- comparing-them-to-mitch-mcconnell/.

Response GO8-17 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Responses GO8-5 and GO8-9 for discussion of how Metro is the appropriate lead agency for the proposed Project. Refer to Response GO8-16 for a discussion of how Metro complied with its own process before agreeing to act as lead agency for the proposed Project. As CEQA requires, Metro prepared the Draft EIR for the proposed Project in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. (See CEQA Guidelines § 15121(a).) Metro will consider whether to certify the EIR and approve the proposed Project at a public hearing in the future. Metro has not pre-committed to the proposed Project. Statements from Metro's former Chair indicating that Metro should advance consideration of a zero-emission transit project do not amount to an action that advances the proposed Project in a manner that foreclosed alternatives or mitigation measures. Lead agencies may engage in preliminary activities designed to facilitate or otherwise encourage a project without entering into a binding commitment or approval. No such commitment has occurred.

Comment GO8-18 C. Metro's Decision to Act as Lead Agency is Inherently Prejudicial and Taints the Environmental Review Process

Choice of lead agency is fundamentally important. "[A]lthough applicants may enter into contracts and agreements prior to the completion of the environmental review process, such contracts or agreements cannot be used to avoid the scrutiny envisioned by CEQA." (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 737 [emphasis added].) Thus, where a local agency privately agrees with an applicant to serve as lead agency, or even where local agencies agree amongst themselves to designate one of them as lead agency, if that designation does not follow CEQA's mandated process, it will be rejected and the environmental review document prepared by the improper lead agency discarded. (See, e.g., PCL v. DWR, 83 Cal.App.4th at 907; see also City of Sacramento v. State Water Resources Control Bd. (1992) 2 Cal.App.4th 960, 973.)

Metro (and the City of Los Angeles) should take note that CEQA forbids delegation by the properly delegated lead agency to another agency or private entity:

> Neither the [California Environmental Quality Act] nor the state guidelines authorize the city council to delegate its review and consideration function to another body. Delegation is inconsistent with the purpose of the review and consideration function since it insulates the members of the council from public awareness and possible reaction to the individual members' environmental and economic values. Delegation is inconsistent with the purposes of the EIR itself."

(PCL v. DWR, 83 Cal.App.4th at 907, quoting Kleist v. City of Glendale (1976) 56 Cal. App. 3d 770, 779.) As plaintiffs successfully argued in PCL v. DWR, "appointment of the wrong lead agency taints the entire EIR process, is inherently prejudicial, and compels a fresh start with an appropriate lead agency." (Ibid.)

Metro's decision through a private agreement with ARTT LLC to take on lead agency status in the environmental review of the proposed aerial tram system is likewise prejudicial and taints the environmental review process. The only remedy is to begin anew under the direction of the properly designated lead agency, the City of Los Angeles.

Response GO8-18 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO8-5 for a discussion of how Metro is the appropriate lead agency for the proposed Project, and to Response GO8-7, for a discussion of how Metro is the appropriate lead agency, including under the principles outlined in *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892. Metro's receipt of funding to reimburse Metro for its efforts related to the Project from the Project Sponsor for the proposed Project does not negate Metro's authority as lead agency; it is commonplace for a project sponsor to reimburse a lead agency's efforts related to a project. Furthermore, the MOA provides that it does not constitute or evidence an approval by Metro of, or commitment of Metro to, any action for which prior environmental review is required under CEQA. This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's process and sole source determination for the proposed Project. The appeal in this lawsuit was abandoned on May 26, 2023, and accordingly the Los Angeles Superior Court's decision is final. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO8-19 D. Public Utilities Code Section 130252 Does Not Change the CEQA Analysis and Neither Requires Nor Authorizes Metro to Serve as Lead Agency

The Draft EIR suggests that Public Utilities Code ("PUC") section 130252 requires the submittal, review, and approval of proposed plans to Metro for design, construction, and implementation of the Project. (DEIR, p. 2-61.) As discussed above, ARTT LLC explained to Metro that "aerial gondolas and tramways are regulated by the

California Labor Code, Sections 7340-7357, and the detailed implementation of design, plans, and specifications falls under the jurisdiction of the Department of Industrial Relations, Division of Occupational Safety and Health ("Cal/OSHA")." (Response to Metro, p. 16.)

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) (emphasis added).) This project is not a public mass transit project or a mass transit guideway system.[9] The Project is privately owned and operated and intended primarily to provide service to and from Dodger Stadium, a private sports and event venue. The DEIR admits as much: "The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property…" (DEIR, p. 2-12.)

Footnote 9: ARTT LLC explained, and LA Parks Alliance agrees, that the gondola Project is "not a 'transit guideway system'" and thus is not subject to PUC section 130252(a) for that reason. (Response to Metro, pp. 16-17.)

Response GO8-19 The cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. This comment also mischaracterizes the cited document, which requested that the Project Sponsor list potentially applicable statutes and regulations. Refer to Response GO8-16 for a discussion of how Metro complied with its own process before agreeing to act as lead agency for the proposed Project. Refer to Response GO8-2 for discussion of Metro's statutory authority under Public Resources Code section 130252. As discussed in Topical Response A, SB 44, the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Thus, Metro is legally authorized under state law to approve the proposed Project. For the proposed Project, Metro is tasked with considering approval of all plans for design, construction, and implementation under Public Utilities Code section 130252, as well as with consideration of the written approvals to operate the proposed Project, pursuant to its authority under Public Utilities Code section 130252. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. Metro is the appropriate lead agency for the proposed Project.

Comment GO8-20 The DEIR's repeated assertions that Project purposes include providing access to neighborhoods near Dodger Stadium and to LA State Historic Park and its surrounding neighborhoods (see, e.g., DEIR, p. ES-1) are also belied by the DEIR's gross speculation surrounding these alleged purposes. For example, the alleged access and mobility hub at Dodger Stadium is identified only as a "potential" project component and would be subject to approval by the Dodgers. (DEIR, pp. ES-1.) "The Project Sponsor will request consideration by the Los Angeles Dodgers of the potential for the Dodger

Stadium Station to include a mobility hub where outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon." (DEIR, p. ES-10 [emphasis added].)

Response GO8-20 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, access to Elysian Park, the City's second largest park, comprising 575 acres, would be provided through a mobility hub at Dodger Stadium Station where passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program to access Elysian Park and other nearby neighborhoods, including Solano Canyon.

Comment GO8-21 The DEIR asserts that the "Chinatown/State Park Station location avoids adjacent private properties while maintaining transit access to surrounding communities within a half mile walkshed to transit, including the Park, Chinatown, Mission Junction including William Mead Homes, Los Angeles River, and North Broadway." (DEIR, p. 222.) First, access from Union Station to these neighborhoods are already provided by Metro's Gold Line Chinatown Station, which is located approximately 100 yards from the Project's proposed Chinatown/State Park Station. Second, and perhaps more important, the use of the Project to duplicate this access via the proposed gondola outside of Dodger games and events is entirely speculative, and is based entirely on demand. "It is anticipated that the proposed Project operations would vary the number of cabins in service and speed throughout the day, based on demand." (DEIR, p. 2-42.) Nothing in the DEIR suggests the gondola will operate on a

minimum schedule, as Metro's Gold Line does.[10] ARTT LLC or another operator could choose not to run the gondola at all if demand is insufficient.

Footnote 10: Metro's Gold Line schedule provides weekday service on its Northbound segment from Union Station to Citrus College every 12 minutes or less for most of the day between 4am and 12:50am. The weekend schedule is the same hours, with only slightly less frequent service. See https://www.metro.net/riding/schedules/?line=804.

Response GO8-21 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project would enhance public transit options for the park by providing passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex, pedestrian access enhancements which could include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. Accordingly, and as discussed in Section 3.11, Land Use and Planning, the proposed Project would provide an additional transit option that links to the existing LAUS, helping to build the resilience of the regional transportation system and increasing connectivity of people to the region's public transportation hub at LAUS and the Dodger Stadium property. Implementation of the proposed Project would create new and improve existing transit connections not only to communities along the proposed Project alignment, but to other transit lines and stations, including the regional transit lines served by LAUS, the Chinatown Metro L Line (Gold) station, and several regional and local bus lines serving the Project Study Area. Further, compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO8-22 Even if these currently speculative components were certain to become part of the Project, they would not magically transform it into a public mass transit system. A project owned and operated by a private person or entity for the primary purpose of providing transportation to an entirely private destination is not a public mass transit

system. As a private transportation project, and as ARTT LLC admitted in its responses to Metro, the Project is not within the scope of PUC section 130252. And even if PUC section 130252 did apply, it has very limited scope.

PUC section 130252 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 [i.e., Metro] for approval.

But PUC section 130252 subdivision (c) substantially limits the meaning of subdivision (a): "As used in this section, "plan" means a project description and not the detailed project plans, specifications, and estimates." (Emphasis added.) The Project applicant has privately agreed with Metro that it may also review and approve Project plans for design, construction, and implementation. (See Response to Metro, p. 16.) As already discussed, however, the primary oversight authority for detailed review of plans for design, construction, and implementation of an aerial tramway project is held by Cal/OSHA, not Metro. Moreover, the DEIR does not cite to any authority authorizing or permitting Metro to supervise the Project.

Metro's and the DEIR's citation of PUC section 130252 does not change the mandated CEQA process to determine the appropriate lead agency for the proposed Project.

Response GO8-22 This comment provides a general recitation and characterization of statutes and regulations and a general summary of comments raised in this letter. Responses to the comments raised in this letter are provided above in Responses GO8-1 through GO8-21. In addition, the cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. Under CEQA, in preparing the EIR, the lead agency must assume that the proposed project would be built in order to analyze the potential environmental impacts of the project. Accordingly, the components of the proposed Project are not "speculative" for the purposes of Metro's environmental analysis, as this comment suggests.

Comment GO8-23 CONCLUSION

As the DEIR acknowledges, "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." (DEIR, p. 1-2.) Metro certainly has authority as a responsible agency to consider the manner the proposed Project will relate to the important public resources over which it exercises control and oversight. But Metro is not well-situated to be the lead agency charged with the duty to make these balancing considerations over the many public resources that are not within its ambit.

Metro approvals for this Project will be required to allow construction and operation of the Project within a portion of Los Angeles Union Station and within Metro's Gold Line right-of-way. (DEIR, p. 2-61.) It is significant that the DEIR has determined no Mitigation Measures are necessary to protect these public resources. But there are numerous Mitigation Measures proposed to protect other public resources and members of the public in the City of Los Angeles. (See footnote 5, p. 6.) The City is far better situated to act as lead agency than Metro, and since it is directly political accountable to its constituents, is better positioned to balance the alleged Project benefits against its significant unavoidable environmental impacts and ensure that Mitigation Measures to protect the people and resources of Los Angeles are properly monitored and enforced.

The City of Los Angeles must serve as lead agency for the proposed Project, not Metro.

Sincerely,

John Given

Cc (by email only):

Supervisor Hilda L. Solis, LA Board of Supervisors (First District)
Mayor Karen Bass, City of Los Angeles
Councilmember Eunisses Hernandez, LA City Council (District 1)
City Attorney Hydee Feldstein Soto, City of Los Angeles

Response GO8-23 This comment provides a general conclusion regarding the comments raised in this letter. Responses to all comments contained in this letter are provided above in Responses GO8-1 through GO8-22.

Comment Letter GO9 – Los Angeles Union Station Historical Society, Thomas R. Savio

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO9

Comment GO9-1 Dear Mr. Zelmer,

The Board of Directors (The Board) of Los Angeles Union Station Historical Society (LAUSHS), a non-profit, Federal Railroad Administration Section 106 historic preservation consultant for Los Angeles Union Station (Union Station), a world recognized National Historic Landmark owned by Los Angeles County Metropolitan Transportation Authority (Metro), has voted to formally comment against Los Angeles Aerial Rapid Transit's (LAART) 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 an illegal (pending a Superior Court decision) "accommodation" for LAART. The Board believes that LAART's proposed futuristic/Carnaval-like Union Station Terminal on Alameda Street and Metro's supporting "Esplanade-Forecourt" project will blight the viewscape of the historic and architecturally significant west façade 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 were to be 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" (a fogging-type water fountain) which would cool LAART patrons cued-up for their cable car rides to 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.)

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:

Response GO9-1 This comment indicating opposition to the proposed Project is noted and will be provided to the decision makers for review and consideration. This comment provides

a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO9-2 through GO9-8.

Comment GO9-2 A) Metro Board member, the former Mayor of Los Angeles 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, for not allowing public participation, before the Superior Court.)

Response GO9-2 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The public input during this period led directly to changes to the proposed Project to incorporate public feedback, including changes to the proposed Project alignment to include the intermediate Chinatown/State Park Station, redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community engagement during the Draft EIR public review period and community engagement efforts during the preparation of the Final EIR. This comment also raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

Comment GO9-3 B) In The Board's opinion, Metro Deputy Executive Officer Cory Zelmer and/or subordinates and consultants 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 LAART'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 LAART'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, and/or 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 (Union Station's original name) has for decades declared: "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?

Response GO9-3 The Draft EIR addresses potential airport hazards in Section 3.09, Hazards and Hazardous Materials, Section 5.5.5, Heliports, in Section 5.0, Other CEQA Considerations, and in Appendix O, Airspace Analysis Technical Memo. The determination on page 3.9-30 of the Draft EIR – that the proposed Project alignment is not in an area covered by an airport land use plan nor located within two miles of a "public airport" – is based on facts and the specific language of CEQA's thresholds of significance for this issue. This threshold is stated in the Draft EIR under Impact HAZ-5, which asks the question: "For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard…?" The Draft EIR concludes that the proposed Project alignment is not within two miles of a "public use airport" as that term is defined under CEQA. Regardless of any distinction between heliports and airports, the Draft EIR immediately follows this conclusion with a clear disclosure that the city-owned Jay Stephen Hooper Heliport is within 0.38 miles of the proposed Project. According to the LAPD and AirNav.com1, the Hooper Heliport is a city-owned, private use facility. As a private use facility, it does not meet the "public use airport" description in the CEQA threshold. Note that the determination is based on the distinction between public and private facilities, not the definition of "airport." Thus,

comparison to federal or state case law or regulations relying on a different definition of "airport" is irrelevant to the analysis required by CEQA. The analysis in Appendix O, Airspace Analysis Technical Memo, of the Draft EIR, is based on FAA analysis standards, and concludes with substantial evidence that construction and operation of the proposed Project is clear of the airspace associated with the existing heliports, including the Hooper Heliport, in the proposed Project's vicinity. As such, no adverse effects related to aeronautical hazards are predicted based on these findings, and no notification is required for the proposed Project construction unless the FAA makes a specific request to the Project Sponsor. In addition, refer to Appendix I, Firefighting Helicopter Response Memo, of this Final EIR, for discussion of how helicopter flight paths would not be impeded as a result of the proposed Project.

Comment GO9-4 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--was 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 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 style 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 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."

Response GO9-4 Refer to Response GO9-3 for a detailed discussion of Hooper Heliport. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which

would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area. As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

Comment GO9-5 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 might funded by the savings from not building its Esplanade-Forecourt project.

Response GO9-5 Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed Project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction,

Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. While some riders of the Dodger Stadium Express are likely motivated by traveling in more sustainable ways than driving, the Dodger Stadium Express already uses clean natural gas (CNG) buses, which are more environmentally friendly than driving. Switching from CNG to a Zero Emissions Bus (ZEB) would have no bearing on the travel time or capacity limitations of the Dodger Stadium Express, so is not expected to materially increase the ridership of the service, and therefore would reduce fewer vehicle miles traveled (VMT) to Dodger Stadium than the proposed Project, which would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program, pursuant to GHG-PDF-A.

Comment GO9-6 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, the viewscape of Union Station and safety.

Response GO9-6 Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO9-7 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 comment 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 the parking spaces would be left permanently removed. 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 with 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-Forecourt project is designed to cool future LAART and adjacent 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 built on top of Old Chinatown's rubble.)

Response GO9-7 Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of Metro’s LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt.

Comment GO9-8 G) Finally, building the Esplanade-Forecourt project’s water-feature in semi-desert Los Angeles has been experiencing one of its worst multi-year droughts in history flies in the face of the State of California's policy to conserve dwindling water 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 local politicians! Or, to paraphrase the immortal Yogi Berra: “It’s ‘Chinatown’ (the movie) all over again.”

Response GO9-8 Refer to Response GO9-7 for discussion of how the proposed Project does not include a water fountain in the planned LAUS Forecourt. As described on page 2-49 in Section 2.0, Project Description, of the Draft EIR, the proposed Project includes

several sustainability and water efficiency measures, including drought tolerant landscaping and use of reclaimed water for irrigation where available.

Comment GO9-9 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 the related Esplanade-Forecourt projects in the interests of honest government, Los Angeles Union Station preservation, the environment and above all safety.

Respectfully,

Thomas R. Savio
Executive Director
Los Angeles Union Station Historical Society

Cc: Stephanie Wiggins, Metro CEO

Response GO9-9 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO9-2 through GO9-8.

Comment Letter GO10 – California State Parks Foundation, Rachel Norton

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO10

Comment GO10-1 Dear Mr. Zelmer:

Thank you for allowing the opportunity to comment on the draft Environmental Impact Report for the Los Angeles Aerial Rapid Transit (LAART) project, released in October.

California State Parks Foundation is an independent, member-supported nonprofit dedicated to protecting and preserving the California state park system, for the benefit of all. Since our founding in 1969, we have endeavored to ensure that every unit of the California state park system is open, welcoming and provides a high-quality recreational experience for the public; and that the irreplaceable natural and cultural wonders of the system are stewarded for future generations to enjoy.

We have taken an interest in the LAART project because of its impact on Los Angeles State Historic Park. The proposed project would cross over the western edge of the park and include a new station adjacent to the current Chinatown station on the Metro Gold Line, as well as a junction just to the northwest on Broadway.

Response GO10-1 This comment provides a general introduction to the comments raised in the letter. Responses to the comments contained in this letter are provided below in Responses GO10-2 through GO10-6. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO10-2 Los Angeles State Historic Park formally opened in 2017 after decades of advocacy by the surrounding community – neighbors in Chinatown wanted a park and they did not rest until this green oasis was created. Today when you visit Los Angeles State Historic Park, you see people exercising and walking their dogs, relaxing on the grass, taking in the stunning view of the downtown skyline, and participating in community activities like exercise classes or arts and crafts. It is a peaceful gathering spot that provides desirable amenities to its low-income neighbors, and one that represents a true respite from its urban surroundings.

Response GO10-2 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now

the Los Angeles State Historic Park. The planning, developing, and efforts made by State Parks and its partners resulted in a park that provides the "a place to learn and to celebrate the ethnically diverse history and cultural heritage of Los Angeles" for the surrounding community, greater Los Angeles, and visitors from around the world, one that the proposed Project is designed to honor and expand upon. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Refer to Response GO10-5 for discussion of the aesthetic impacts of the proposed Project, which would be less than significant.

Comment GO10-3 We are concerned that the construction and operation impacts of the project may permanently alter the peaceful experience of the park. First, the project would require amending the General Plan for the park to include transportation as an acceptable use – a worrisome precedent for other parks in the system. Too often, parks are seen as empty spaces that can be used for infrastructure like roads and power lines. We remain absolutely committed to pushing back against that thinking whenever and wherever it occurs, because parks are already essential infrastructure for health, wealth, and quality of life.

Response GO10-3 As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any

other significant and unavoidable construction impacts. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less-than-significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment. Refer to Response GO10-2 for discussion of with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project.

Comment GO10-4 Noise is another concern – impacts will be unavoidable and significant during construction, which is bad enough. The draft EIR also finds that the system will generate between 61 and 64 decibels of additional noise during regular operation. This is just below levels that can affect health in the form of noise pollution, so it's another issue we'll be watching closely.

Response GO10-4 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise impacts from the proposed Project. As discussed in Response GO10-3, construction of the proposed Project would result in significant and unavoidable impacts with regard to noise. Mitigation Measure NOI-A would be implemented during construction of the proposed Project, requiring a Construction Noise Management Plan to minimize construction-related

noise impacts to off-site noise-sensitive receptors, which would include the construction noise barriers. Refer to Section 2.8, Construction, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the duration of construction for each component of the proposed Project.

This comment mischaracterizes the analysis of operational noise impacts in Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, which does not find that the proposed Project operations would generate between 61 and 64 decibels of additional noise compared to existing ambient noise levels. As demonstrated on Table 3.13-10, in Section 3.13, existing ambient noise levels in the vicinity of the proposed Project were measured based on L_{day}, L_{night}, L_{dn}, and CNEL. Existing L_{day} ambient noise levels in the Project area range from 53.6 to 69.8 dBA and existing L_{night} ambient noise levels in the Project area range from 48.7 to 65.5 dBA. As demonstrated on Tables 3.13-22, 3.13-23, 3.13-24, and 3.13-25 on pages 3.13-53 to 3.13-58 of Section 3.13, the operational noise impacts would be less than significant at all receptor locations based on the L.A. CEQA Thresholds Guide, Federal Transit Administration (FTA) guidelines, and Los Angeles Municipal Code (LAMC). Specifically, as demonstrated on Table 3.13-23 based on the LAMC analysis the proposed Project would result in an increase in ambient noise levels ranging from 0.0 to 4.1 dBA (including both $L_{eq(day)}$ and $L_{eq(night)}$). The increases are all below the 5 dBA Leq LAMC threshold and no operational impact would occur under the worst-case scenario that assumed the highest line speed, cabins per hour, and queueing numbers, and nighttime operations.

In addition, refer to Responses GO17-129 and GO17-130 for discussion of the proposed Project's less than significant impact on human health associated with hearing loss, hearing damage, and sleep disturbance.

Comment GO10-5 Finally, it is very difficult to tell from the materials that have been released thus far what the impact of the proposed project will have on the park's views and vistas. While we understand that some of these concerns are beyond the scope of what is required in an Environmental Impact Report, park vistas are an important part of the experience at Los Angeles State Historic Park. We request that California State Parks and Los Angeles Metro prepare a set of visuals that show what park visitors in the southwestern third of the park would see and experience at ground level after the proposed project is constructed.

Response GO10-5 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San

Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including additional visual simulations of the Park to further analyze viewshed impacts to the Park, in response to comments received on the Draft EIR. As demonstrated by these supplemental KOPs, views from the Los Angeles State Historic Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Refer to Response S2-5. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant.

Comment GO10-6 Proponents of the project seem to believe that the potential of taking cars off the road is worth any potentially serious impacts to the park's visitor experience. To us, this is a false choice – in Los Angeles, as in most urban areas in California, it is increasingly expensive to carve out additional green open spaces, even though we know that these spaces are vital to the quality of life and health of the surrounding community. We ask that you commit to additional efforts to study and fully understand the proposed project's impact on the park's General Plan, ambient noise and views prior to any action to approve and implement this project.

Thank you for the opportunity to offer these thoughts and concerns. I would be happy to discuss them further should you have questions.

Sincerely,

Rachel Norton
Executive Director
California State Parks Foundation

Response GO10-6 Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed

Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Refer to Response GO10-3 for discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan and the Los Angeles State Historic Park General Plan Amendment. Refer to Response GO10-4 for discussion of the construction and operational noise impacts from the proposed Project, which would be less than significant. Refer to Response GO10-5 for a discussion of the aesthetic impacts of the proposed Project, including to views from the Los Angeles State Historic Park, which would be less than significant.

Comment Letter GO11 – Los Angeles Union Station Historical Society, Thomas R. Savio

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO11

Comment GO11-1 Dear Mr. Zelmer,

I was present at the meeting hosted by you, and/or LA Metro, Frank McCourt, Los Angeles Aerial Rapid Transit, ClimateResolve, Cathedral High School and Does 1 to 10. I attended as the representative of the Los Angeles Union Station Historical Society (LAUSHS). Here are my recollections that in my opinion bring into question the legitimacy of the meeting:

Response GO11-1 This comment provides a general introduction to the comments raised in the letter. Responses to the comments contained in this letter are provided below in Responses GO11-2 through GO11-4.

Comment GO11-2 A) Although I arrived at Cathedral High School meeting venue at the beginning of the meeting, I was delayed by thirty minutes getting to the venue because there was no Disabled Parking in or around Cathedral High School. (This has since been confirmed by Cathedral High School staff.) Consequently, I was late because I am a Disabled Person, and since all normal street parking was occupied by residents and/or meeting participants, I was obliged to park on the sidewalk after driving about for nearly 30 minutes, in fear of not representing the views of the LAUSHS. Consequently, I waddled with cane in hand to the distance to the meeting. This, in our opinion, a reasonable person would conclude that Mr. Zelmer and/or other "hosts" do not care about providing reasonable accommodations for Disabled Persons and myself. Furthermore, it indicates to us Mr. Zelmer's indifference to the Disabled and/or his incompetence in hosting same at the public meeting.

Response GO11-2 Refer to Topical Response N, Environmental Justice, for discussion of how public outreach for the proposed Project was designed with environmental justice principles in mind and provided opportunities for in-person and virtual meetings with toll-free dial in options and ADA accessibility features. Cathedral High School has at least five accessible parking spaces within the school campus, including within on campus parking lots accessible from Bishops Road, North Broadway and Cottage Home Road. The lots that these spaces are in were available to attendees during the January 12, 2023, public hearing. Refer to Response GO11-3 for discussion of the January 12, 2023, public hearing.

Comment GO11-3 B) When I finally entered the meeting, it had the appearance and sound of a near riot. I was told by bystanders that the spontaneous demonstration was because Mr. Zelmer and other hosts refused to take any questions of the 70 to 100 members of the local community in attendance. It is our opinion that a reasonable person might

conclude that Mr. Zelmer is incompetent in representing Metro, and LAART in a public forum.

Response GO11-3 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four public hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each public hearing. At virtual public hearings, comments could be given verbally. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings.

During the January 12, 2023, public hearing at Cathedral High School attendees were provided with the opportunity to submit public comments either in writing on forms provided by Metro, or verbally to the court reporters at a comment station in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Shortly after the public hearing started, a group of approximately 40 protesters with "Stop the Gondola" signs entered the meeting and began speaking with amplified bullhorns, using profanity. Due to this group's loud, prolonged protests, the court reporters and interpreters could not take verbal public comment. Metro requested that the protestors turn off their amplifier to enable the agency to continue to take verbal public comment. The protestors then began marching around the room, chanting and continuing to speak into the amplified bullhorns. Approximately 6 to 10 protestors then started to tear down poster boards, knock over easels and tables and throw materials. Metro and AECOM staff, subject matter experts, and the Project team expressed that they were physically intimidated and frightened by the damage done by the protesters, as discussed in greater detail in the February 10, 2023, memo submitted by the Project Sponsor and included as Attachment D to Appendix A, Public Outreach Report, of the Final EIR.[6] After the protesters left, Metro staff concluded the meeting by talking to several remaining attendees. An estimated 143 attendees participated in the January 12, 2023, public hearing, and Metro received 31 verbal comments and 95 written comments on the Draft EIR. In light of the disruptions at the January 12, 2023, public hearing, Metro provided a fourth public hearing by way of a virtual public hearing held on February 8, 2023. Verbal comments made at the virtual

[6] LA Aerial Rapid Transit Technologies LLC. 2023. Memorandum Regarding LA ART Draft EIR Public Hearing No. 3 – Consultant Experiences During Protest.

February 8, 2023 public hearing were deemed timely submitted for the purposes of the Draft EIR public review period.

Comment GO11-4 C) Furthermore, the working press and Community representatives said that they were told to ask Brother John Montgomery, Principal of Cathedral High School for answers to their questions on LAART. Brother John is not to our knowledge a credentialed transit or environmental expert. (All known nonaligned experts and the Sierra Club are against the Gondola.) Brother John then extolled to them via nation-wide TV, the reasons he saw for building the Gondola, without mentioning the pertinent fact that his employer, Cathedral High School, gets significant funds from Frank McCourt, an apparent conflict of interest in our opinion.

Response GO11-4 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's Draft EIR public review period, including the January 12, 2023, public hearing held along the proposed Project alignment at Cathedral High School. The format of the January 12, 2023, public hearing was an Open House, consistent with standard Metro practice, where attendees could learn more about the proposed Project and the key analyses and conclusions of the Draft EIR, and also a public comment opportunity. Twelve stations were set up throughout the Cathedral High School Gymnasium, with ten stations focused on specific subject matter areas of the Draft EIR. Attendees could walk around to each station and ask questions to subject-matter experts about the proposed Project. Each station had large, printed boards summarizing the subject matter of that station, including: the Project Description, Aesthetics, Air Quality, GHG, and Energy, Cultural (Archaeology and Historical Resources), Parks and Recreation, Noise, Transportation, and Parking. Each station also included printed materials that attendees could review and/or take with them, including fact sheets in English, Spanish, and Chinese (Simplified) and printed copies of the presentation from the virtual public hearing in English, Spanish, Chinese (Simplified) and Chinese (Traditional). A hard copy of the Draft EIR was also available at the Summary of Impacts station for attendees to review. The meeting was staffed by Metro and AECOM staff, experts on subject matter areas including Transportation and Parking; Archaeology; Historical Resources; Air Quality, Greenhouse Gas, and Energy; Ropeway Engineering; Noise; and Aesthetics, and the Project team, who answered questions from attendees on the Draft EIR key analyses and conclusion. Neither Metro nor the Project Sponsor directed attendees to direct questions about the proposed Project to Cathedral High School staff, and meeting staff at the Welcome Table provided attendees with roadmaps for the stations around the gymnasium. Refer to Response GO11-3 for discussion of the public comment opportunity at the January 12, 2023, public hearing. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO11-5 D) Therefore, the Los Angeles Union Station Historical Society has concluded that given all the above, the legal validity of the meeting was compromised and that a new meeting should be rescheduled with a live democratic give-and-take on the issues, better crowd control and hosted by an uncompromised Metro meeting expert, not Mr. Zelmer who a reasonable person might conclude is compromised by an apparent conflict of interest in that he is a Metro employee in charge of investigating the Gondola project for the public weal whilst his salary is gifted to Metro by the Gondola's chief antagonist Frank McCourt.

Respectfully,

/s/
Thomas R. Savio
Executive Director,
Los Angeles Union Station Historical Society

Cc. Stephanie Wiggins, Metro CEO

Response GO11-5 Refer to Responses GO11-2 through GO11-4 for discussion of the January 12, 2023, public hearing for the proposed Project's Draft EIR. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of how, in light of the disruptions at the January 12, 2023, public hearing, Metro provided a fourth public hearing by way of a virtual public hearing held on February 8, 2023. Verbal comments made at the virtual February 8, 2023 public hearing were deemed timely submitted for the purposes of the Draft EIR public review period. Certain attendees who expressed concerns about the proposed Project nonetheless shared positive feedback with Metro for the facilitation of this public hearing, including thanking Metro for the "calm, collected, and objective facilitation of this hearing this evening," "inviting a Toisan interpreter and obliging access needs in the meeting," and "continuing this meeting past the time . . . to hear so many of my neighbors views." An estimated 168 attendees participated in the February 8, 2023, continued public hearing, and Metro received 82 verbal comments on the Draft EIR. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. As is customary, the Project Sponsor is reimbursing Metro for its time on the proposed Project as the Lead Agency under CEQA.

Comment Letter GO12 – Sierra Club

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO12

Comment GO12-1 Dear Mr Zelmer:

The Sierra Club submits this letter to set forth its comments and concerns regarding the LA ART Draft EIR.

Executive Summary ("ES") 1 Introduction: At the outset, LA Aerial Rapid Transit Technologies LLC is identified as the Project Sponsor. While neither the ownership or management of this LLC is specified in the Draft EIR, we understand from news reports[1] and multiple other sources that the project is promoted by Frank McCourt, who in turn is a 50 percent owner of the Dodger Stadium Parking Lot.

Footnote 1: Challenges Loom for gondola to Dodger Stadium planned for 2028 Olympics, LA Times 1/9/23; LA's Transit Infrastructure Can Always Get Dumber: Meet the Gondola (https://knock-la.com/las-dumb-gondola/)

Response GO12-1 This comment provides a general introduction to the comments raised in the letter. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO12-2 The Introduction sets forth the conclusion that Metro is the "lead agency" and as such has the authority to approve the project and implement mitigation measures. However, significant concerns have been raised by The California Endowment and the LA Parks Alliance that Metro is not in fact the appropriate "lead agency" for the LA ART, particularly as the proposed project for the stadium parking lot is private in nature. Rather, the City of Los Angeles is the appropriate lead agency on the basis of its general governmental powers and its direct accountability to its constituents. We concur with these concerns and particularly express concerns with the dedication of Metro's employees and significant resources to this private project.

Response GO12-2 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Under CEQA, a lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole." (CEQA Guidelines, §15051(b).) Under state law, Metro has broad authority over public transportation planning and coordination for the Los Angeles region's transportation system and is authorized to

do "any and all things" to carry out these purposes. (Public Utilities Code, § 130105(f).) For the proposed Project, Metro is tasked with considering approval of all plans for design, construction, and implementation under Public Utilities Code section 130252, as well as with consideration of the written approvals to operate the proposed Project, pursuant to its authority under Public Utilities Code section 130252. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. The City participated in the environmental review process as a CEQA responsible agency and has cooperated in that process, including consultation in preparation of the Draft EIR. Contrary to this commenter's assertion, CEQA does not require a lead agency to be an elected decision-making body. (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) Further, CEQA's various requirements for consultation with agencies and for public review and comment ensures the full transparency and accountability of the lead agency. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment GO12-3 ES 2 Project Purpose/ES 5 Project Overview: There is significant doubt as to whether the LA ART would alleviate congestion and air pollution, which in turn is a fundamental premise of the Draft EIR. The UCLA Mobility Lab Study dated October 24, 2022, concludes the gondola will do little to reduce traffic and green-house gas emissions. We concur with the concerns raised by the study. The study also casts significant doubt on the Draft EIR Section 1.0 conclusion that LA ART is an "environmental leadership transit project" that is in turn entitled to streamlined judicial review.

Response GO12-3 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR and does not appear to have been prepared for that purpose. On

January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:

> **Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection**
>
> The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
> Jiaqi Ma
> Director, UCLA Mobility Lab
> Faculty Associate Director, UCLA Institute of Transportation Studies

Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Further, Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[7] Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR. Any differences between the findings in the Mobility Lab Study and the Draft EIR are therefore to be expected and are explainable. Nothing in the review of the preliminary Mobility Lab Study suggests that the ridership modeling and results in the Draft EIR are unreasonable or inappropriate for use. Refer to Topical Response A, SB 44, for discussion of the proposed Project's consistency with the requirements of Senate Bill (SB) 44. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime emissions of the proposed Project over the useful life of the Project would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the Project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles traveled. The proposed Project would result in a net reduction in criteria pollutant emissions by reducing vehicle miles traveled.

Comment GO12-4 In particular, the multiple Draft EIR references to the "5,000 people per hour" gondola capacity are refuted by the UCLA Mobility Lab Study. The Draft EIR further assumes patrons would use the gondola both before and after events.[2] However, the study

[7] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

(and common sense) indicate that many stadium attendees are not likely to wait for the gondola following games and concerts and will instead use the express bus or ride share services back to LAUS or to other destinations. Moreover, the "5,000 people per hour figure" gondola capacity figure does not reflect non-event day or off-season usage. The UCLA Mobility Lab Study concludes very few people would use the gondola as a form of transportation outside of travel to/from games.[3] Any discussion in the Draft EIR relating to gondola ridership and the estimated reduction in vehicle miles travelled must take these two factors into account.

Footnote 2: This flawed assumption is carried through in the report's 2026 projection of 6,000 riders and 12,000 round trips and the 2042 projection of 10,000 riders and 20,000 round trips.

Footnote 3: Excepting employees, Dodger Stadium is nearly empty on days when there is no game or concert. Park goers have found their way to Elysian Park for decades without a gondola.

Response GO12-4 Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). Refer to Response GO12-3 and Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. Specifically, refer to Response ML-5 in Topical Response O, Response to UCLA Mobility Lab Study. Within two hours prior to the start of a game or event at Dodger Stadium, more than 10,000 people could be transported to the Stadium via the proposed Project. Given the capacity of this system, approximately 20 percent of the fans could take the proposed Project. As discussed in Section 3.17, Transportation, of the Draft EIR, the ridership model estimated that 6,000 passengers would ride the proposed Project in 2026 and 10,000 passengers would ride the proposed Project in 2042. Refer to Response ML-5 in Topical Response O, Response to UCLA Mobility Lab Study and Topical Response B, Ridership Model; Pre-game and Post-game Transportation, for further discussion of post-game ridership. Post-game queues at Dodger Stadium were estimated based on assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Based on current behaviors, game attendees gradually start leaving the game around 30 minutes before the end of the game. While most people would leave the stadium at the end of the game, given the crowd in the stadium and the distances from the various seating locations in the stadium, it would naturally take people seated the furthest away from the Dodger Stadium Station more time to walk to the station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, gondola passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. Regarding the queue waiting time, Dodger Stadium Express riders today wait in queues to board

the service. As discussed in Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, the queues to board, loading times, and travel times for the Dodger Stadium Express are significantly longer and more variable as compared to the proposed Project. In order to quantify the existing service time needed to transport Dodger Stadium Express riders, Fehr & Peers observed four post-game time periods during the 2023 season. These observations indicate that riders are willing to wait for substantial periods of time after a game to board the Dodger Stadium Express, despite its slower travel time and long waits between buses, supporting the concept that riders would also be willing to wait after a game to board the proposed Project with its improved level of service.

Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for discussion of how the proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. As detailed on page 3.17-35 of Section 3.17, Transportation, of the Draft EIR, the Draft EIR includes estimates of ridership for events at the Los Angeles State Historic Park, as well as for neighborhood riders on non-game days, which are lower than game day ridership estimates as noted by the commenter. As noted on page 3.17-34 of the Draft EIR, ridership on these days was not taken into account in the quantitative analysis of vehicle miles traveled (VMT) reduction benefits of the proposed Project in the Draft EIR to ensure a conservative analysis.

Elysian Park has limited transit access, and is not served by a fixed guideway transit connection. The proposed Project would improve transit access to Elysian Park, which would provide an additional high-capacity sustainable transportation option that does not exist today. As discussed in Section 5.0, Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon.

Comment GO12-5 The Draft EIR is also incomplete and lacking in transparency in that it is focused solely on the gondola. Neither the Purpose nor Project Overview discussions address commercial developments apparently contemplated by Mr. McCourt for the stadium parking lot or how the parking lot might ultimately be reconfigured to allow commercial development.[4]

Footnote 4: This lack of detail on the critical topic of commercial development contrasts with other topics that are covered in excruciating detail.

Response GO12-5 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station

Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. The independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. The Dodger Stadium property is approved only for Dodger Stadium and ancillary uses and structures as set forth in the Conditional Use Permit for the Dodger Stadium property, with restrictive designations and zoning not consistent with the uses speculated by commenters. Accordingly, the Draft EIR analyzed all reasonably foreseeable development.

Comment GO12-6 We concur with the concern that the gondola is essentially a private project that is proposed to be built using public resources and over public rights-of-way and publicly owned property.

Response GO12-6 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Section 2.5, Proposed Project Alignment and Components, and Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties.

Comment GO12-7 The failure to address commercial development of the parking lot and resulting increase in traffic and greenhouse gas emissions from development renders it impossible to evaluate the overall impact of the proposed project on traffic and greenhouse emissions. Consequently, the conclusions on ES page 53 and elsewhere in the report that construction and operations of the LA ART would have a "less than significant impact" on greenhouse gas emissions are not supported.

Response GO12-7 Refer to Response GO12-5 for a discussion of how the proposed Project solely proposes an aerial gondola system and does not include other development, and, accordingly the Draft EIR analyzed all reasonably foreseeable development. Refer to Response GO12-3 and Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion

of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment GO12-8 Moreover, the LA ART does not serve any broad public purpose. The suggestion that the gondola might possibly serve communities near LAUS and Dodger Stadium is not persuasive. These communities are within walking, biking, or Dash bus ride distance of LAUS, State Historic Park and the Stadium. The communities may also be served by the Metro Micro on-demand rideshare service that is already operating in many other Los Angeles communities including the Highland Park/Eagle Rock/Glendale service zone.

Response GO12-8 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. In addition, the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project aims to enhance community connectivity in Metro-designated Equity Focused Communities by providing first/last mile transit and pedestrian access in areas that have historically been underserved, including Los Angeles State Historic Park and Elysian Park. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment GO12-9 The Draft EIR highlights gondolas operating in various foreign countries such as Bolivia and Mexico, but it does not describe the Portland Aerial Tram or NYC's Roosevelt Island Tramway. The Portland Aerial Tram is actually operated for the public benefit, i.e., primarily for patients, students and staff commuting year-round between two Oregon Health and Sciences University locations and incidentally for the general public.[5] Similarly, the Roosevelt Island Tramway provides daily commuter transportation between Roosevelt Island and the Upper East Side of Manhattan and primarily serves workers. The Portland and Roosevelt Island tram services can serve as templates for Los Angeles's broader public purposes such as transportation to our major year-round employment centers, medical facilities and already existing year-round entertainment/cultural centers and reduction of greenhouse gas emissions.

Footnote 5: See gobytram.com for information on Portland's tram service.

Response GO12-9 Refer to Table 2-1: ART Precedents, in Section 2.0, Project Description, of the Draft EIR, for discussion of the Portland, Oregon, and Roosevelt Island, New York, reversible tramways. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Response GO12-8 for an overview of the need for the proposed Project. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO12-10 ES 7 Proposed Project Alignment - Impact on State Historic Park and Views:

The City of Los Angeles should jealously guard and preserve the jewel that is State Historic Park rather than permit the diminishment of this public open space.[6] The construction and operation of the Chinatown/State Park station on park land is at complete odds with these goals of protection and preservation. The Draft EIR contemplates at Section 2.9.4 that the Chinatown/State Park Station would have a footprint of 2,605 square feet including 2,195 square feet within the southernmost part of State Historic Park.[7] Further, the station canopy would have an overhang of 9,320 square feet over the park. Eighty-one trees would need to be removed (including 75 from the park and six from the public right-of-way adjacent to the park) with an unspecified number of trees to be replaced.

Footnote 6: Likewise, the City should focus on preserving the El Pueblo de Los Angeles Historical Monument (also a State Park) and not permit the construction and operation of the Alameda Street terminal adjacent to this historical monument, Olvera Street and associated architectural structures.

Footnote 7: Elsewhere the Draft EIR only indicates that the Chinatown/State Park Station would be constructed "partially" within the park boundaries without specifying the square footage.

Response GO12-10 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Inventory Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

The El Pueblo de Los Angeles Historical Monument is currently a department of the City of Los Angeles.[8] Refer to Section 3.5.4, Environmental Impacts, of the Draft EIR, for a discussion outlining the proposed Project's potential construction and operational impacts to historic resources, including the Los Angeles Plaza Historic District (referred to as El Pueblo de Los Angeles). Construction and operational historic resources impacts associated with the proposed Project would be less than significant, including with respect to the Los Angeles Plaza Historic District.

Comment GO12-11 This assumes LA ART is able to obtain the requisite approvals from the California Department of Parks and Recreation for the proposed uses.[8] Such approval is not feasible, as state park historic units may only include facilities that "are required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking."[9] A gondola boarding station and tower are not required for these park visitor purposes.

Footnote 8: Draft EIR Section 2.10.

Footnote 9: Cal. Public Resources Code section 5019.59.

Response GO12-11 Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment. The proposed Project does not include a tower in the park. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Comment GO12-12 The Draft EIR notes that one of the principles in the Park's General Plan is to "Promote a 'Touchstone Landscape' for Reflecting on Los Angeles' Natural and Cultural

[8] See City of Los Angeles. 2023. Commission, El Pueblo de Los Angeles Historical Monument. Available at: https://elpueblo.lacity.gov/commission. Accessed July 2023. See also, California Department of Parks and Recreation. 2023. California State Parks Listing. Available at: https://www.parks.ca.gov/?page_id=21805. Accessed July 2023 (El Pueblo de Los Angeles is not included on this list).

Heritage" by making the Park a place of inspiration, reflection and appreciation of history and nature through the interpretation of the Los Angeles River."[10] Installing a massive gondola tower and station within State Historic Park for a sports stadium destination does not comport with this inspirational principle. Rather, it is an abuse of public land designated for this historic purpose and for open space values.

Footnote 10: Draft EIR Page 3.4-3.

Response GO12-12 Refer to Response GO12-10 for discussion of how the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response GO12-11 for discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan.

Comment GO12-13 We also disagree with the Draft EIR conclusions that the LA ART "would not substantially degrade the existing visual character or quality of public views . . . of the site and its surroundings and the impact would be less than significant", particularly as these conclusions apply to State Historic Park, the Broadway Junction and Dodger Stadium.

Response GO12-13 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. The Draft EIR's analysis of impacts to aesthetics was prepared by experts in their respective fields, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO12-14 The proposed Chinatown/State Park Station and massive three level, 98-foot tower at the station are completely at odds with the existing park entrances, landscaping, layout and amenities, which provide pedestrians and bicyclists with a beautiful, restorative atmosphere. The proposed station and the 98-foot tower would detract from the park's stunning views of the downtown skyline[11] to the south and the San Gabriel and San Bernardino Mountains to the north. The Draft EIR authors concede at Page 3. 1-43 that the "Chinatown/State Park Station is a new and large visual element in the landscape, and views of residents would already be altered noticeably".

Footnote 11: As noted in Section 2.3.4 of the Draft EIR, "[v]iews of the downtown Los Angeles are available from the majority of the Site."

Response GO12-14 Refer to Response GO12-13 for discussion of the aesthetics analysis for the proposed Project. Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics. Refer to Section 3.01, Aesthetics, of the Draft EIR, for discussion of how the proposed Project's design and building materials would complement the architectural themes of the neighborhood and would complement the visual character of the existing buildings in the area. Potential impacts to visual quality and character are minimized by the location of the Chinatown/State Park Station in the southernmost portion of the park, away from the open passive park areas. The proposed Project components would consist of a modern architectural design, which would complement the existing modern style buildings in this area. In addition, the neutral light-tone gray of the proposed Project components would be consistent with modern structures in the surrounding urban environment. The new amenity building intended for use by proposed Project riders and park visitors alike are designed to reflect the scale and materiality of the existing visitor amenity buildings located within the Los Angeles State Historic Park.

Refer to Response GO12-13 for discussion of how the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Comment GO12-15 The report's authors go on to suggest at Pages 3. 1-43 and 3. 1-46 that the noticeable alterations created by the station would not be so bad because residents and park goers would be compensated by a "potential" mobility hub, 740 square feet of new concessions, restrooms, landscaping and hardscaping, pedestrian improvements and "potential" seating. But this is no consolation at all because State Historic Park already offers all of these features including an in-park restaurant and many other restaurants easily within walking distance. The suggestion that the park's scenic views should be

compromised for a little more landscaping and hardscaping in a beautifully landscaped/hardscaped 32-acre park is not persuasive.

Response GO12-15 This comment provides a general recitation and characterization of the Draft EIR. Refer to Responses GO12-13 and GO12-14 for discussion of the aesthetics impacts of the proposed Project, which would be less than significant. Through continued collaboration with State Parks, which has been ongoing and will continue through the Los Angeles State Historic Park General Plan Amendment process, the proposed Project would be fully integrated into the park such that it would add to, rather than take away from the park's purpose and objectives. For example, in addition to the concessions, restrooms, and breezeway discussed above, the Chinatown/State Park Station would also include a mobility hub where passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program. Pedestrian access enhancements could include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/ State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex. In addition, the station canopy would provide much needed shade. Refer to Topical Response C, Project Features, for further discussion of how the proposed Project would include a mobility hub at Chinatown/State Park Station and provide open space enhancements.

Comment GO12-16 Likewise, the Draft EIR suggestion at page 3.1-45 that "existing views of downtown from within the park are already interrupted under existing conditions by trees and intervening development" does not justify the additional massive and continuous gondola interruptions proposed by LA ART (assuming for purposes of argument only that trees constitute an interruption of the view).

Response GO12-16 Refer to Response GO12-13 for discussion of how the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

Comment GO12-17 Even though the Chinatown/State Park Station is proposed to allow passenger boarding, the Draft EIR makes no reference to parking for passengers boarding at the station. State Historic Park is already served by the Metro Chinatown station (located within yards of the park's beautiful main entrance!) and nearby LAUS and thus the park would not benefit much from the proposed boarding station.[12]

Footnote 12: State Historic Park and the nearby Mission Junction neighborhood would benefit from the addition of one or more pedestrian crosswalks across North Spring Street, a far less expensive and invasive solution than the gondola.

Response GO12-17 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less.

Comment GO12-18 Moreover, the proposed alignment of the gondola directly over a long stretch of State Historic Park (and thus over park goers) and directly over and past private residences is invasive and contrary to current recreational and residential uses. The Draft EIR indicates cabins near the Broadway Junction would "be constantly moving in and out of view"[13] and could be seen from residents and yards and from inside their residences. The resulting disturbance and intrusion to park goers and nearby residents would persist during construction and year-round, daily gondola operation.

Footnote 13: Draft EIR Page 3. 1-48.

Response GO12-18 This comment provides a general recitation and characterization of the Draft EIR. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. The proposed Project would be

located in a densely populated, urban environment surrounded by a variety of commercial, industrial, and residential development types. In this type of environment, it is common for public transportation, such as Metro's light rail, to be located adjacent to residential uses and modern aerial transit systems in other cities, including Portland, Oregon and New York City, operate adjacent to residential uses. Nevertheless, as discussed in Topical Response J, Gondola Design and Operations and Section 2.0, Project Description, of the Draft EIR, cabin windows can be equipped with privacy glass that can become opaque while adjacent to sensitive views, and the proposed Project would work with stakeholders adjacent to the proposed Project alignment to identify locations where the use of privacy glass would be warranted. Considerations as to the locations along the proposed Project alignment where the privacy glass could be activated include the subject adjacent sensitive views and the vertical and horizontal distance between the proposed Project cabins and the adjacent sensitive views.

Comment GO12-19 The proposed 179-foot Stadium Tower and massive 37,000+ square foot Dodger Stadium Station are completely at odds with the character of Elysian Park[14] and the Stadium's peaceful park setting.[15] The Draft EIR does not in our view adequately address any of the foregoing concerns.

Footnote 14: As described in Section 2.3.1 of Draft EIR, Elysian Park is the oldest and second largest park in the City.

Footnote 15: Tommy Lasorda nicknamed the stadium "Blue Heaven on Earth." https://en.wikipedia.org/wiki/Dodger_Stadium.

Response GO12-19 As discussed in Section 2.0, Project Description, of the Draft EIR, Elysian Park is the second oldest and largest park in the City and features hiking trails, a bike path, and various recreational and event facilities. The Stadium Tower would be located on hillside private property north of Stadium Way between the Downtown Gate and SR-110, and would include the installation of landscaping near the base of the tower. The Dodger Stadium Station would be located on private property adjacent to Dodger Stadium in a portion of the existing parking lot in the southeast portion of the Dodger Stadium property near the Downtown Gate. The Dodger Stadium Station would include a pedestrian connection to Dodger Stadium, including hardscape and landscape improvements and potential seating, and a mobility hub to provide connectivity to Elysian Park and the surrounding communities where outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods. Thus, the proposed Project's Stadium Tower and Dodger Stadium Station would provide features that complement the character of Elysian Park and Dodger Stadium.

Refer to Section 3.01, Aesthetics, of the Draft EIR, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed

Project, which would be less than significant. As described on page 3.1-49 of the Draft EIR, the proposed locations for the Stadium Tower and Dodger Stadium Station are located within Landscape Unit 6 (LU-6). Draft EIR pages 3.1-49 through 3.1-51 include an analysis of the proposed Project's potential aesthetic impacts within LU-6, based on a series of qualitative thresholds commonly used by the FHWA for evaluating visual and aesthetic changes (Draft EIR page 3-1-31). The Dodger Stadium Station and Stadium Tower would consist of an architectural design that provides visual lightness to the form to complement the existing buildings in this area. In addition, the neutral light-tone gray colors and material finishes of the Dodger Stadium Station and Stadium Tower were selected to complement the surrounding urban environment in LU-6, and to not distract from existing visually distinct structures, such as Dodger Stadium. This analysis specifically finds that the proposed Project would not result in a substantial adverse effect to the visual character or quality of the Elysian Park open space or Dodger Stadium property. These conclusions are based on a number of factors, including: the "moderate" visual quality of the area; that the stadium is located on private (not public) property; LU-6 is an urbanized area with a mix of architectural styles and structures; Elysian Park views are currently interrupted and compromised by existing urban development and existing overhead transmission lines; the area has low to moderate view sensitivity because it is experienced primarily by visitors; and, the stadium itself is not affected by project changes. The aesthetic effects of the proposed Project are fully disclosed within the Draft EIR, and no further analysis is required.

Comment GO12-20 ES 8 System Operations; Costs?: The Draft EIR does not specify how construction or post-construction operating, security, maintenance costs and power costs would be funded and paid, even though it is specified that all these elements would be required for proposed daily operation. Apparently, this lack of specificity arises because financing has not been fully worked out.[16] This of course raises the issue of whether taxpayers will end up footing these year-round costs for the McCourt family's private gain.

Footnote 16: "It remains unclear how LA ART will be funded, or how much of the price tag will be passed onto taxpayers through Metro's sponsorship." LA's Transit Infrastructure Can Always Get Dumber: Meet the Gondola (https://knock-la.com/las-dumb-gondola/); "Gondola operations would likely be funded largely by corporate sponsorships and tourist fares, said Nathan Click, a spokesperson for the group [Climate Resolve]. But the financing plan is still being worked out." https://www.latimes.com/california/story/2023-01-09/challenges-loom-for-gondola-to-dodger-stadium-planned-for-the-olympics

Response GO12-20 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs

and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of this Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. Operation and maintenance costs are proposed to be fully funded out of Project revenues. No public sources of funding have been sought or committed to the proposed Project.

Comment GO12-21 ES 11 Alternatives to Reduce Significant Impacts: We concur with the Draft EIR in one respect, namely, the TSM Alternative, which contemplates enhancing the Dodger Stadium Express Service, is the Environmentally Superior Alternative, particularly when operated with zero emission buses.

Response GO12-21 Refer to Response GO12-22 for discussion of the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express, which is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives.

Comment GO12-22 However, the TSM Alternative is not addressed adequately in the Draft EIR. No doubt the existing Express Service can be expanded in size and staging locations. The operation of the massive Park and Ride and Bowl Shuttle bus service between the Hollywood Bowl and various sites in the city during the concert season (including bus only lanes) demonstrates the viability of expanding the Dodger Express Service.

Response GO12-22 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Further, as discussed in Topical Response H, a system of buses from numerous remote locations throughout the Los Angeles region to and from Dodger Stadium events would require a substantial increase in the number of buses which,

similar to expanding the fleet for an expanded Dodger Stadium Express service, would result in a fleet of buses that would either be underutilized most of the time or regular Metro bus service that utilizes these vehicles would be disrupted every time a Dodger game or event at the stadium is held. Such a service would also incur substantial costs in paid time and mileage for driving empty buses out to the remote locations before a game and back from the remote locations after a game and paid idle time during the game. Buses from a variety of remote locations would also need to travel in rush hour congestion to get to Dodger Stadium. With limited regional facilities that provide bus only lanes that these services could utilize, they would not materially improve transit travel time compared with driving. For example, the current Dodger Stadium Express service from South Bay serves a broad area of southern Los Angeles County at stations spread across eight miles, is free, and travels on a priority lane within the I-110 freeway median for most of its trip, but the South Bay Dodger Stadium Express carried an average of only 415 passengers per game in 2019, which is substantially lower than the ridership of 1,895 riders per game on the LAUS Dodger Stadium Express. And, as discussed above, increased bus service from remote locations around Los Angeles County to and from Dodger Stadium would add to rush hour traffic and congestion.

As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts.

Comment GO12-23 Moreover, the development of an off-site loading facility for the TSM Alternative would be far less disruptive to State Historic Park and surrounding communities than the LA ART. In fact, the TSM Alternative would not have any impact on the park. As for bus lanes, Cesar Chavez and Broadway lane closures and diversions are already utilized on game days and expansion of such lanes appears viable. The LA Zoo parking lot provides an excellent bus loading/unloading location.

Response GO12-23 Refer to Response GO12-22 for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives. Refer to Section 4.0, Alternatives, of the Draft EIR, for discussion of how the Transportation Systems Management Alternative assumes a larger, off-site loading facility at Metro's Division 13 maintenance facility. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17,

Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including at the Los Angeles State Historic Park.

Comment GO12-24 The Spring Street Alignment, which contemplates the construction of a gondola station within Historic Park, is mentioned as an alternative. This alignment is unacceptable in our view, as it would destroy part of this refuge that was over 17 years in the making and block part of the open sky above the park.

Response GO12-24 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Draft EIR considered a "No Project Alternative," the Spring Street Alignment Alternative, and the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express. Similar to the proposed Project, the Spring Street Alignment Alternative would provide an ART option for visitors to Dodger Stadium, while also providing access between Dodger Stadium, the surrounding communities, and the regional transit system accessible at LAUS. The Spring Street Alignment Alternative would include three stations, a non-passenger junction, and four cable-supporting towers at various locations along the alignment. The Spring Street Alignment Alternative would include the following components in common with the proposed Project: Alameda Station, Alameda Tower, Alpine Tower, Stadium Tower, and Dodger Stadium Station. In addition to these components, the Spring Street Alignment Alternative would also include the following components that would be unique to this alternative: Spring Street Junction, State Historic Park Station, and Bishops Tower. Although the Spring Street Alignment Alternative would be consistent with the Project Objectives, it would require a larger footprint than the proposed Project within the Los Angeles State Historic Park, so it would not meet Objective 11 to "Minimize the Project's environmental footprint through the integration of sustainability and environmentally-friendly design features into the materials, construction, operations, and maintenance of the proposed Project" to the same extent as the proposed Project.

Comment GO12-25 Other transportation related alternatives that would serve to conserve energy and reduce green-house gas emissions are (i) the construction of solar panels in the stadium parking lot, (ii) the addition of electric vehicle charging stations and bike share facilities in the lot and (iii) the expansion of the Dash bus service to Elysian Park and State Historic Park. These alternatives are not mentioned in the Draft EIR, which apparently was drafted to present the gondola as the only option. It is not.

Response GO12-25 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Project Objectives were defined in order to assist Metro in

considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. The Project Objectives broadly contemplate improving neighborhood connectivity and the Dodger Stadium visitor experience, reducing vehicle congestion and associated emissions in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days, improving access to Elysian Park and the Los Angeles State Historic Park, and providing a sustainable form of transit. Aerial rapid transit technology has the ability to overcome grade and elevation issues between LAUS and Dodger Stadium in order to provide a direct transit connection between the two locations, and provide safe, zero emission, environmentally friendly, and high-capacity transit connectivity in the Project area that would reduce GHG emissions as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways. All of the alternatives suggested in this comment would fail to meet the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. All of the alternatives would fail to meet many of the Project Objectives, including to expand mobility options for transit riders through a direct connection between LAUS and Dodger Stadium, to improve the Dodger Stadium visitor experience by providing efficient, high-capacity, and faster alternative access to Dodger Stadium, and to bring a world class aerial transit system to the Los Angeles area. The alternatives would otherwise fail to improve connectivity and reduce vehicle congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days. While the third alternative would improve access to Elysian Park and the Los Angeles State Historic Park, it still does not meet other objectives aimed at achieving the Project's purpose of providing a transit connection to Dodger Stadium. Thus, because the proposed Project's fundamental purpose is to provide a permanent transit connection to Dodger Stadium, and because aerial rapid transit technology can achieve this fundamental purpose, the objectives for the proposed Project are in compliance with CEQA, which does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. The proposed Project does not preclude the "alternatives" mentioned in the comment.

Comment GO12-26 ES 12 Design Options: Design and Use Option E, contemplating the construction of a pedestrian bridge in Historic Park, is attractive but clearly may be accomplished without construction of the gondola.

Response GO12-26 As discussed in Topical Response C, Project Features, while not proposed as part of the proposed Project, the Draft EIR includes an analysis of the State Park's proposed bike and pedestrian bridge as part of Design and Use Option E. The bridge would provide important connections for students at Cathedral High School, as well as between the park and the Chinatown, Savoy, and Solano Canyon neighborhoods to support convenient access for the community. The analysis serves to provide environmental clearance for the bike and pedestrian bridge as a benefit to the Los

Angeles State Historic Park, as while the bike and pedestrian bridge was mentioned in the Los Angeles State Historic Park General Plan and studied in the State Park's Bridge Feasibility Study, the bike and pedestrian bridge was never environmentally cleared. Support for the Los Angeles State Historic Park bike and pedestrian bridge would otherwise be provided as part of the proposed Project. Accordingly, the proposed Project is furthering the bike and pedestrian bridge by providing the necessary environmental clearance and support for the bridge.

Comment GO12-27 ES 13 Summary of Environmental Impacts: Contrary to this summary, the proposed 98-foot tower at the Chinatown/State Park Station would in fact block and degrade part of the scenic vista and view of the downtown skyline that is observable from Historic Park.

Response GO12-27 Refer to Response GO12-13 for discussion of how the aesthetic impacts of the proposed Project would be less than significant, including at the Los Angeles State Historic Park, and the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

Comment GO12-28 In sum, the Draft EIR is incomplete and inaccurate in significant respects and lacking in transparency. It misrepresents the potential impact of the LA ART on ridership and the reduction of greenhouse gas emissions. There are better and less intrusive ways to transport people to and from Dodger Stadium, Elysian Park and surrounding communities while also preserving and even improving State Historic Park and these communities. Any gondola built within the City of Los Angeles must serve a much broader public purpose than moving passengers between LAUS and Dodger Stadium.

We welcome the opportunity to meet with you to discuss these concerns.

Sincerely,

Barbara Hensleigh
Chair, Central Group (Los Angeles)
Angeles Chapter
Sierra Club

Copies:
Mayor Karen Bass
Supervisor Hilda L. Solis, First District
Councilperson Eunisses Hernandez, District 1
The California Endowment, 1000 Alameda Street., Los Angeles, CA 90012
LA Parks Alliance

Response GO12-28 This comment provides a general conclusion regarding the comments raised in this letter. Responses to comments contained in this letter are provided above in Responses GO12-1 through GO12-27. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and

decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment Letter GO13 – Natural Resources Defense Council (NRDC), Paulina Torres

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO13

Comment GO13-1 Dear Mr. Cory Zelmer:

We appreciate the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Los Angeles Aerial Rapid Transit Project ("Project"). These comments are on behalf of the Natural Resources Defense Council and our many thousands of members and activists throughout California. Our comments are offered to ensure Metro's consideration of the Project complies with the California Environmental Quality Act ("CEQA"), California Code of Regulations, Title 14, § 15000 et seq. ("CEQA Guidelines"), and the Los Angeles CEQA Threshold Guide. We urge Metro to consider the issues identified below and to update the EIR to fully and accurately describe the Project and analyze its impacts.

NRDC has a vested interest in preserving the quality, character, accessibility, and enjoyment for those visiting the Los Angeles State Historic Park given our decades-long advocacy along with many other community allies to protect and create the parkland. Los Angeles State Historic Park was created after a tremendous community campaign to defeat a warehouse development plan that threatened the 32-acre open space. We offer the following comments to ensure Metro adequately considers all the impacts the Project will have on the park and adjacent downtown Los Angeles neighborhoods.

Response GO13-1 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter provided below in Responses GO13-2 through GO13-13.

Comment GO13-2 I. The DEIR's impact analysis is flawed and should be revised.

The DEIR appears to employ an overly broad and contradictory analytic approach that may not describe with adequate specificity the full range of significant negative impacts the Project will have on the aesthetic and cultural characteristics of the Project site and surrounding areas. As such, a court might find that the DEIR fails in its basic purpose as a useful, informational document for the public and decision makers.[1]

Footnote 1: Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.

Response GO13-2 The comment states that the Draft EIR's impact analysis is flawed and should be revised, but does not identify a specific flaw. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. As discussed

therein, the aesthetics analysis took into account six separate landscape units, scenic vistas, scenic resources, light and glare, and shading, considering key observation points critical or representative of the visual character of the area, concluding that such impacts would be less than significant. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources in 71 pages of detailed analysis of 12 previously identified historical resources, including two districts with multiple contributors, and 51 archaeological resources that were previously recorded within an eighth-mile of the proposed Project's Area of Direct Impacts, with eight archaeological resources identified for further analysis, with supporting data provided in the 125-page Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and in the 343-page Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project. As discussed in Section 3.05, Cultural Resources, of the Draft EIR, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. The Draft EIR's analysis of impacts to aesthetics and cultural resources was prepared by experts in their respective fields, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. In general, the Draft EIR includes 7,877 pages of detailed analysis from experts intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO13-3 A. The DEIR's aesthetic impacts analysis should be augmented and revised.

The DEIR presents an insufficient analysis of the aesthetic impacts the Project will have on the immediate surrounding areas, particularly near Los Angeles State Historic Park. The DEIR divides the immediate vicinity of the Project alignment into six different Landscape Units that encompass the location of the Project alignment and adjacent areas beginning in the southern portion of the Project alignment and ending in the north. Of most significance, the DEIR does not sufficiently analyze the aesthetic impacts to Landscape Unit 4, which begins at the southwestern corner of Los Angeles State Historic Park. The LA CEQA Thresholds Guide notes the value of preserving sightlines to designated scenic resources or areas of visual interest from public vantage points. The DEIR acknowledges that the subjects of valued or recognized views may be focal or panoramic, including urban skylines, mountain ranges, or large bodies of water. The DEIR further acknowledges the Project's interruption to the panoramic skyline views of downtown Los Angeles from Los Angeles State Historic Park.

Response GO13-3 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. The methodology utilized to examine potential aesthetic impacts follows the guidance outlined in the Federal Highway Administration's *Guidelines for the Visual Impact Assessment of Highway Projects* (2015). As a result of this guidance, a group of Landscape Units (LU) and Key Observation Points (KOPs) were delineated and identified based on known significant views and locations with proposed changes to the setting and subjected to review and analysis identified within the aforementioned framework. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies. Further, views and potential impacts were all analyzed using the same thresholds of significance identified by the State CEQA Guidelines and the Los Angeles CEQA Thresholds Guide.

Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Also, the location of the proposed cables and cabins would be adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The cabins would be constantly moving in and out of view, and the cables have similar characteristics to the overhead power lines that are prevalent in views in this area. As such, the proposed cables and cabins would not significantly impact views in this area. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Response S2-5 for additional discussion of the Draft EIR aesthetics analysis as it relates to the Los Angeles State Historic Park.

The Draft EIR's analysis of impacts to aesthetics was prepared by experts in their respective fields, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO13-4 Los Angeles Historic State Park is a large open space that is in stark contrast to the dramatic skyline of downtown Los Angeles.[2] Sometimes referred to as the "front porch" of Los Angeles, there are no other sites that capture this welcoming view of downtown.[3] Despite acknowledging the aesthetic significance of the downtown Los Angeles urban skyline, the DEIR concludes the Project will have no significant impact for a variety of unpersuasive reasons. For example, the DEIR vaguely relies on a "walkway in the park" as an area that will continue to have uninterrupted views.[4] The DEIR further asserts that there are no significant aesthetic impacts because "existing views of downtown from other areas in the park are already interrupted under existing conditions by trees."[5] The mere possibility that one may potentially be able to find an area within the park where the view may be seen would not seem to negate the significant negative impact to a designated area of visual interest. CEQA does not require that a view be hindered from every possible vantage point; rather, CEQA demands an inquiry into whether the Project would have potentially significant impacts with respect to views if the Project's development were to obstruct an existing view of a valued visual resource.[6]

Footnote 2: Los Angeles State Historic Park General Plan (2005), https://lastatehistoricpark.org/wpcontent/uploads/2021/07/LASHP-General-Plan.pdf.

Footnote 3: Id. at 38.

Footnote 4: Draft Environmental Impact Report, Appendix C- Visual Impact Assessment at 74,

https://www.dropbox.com/sh/trfpt09to0kp4a8/AACPE0qySShhT2mqXi172mAha/Documents/Draft%20EIR%2010.17.22/Draft%20EIR%20and%20Appendices?dl=0&preview=Appendix+C_VIA.pdf&subfolder_nav_tracking=1.

Footnote 5: Id.

Footnote 6: California Code Regs., title 14, Section 15000 Appendix G.

Response GO13-4 Refer to Response GO13-3 for discussion of how the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Response S2-5 for a more detailed discussion of aesthetic impacts to the Park. The Draft EIR addressed aesthetic impacts in Section 3.01 Aesthetics with supporting data provided in Appendix C, Visual Impact Assessment of the Draft EIR. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. The Draft EIR included thirty Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project. With respect to views from within

the park, the Draft EIR concluded that certain southwest-facing views of the downtown Los Angeles skyline, particularly close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the Draft EIR noted that these views are already partially interrupted by trees and intervening development, and the nature of the proposed Project (i.e., cables with similar characteristics to prevalent existing powerlines and cabins that are constantly moving in and out of view) means that the proposed Project would not significantly impact views from the Park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. The Final EIR includes additional KOPs to further analyze viewshed impacts to Los Angeles State Historic Park. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. As demonstrated by these supplemental KOPs, views from the Los Angeles State Historic Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. In addition, refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the Park and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the Park.

Comment GO13-5 Further, the DEIR purports to describe its consistency with the Los Angeles State Historic Park General Plan. For a project in an urban area, a significant impact to visual character or quality occurs if the project conflicts with applicable zoning regulations or other regulations governing scenic quality. The DEIR appears to contain contradictory statements regarding the Project's consistency with the Los Angeles State Historic Park General Plan. On the one hand, it states that the proposed Project must obtain an amendment to the Los Angeles State Historic Park General Plan to allow transit uses within the park. However, later in the DEIR it states that the proposed Project would be consistent with Los Angeles State Historic Park General Plan aesthetic resources goals to protect and enhance scenic viewsheds and features. Not only does the DEIR appear to lack any description of the Project's ability to protect and enhance scenic viewsheds and features, but the document also fails to acknowledge the project's existing inconsistency with the Los Angeles State Historic Park General Plan, which prohibits the very type of (transit) Project proposed.

Response GO13-5 Refer to Response GO13-3 for discussion of how the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.. Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a

discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO13-6 The DEIR also appears to minimize the significant negative visual impacts the Project will have on the surrounding area. For CEQA purposes, visual impacts in urbanized areas are assessed based on changes to views from publicly accessible locations or public views. However, in finding that the Project will have no significant impact, the DEIR states that pedestrians and motorists may have less of a personal investment in the visual appearance of the proposed Project because they are "primarily visiting and do not necessarily reside in the area." The DEIR relies on residents not being included in viewership, while simultaneously minimizing negative impacts by asserting that public viewers have "fleeting and/or temporary views" since they do not reside in the area. The DEIR posits a circular argument, obviating the possibility that pedestrians and motorists experience significant impacts since CEQA requires the Lead Agency to only consider the views of the public, then relying on the presumption that the public could never experience a significant impact since their views are temporary as non-residents. This type of reasoning would render the viewership analysis requirements of CEQA meaningless.

Response GO13-6 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. A series of visual simulations were conducted from/within Landscape Units (LU) and Key Observation Points (KOPs) that were delineated and identified based on known significant views and locations with proposed changes to the setting. Viewer groups potentially affected by the proposed Project were identified in each LU as set forth in Table 3.1-6. For example, viewer groups identified for LU 4 which includes the Park are: motorist, transit commuter, pedestrian, and recreationalist. Because visual impacts under the L.A. CEQA

Thresholds Guide are assessed based on changes to public views, the description of resident viewer groups was provided only for informational purposes as private views from residential properties are not protected under the L.A. CEQA Thresholds Guide. This description of resident viewer groups was provided for informational purposes only with the understanding that, even within different viewer groups, visitors and residents likely hold unique values regarding the significance of views within/of each individual LU, and the significance of an impact is not based solely on a project's visibility from public viewpoints. In the evaluation of aesthetics, the Draft EIR analysis considers a range of qualifying factors consistent with methods and guidance provided by the FHWA for evaluating visual impacts, as well as the CEQA Guidelines and City of Los Angeles CEQA thresholds. Accordingly, the Draft EIR's aesthetics analysis more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO13-7 CEQA requires the data in an EIR to be not only sufficient in quantity but presented in a manner calculated to adequately inform the public and decision makers.[7] Given the inconsistencies throughout the DEIR's examination of potential aesthetic impacts, we urge Metro to include an accurate and robust analysis of the Project's aesthetics impacts, particularly as these impacts affect Los Angeles State Historic Park.

Footnote 7: Public Resources Code Section 21000 et seq.

Response GO13-7 Refer to Response G013-3 for discussion of the Draft EIR analysis of potential aesthetic impacts from the proposed Project, which would be less than significant. Refer to Responses GO13-5 and GO13-6 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics as well as how the Draft EIR's analysis does not result in "inconsistencies" but appropriately analyzes potential impacts based upon the CEQA Guidelines, L.A. CEQA Thresholds Guide, and methods and guidance provided by the FHWA. The Draft EIR's analysis of impacts to aesthetics was prepared by experts in the field, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR's aesthetics analysis more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO13-8 B. The DEIR's analysis of impacts to cultural resources is flawed and should be revised.

CEQA and its implementing guidelines require the evaluation of potential impacts to cultural resources.[8] The evaluation of impacts to historical resources consists of a two-part inquiry: (1) a determination of whether the Project Site contains or is adjacent to a historically significant resource or resources and, if so; (2) a determination of whether the Project would result in a "substantial adverse change" in the significance of the resources. A "substantial adverse change" in the significance of a historical resource is an alteration that materially impairs the characteristics that convey its historical significance and justify its eligibility for listing.

Under these guidelines, the DEIR does not appear to adequately analyze the Project's impact on cultural resources. The proposed Project is located within the urbanized and developed City of Los Angeles communities of downtown, El Pueblo, Chinatown, Mission Junction, Solano Canyon, and Elysian Park. These areas are known, in part, for their rich historical and cultural resources including over thirty culturally significant buildings, sites, districts, structures, and landscapes within the immediate vicinity of the Project alignment. While the DEIR acknowledges the significant presence of cultural resources the Project may affect, it denies without explanation any significant impacts to the resources.

Footnote 8: CEQA Guidelines Section 15064.5.

Response GO13-8 Refer to Response GO13-2 for a discussion of the Draft EIR's analysis of the proposed Project's potential impacts to cultural resources. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Response GO13-9 for a discussion of how construction and operational impacts associated with the proposed Project will not cause a "substantial adverse change" to the significance of the Los Angeles Union Station Passenger Terminal and Grounds and, therefore, impacts will be less than significant. Refer to pages 3.5-45 and 3.5-46 of Section 3.05, Cultural Resources, of the Draft EIR for a discussion of how the only direct impacts from the proposed Project to the Los Angeles Plaza Historic District (El Pueblo) would be to a non-contributing feature, the Placita de Dolores, which was constructed after the historic district was designated, and accordingly impacts would be less than significant.

Refer to pages 3.5-46 to 3.5-47 of Section 3.05, Cultural Resources, of the Draft EIR, for discussion of how the proposed Project would not significantly impact the *El Grito* mural during project construction with implementation of the recommended mitigation measures. Specifically, as discussed on pages 3.5-46 to 3.5-47, direct impacts related to vibration during construction activities will be mitigated to a less than significant level with implementation of Mitigation Measures VIB-A and VIB-B, relating to the use of vibration monitoring equipment and force adjustable ground compaction devices. Potential operational impacts to the mural would be less than significant as the physical integrity of the mural would remain intact and the mural would remain highly visible and would continue to convey its individual significance as an exceptionally important mural of high artistic value.

Refer to page 3.5-53 of Section 3.05, Cultural Resources, of the Draft EIR, for discussion of how the proposed Project would not directly impact the Los Angeles Terminal Annex Post Office. Indirect impacts may include the introduction of new visual features to the setting of the historical resource; however, these changes would not constitute a significant impact due to the setting's existing modern surroundings and substantial setback from both Alameda Street and the proposed Project.

Refer to pages 3.5-47 to 3.5.48 and 3.5-53 to 3.5-54 of Section 3.5, Cultural Resources, of the Draft EIR, for discussion of how the proposed Alameda Tower, Alpine Tower, and Chinatown/State Historic Park Station will not significantly impact historical resources in the vicinity of the proposed Project's alignment near Chinatown and Mission Junction, which include Philippe the Original, the Granite Block Paving, and the Capital Milling Company. Specifically, as discussed on pages 3.5-47 to 3.5-48 and 3.5-53 to 3.5-54, due to the physical separation of the proposed Project components from the historical resources, there is no potential for direct impacts to historical resources in the vicinity of these components. While construction of proposed Project components would temporarily introduce visual and auditory elements to the setting of Philippe the Original and the Capitol Milling Company, these indirect impacts would only occur temporarily during the construction period and, therefore, would be less than significant. Operational impacts include the introduction of new visual features to the setting of the historical resources, however, as discussed on pages 3.5-53 and 3.5-54, these changes would not substantially alter the existing setting and the historical resources would continue to convey their individual significance and their character-defining features would remain intact. Therefore, the operational impacts of the Alameda Tower, Alpine Tower, and Alameda Station would be less than significant.

Refer to pages 3.5-48 and 3.5-54 to 3.5-55 of Section 3.05, Cultural Resources, of the Draft EIR, for discussion of how the proposed Broadway Junction will not significantly impact historical resources in the vicinity of the proposed Project's alignment near Solano Canyon. There are five historical resources in the vicinity of the proposed Broadway Junction: 1035 N. Broadway, St. Peter's Italian Catholic Church, Cathedral High School, 451 E. Savoy Street, and the Charles B. Wellman Residence. The construction and operation of proposed Broadway Junction will not directly impact these historical resources as it is located a substantial distance from the historical resources in its vicinity. Indirect construction impacts would occur during only the 19-month construction period and therefore would be less than significant. While the proposed Broadway Junction would introduce new visual features to the setting of historical resources nearby, due to the existing setting, these changes would not constitute a significant impact. The historical resources would continue to convey their individual significance and their existing physical integrity and character-defining features would remain intact. Therefore, indirect operational impacts would be less than significant.

Refer to pages 3.5-48 to 3.5-49 and 3.5-56 to 3.5-57 of Section 3.05, Cultural Resources, of the Draft EIR, for discussion of how the proposed Stadium Tower and Dodger Stadium Station would not significantly impact historical resources in the vicinity of the proposed Project's alignment near Elysian Park. Construction and operation of the proposed Dodger Stadium Station will not directly or indirectly impact historical resources because there are none in the vicinity of the proposed station or construction staging area. Therefore, no impact would occur. The only historical resource in the vicinity of the proposed Stadium Tower is the Arroyo Seco Parkway Historic District. There is no potential for direct impacts to this historical resource due to the physical separation of the components of the proposed Project from the subject property. Construction would temporarily introduce visual elements to the setting of the Arroyo Seco Parkway Historic District. However, this indirect impact would occur during only the 12-month construction period and would cease after construction of the proposed Stadium Tower, and therefore, would be less than significant. Indirect operational impacts would include the introduction of new visual features to the setting of the Arroyo Seco Parkway Historic District. However, the change would not constitute a significant impact on the historical resource as the setting of the historic district overall has been altered over time by numerous improvements to SR-110, as well as adjacent new construction. The Arroyo Seco Parkway Historic District would continue to convey its significance and its existing physical integrity and character-defining features would remain intact. Therefore, the operational impact of the proposed Stadium Tower would be less than significant.

Comment GO13-9 The DEIR minimizes the Project's significant impact to the Los Angeles Union Station Passenger Terminal and Grounds, a cultural resource listed by the federal National Historic Preservation Act of 1966 and the California Register of Historical Resources. Built in 1939, Los Angeles Union Station is an architectural gem, utilizing a unique combination of Spanish Colonial Revival and Art Deco styles. Passengers, commuters, and tourists are welcomed with lush courtyards laden with orange trees, fan palms, and espalier magnolias. The DEIR describes the Project's proposed Alameda Station as "a concrete structure and platform with a barrel-arched canopy made of custom-perforated metal." The Project station would be over 75 feet above street grade, with a platform of over 30 feet above street grade. The DEIR further states: "The proposed Alameda Station would become a dominant visual feature of Alameda Street due to its size, design, and location elevated over the street. The proposed Alameda Station would be a highly visible change to the overall setting of the Los Angeles Union Station Passenger Terminal and Grounds property, which is designated for both its architectural and historical significance." Despite the assertions recognizing the visibly dominating impacts the enormous new proposed Alameda Station will have on the Los Angeles Union Station Passenger Terminal and Grounds, the DEIR inconsistently found the Project to have a less than significant impact.

We look forward to the EIR containing a thorough and accurate analysis of the Project's impacts not only on Los Angeles Union Station Passenger Terminal and Grounds, but also to the other cultural resources identified throughout the DEIR.

Response GO13-9 Refer to Section 3.05, Cultural Resources, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of the Draft EIR for a discussion outlining the proposed Project's potential construction and operational impacts to the Los Angeles Union Station Passenger Terminal and Grounds. While the proposed Project's Alameda Station would be a visible change to the overall setting of the historical resource, as discussed on page 16 of Appendix G, integrity of setting principally refers to the physical features within the boundary of a property but may also include the larger surroundings. However, in urban areas such as Los Angeles, the broad setting has often been changed by development that postdates the period of significance for the subject property. Thus, changes to the surrounding area (i.e., addition of the proposed Project) should only factor into the assessment of integrity if the broad setting is essential to the understanding of the property. As discussed on pages 3.5-49 and 3.5-50 of Section 3.05, Cultural Resources, of the Draft EIR, the Los Angeles Union Station Passenger Terminal and Grounds is designated for its architectural and historical significance, and the changes to the resource's setting resulting from the addition of Alameda Station would not impact its architectural significance or its ability to convey this significance. Specifically, as indicated on page 3.5-44, construction impacts will not alter the physical integrity or character-defining features of the historical resource. Also, as indicated on page 3.5-49, operational features that will have a direct impact on the property (e.g., the vertical circulation elements) will not alter the physical integrity or character-defining features of the historical resource. Further, visual alterations to the overall setting of the property will be insignificant due to prior substantial alterations to the existing setting and will not impact the significance of the historical resource nor its ability to convey its significance. Overall, construction and operational impacts associated with the proposed Project will not cause a "substantial adverse change" to the significance of this historical resource and, therefore, impacts will be less than significant.

Comment GO13-10 II. The DEIR's project description may be incomplete and may not fully analyze reasonably foreseeable activities as required by CEQA.

CEQA requires that a project be described with enough particularity that its impacts can be assessed.[9] The relevant standard for ascertaining what constellation of activities should be deemed to be a part of the "whole of an action" of a Project is whether such activities comprise "a group of interrelated actions" that are "part of a single, coordinated endeavor."[10] We are concerned that the DEIR may lack enough information to examine and evaluate the Project fully, effectively analyzing the project in a vacuum rather than including related and necessary operations, and omitting certain of the Project's foreseeable impacts.

Footnote 9: County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192.

Footnote 10: Association for a Cleaner Environment v. Yosemite Community College Dist. (2004) 116 Cal.App.4th 629, 636.

Response GO13-10 The proposed Project is described consistently throughout the entire Draft EIR based upon the Project Description provided in Section 2.0, Project Description, of the Draft EIR, clearly identifying the proposed Project's potential environmental impacts in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. Accordingly, the Draft EIR analyzes the whole of this action, as well as reasonably foreseeable potential environmental impacts resulting from this action. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO13-11 A. The DEIR may be lacking critically important details in its project description.

Despite our understanding that documents exist associating the Project with foreseeable commercial and residential growth at the 260-acre McCourt Global property, the DEIR omits any mention of near-future commercial activity or development plans at Dodger Stadium. CEQA prohibits a project proponent from seeking approval of a large project in smaller pieces in order to take advantage of environmental exemptions or lesser CEQA review for smaller projects.[11] California courts have repeatedly held that "an accurate, stable and finite project description is the sine qua non of an informative and legally sufficient [CEQA document]."[12] Absent a complete project description, courts view the environmental analysis under CEQA as impermissibly limited, thus minimizing the project's impacts and undermining meaningful public review.[13]

California courts have articulated "general principles" for determining whether two actions are one CEQA project, including "how closely related the acts are to the

overall objective of the project," and how closely related they are in time, physical location, and the entity undertaking the action.[14] The appropriate inquiry is whether two projects are related to one another, i.e. they comprise the "whole of an action" or "coordinated endeavor."[15]

Courts have found improper piecemealing when the purpose of the reviewed project is to be the first step toward future development."[16] It is both logical and reasonable to infer that the Project is soon likely to be associated with development activity given the facts surrounding Dodger Stadium and the practical effects of the Project. For example, there are 81 home games in a regular baseball season, with up to 12 post-season games. The City of Los Angeles's Conditional Use Permit for Dodger Stadium allows a maximum of four special events per month. Even assuming additional special events, the Project is likely to be used at capacity no more than one hundred fifty days of the year. Accordingly, developing the area surrounding the Dodger Stadium Tower for entertainment, retail, and other commercial activities is a reasonable conclusion that could provide a practical basis and explanation for carrying out the Project. We recommend that the EIR be revised to consider the entirety of the Project, including all reasonably foreseeable phases, consistent with CEQA.

Footnote 11: Arviv Enterprises, Inc. v. South Valley Area Planning Com., (2002) 101 Cal.App.4th 1337, 1340.

Footnote 12: County of Inyo, supra, 71 Cal.App.3d 185, 193.

Footnote 13: Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d 376.

Footnote 14: Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1226-1227.

Footnote 15: Id.

Footnote 16: Laurel Heights Improvement Assn., supra, 47 Cal.3d 376; Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263; City of Antioch v. City Council (1986) 187 Cal.App.3d 1325.

Response GO13-11 Refer to Response GO13-10 for a discussion of the Project Description's adequacy. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Further, the proposed Project addresses the need for a permanent transit connection to Dodger Stadium for Dodger games and special events at the Dodger Stadium property. Refer to Section 2.1,

Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO13-12 B. The DEIR should include an analysis of induced growth.

Section 15125.2(d) of the CEQA Guidelines requires a discussion of the ways in which a project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place without the implementation of a proposed project.

When evaluating the potential environmental impact of a project that has growth inducing effects, an agency is not excused from environmental review simply because it is unclear what future developments may take place; it must evaluate and consider the environmental effects of the "most probable development patterns."[17] In fact, even if there is uncertainty as to the precise form of development that would eventually occur, a Project is not insulated from CEQA.[18]

Footnote 17: Aptos Council v. Cnty. of Santa Cruz (2017) 10 Cal.App.5th 266,

Footnote 18: Antioch, supra, 137 Cal.App.3d 1325, 1337.

Response GO13-12 Refer to Section 5.4, Growth-Inducing Impacts, of Section 5.0, Other CEQA Considerations, of the Draft EIR, for a discussion of the potential growth-inducing impacts of the proposed Project as required by Public Resources Code section 21100(b)(5). The Draft EIR's growth inducing analysis considered the potential growth-inducing impacts from the proposed Project in pages 5-57 through 5-60 of the Draft EIR, concluding that construction and operation of the proposed Project would result in less than-significant growth-inducing impacts, with respect to whether the proposed Project would foster population or employment growth, or the construction of additional housing, either directly or indirectly, on both a regional and

local scale. As discussed in Section 5.4, the proposed Project does not remove obstacles to growth but instead would increase connectivity in the densely urbanized downtown Los Angeles and provide direct linkages to major residential, employment, and tourist destinations, such as LAUS, El Pueblo/Olvera Street, Chinatown, Los Angeles State Historic Park, Dodger Stadium, and Elysian Park. The Project Study Area includes a population of which approximately 25 percent of the residents in the Project Study Area utilize either public transportation or walking for commuting to work. As discussed in Section 2.0, Project Description, Dodger Stadium is one of the region's most visited venues; however, there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets, throughout the surrounding communities, and on the nearby freeways. As the region's population grows and resulting travel needs continue to increase, the local and regional roadway system is likely to experience greater congestion. When complete, the travel time from LAUS to Dodger Stadium would be approximately 7 minutes during peak operations (games/events at Dodger Stadium). Approximately 20 percent of visitors could take aerial transit connected to Metro's regional transit system. By creating a high-quality and high-capacity rapid transit connection between LAUS and Dodger Stadium, the proposed Project would provide a more viable choice in making a trip to a Dodger game or event at the stadium. Further, given that the area in the City where the proposed Project alignment is located is densely urbanized and there are existing planned developments for the area, the proposed Project would be a benefit for existing and planned uses in the area.

Comment GO13-13 It is not our position that the DEIR must analyze with significant detail every conceivable development scenario; however, the DEIR needs to analyze the impacts in relation to the most probable development patterns. Publicly available resources have revealed the possibility of future development at the site of the Project. For example, information from the Los Angeles County Recorder's Office details possible future developments at Dodger Stadium 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.[19] Further, the company that owns fifty percent of the parking lot at Dodger Stadium publicized its ownership interest in the 260-acre Dodger Stadium land as a "current real estate project."[20] Even without the aforementioned documents evidencing potential development at Dodger Stadium, the DEIR should account for the foreseeable and probable growth inducing development impacts of the Project.

The EIR should examine ways in which the proposed Project could foster economic growth, either directly or indirectly, in the surrounding environment.

Footnote 19: "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine," Section 14.3, Los Angeles County Recorder's Office, Document #20120642991.

Footnote 20: "Our Company," McCourt Globaweb.archive.org/web/20210724150915/https://www.mccourt.com/mccourt-global-overview. Accessed via The Wayback Machine.

Response GO13-13 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Mere statements on a website are not evidence that such development is currently proposed, nor are they sufficiently firm or committed to such that environmental analysis is required. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. In addition, refer to Topical Response G for a discussion of how the proposed Project addresses the need for a permanent transit connection to Dodger Stadium for Dodger games and special events at the Dodger Stadium property, and how the Dodger Stadium property is approved only for Dodger Stadium and ancillary uses and structures as set forth in the Conditional Use Permit for the Dodger Stadium property, with restrictive designations and zoning not consistent with the uses speculated by commenters. Further, the adoption of the CC&Rs over a decade ago does not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. Refer to Response GO13-12 for discussion of how the Draft EIR adequately analyzes potential growth in the Project Study Area.

Comment GO13-14 III. Conclusion

We have concerns as to whether the DEIR is adequately disclosing, analyzing, and mitigating the Project's environmental impacts. CEQA requires that Metro's review adequately identify and analyze the Project's foreseeable direct, indirect, and cumulative impacts. Thank you for your consideration in this matter. We look forward to reviewing your responses to our comments.

Respectfully submitted,

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Staff Attorney
Natural Resources Defense Council

Damon Nagami
Senior Attorney
Natural Resources Defense Council

Response GO13-14 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO13-2 through GO13-13.

Comment Letter GO14 – LA Parks Alliance, John Given

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO14

Comment GO14-1 This letter is submitted on behalf of LA Parks Alliance[1] with respect to the above-captioned Los Angeles Aerial Rapid Transit Project (the "Project") in response to the release of the Project's Draft Environmental Impact Report ("Draft EIR" or "DEIR").

Footnote 1: LA Parks Alliance was formed in 2019 as a response to land use threats to LA State Historic Park. Its members are park and public space advocates. See https://www.laparksalliance.org.

Response GO14-1 This comment provides a general introduction to this letter. Responses to the comments contained in this letter are provided below in Responses GO14-2 through GO14-175.

Comment GO14-2 As an initial matter, please provide me with notice of all hearings, votes, or determinations related to the proposed Project, including timely provision of notices required pursuant to Public Resources Code 21167(f).

Response GO14-2 Metro has and will continue to comply with CEQA. The commenter will be included on the list of notices required pursuant to CEQA.

Comment GO14-3 Note that LA Parks Alliance adopts and incorporates by reference all DEIR comments and objections raised by others during the environmental review process. (See Pub. Res. Code, § 21177.)

Response GO14-3 Refer to Section 6.0, Responses to Comments, of this Final EIR, for responses to all comments received on the Draft EIR.

Comment GO14-4 As explained below in detail, the Draft EIR is deficient in many respects. It is incomplete, inaccurate, misleading, and largely supported by assumptions rather than substantial evidence. Among its more serious deficiencies, some of them fatal to its use as the proposed Project's environmental document, the DEIR misidentifies Metro as the Lead Agency, misidentifies the Project as public transportation, misidentifies the Project as eligible for SB 44, fails to identify and seek review by all required responsible and trustee agencies, assumes the Project may use state parkland for a significant part of its proposed alignment, and engages in piecemealing by ignoring reasonably foreseeable indirect physical changes in the environment due to the Project. In addition, evidence exists that an endangered species may be adversely affected, and Project approval would raise considerable concerns regarding gentrification and environmental justice.

Response GO14-4 This comment provides a general summary of the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO14-5 through GO14-175.

Comment GO14-5 At the very least, the DEIR must be revised and recirculated after its many deficiencies have been corrected. In the alternative, Metro should seriously consider terminating review of the Project at the outset since it plainly cannot be constructed as currently proposed.

Response GO14-5 This comment and the comments in this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. Refer to responses to the comments contained in this letter provided in Responses GO14-6 through GO14-175. Pursuant to CEQA, the purpose of the EIR is to provide sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO14-6 I. GENERAL COMMENTS

A. Arts District Community Council LA Letter of February 26, 2021

Following close of the Notice of Preparation / Project Scoping for the Project, on February 26, 2021, my office submitted a letter on behalf of Arts District Community Council LA ("ADCCLA") objecting to Metro's inadequate Notice of Preparation ("NOP") issued on or about October 1, 2020. LA Parks Alliance adopts the letter as reflecting its own position on the inadequate NOP, and requests that the DEIR respond to the allegations in that letter as if fully set forth herein.[2] The following summarizes the February 26, 2021, letter comments and objections.

Footnote 2: The February 26, 2021, letter is attached as Exhibit A. Note that while it was submitted following the close of the formal scoping process, Metro was required to consider the comments in preparation for the Draft EIR and it is already part of the administrative record of the case. (Pub. Res. Code, § 21082.1(b).)

Response GO14-6 Metro has considered the items raised in the referenced letter. Refer to Response GO14-7 for discussion of how the NOP for the proposed Project complied with CEQA. Refer to Response GO14-10 for a discussion of how the proposed Project solely consists of an aerial rapid transit system from LAUS to Dodger Stadium. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community

engagement during the Draft EIR public review period and community engagement efforts during the preparation of the Final EIR. Pursuant to the CEQA Guidelines, lead agencies should use a public scoping process to help define the appropriate range of issues, and the depth and breadth of the analysis to be addressed in the environmental document. As discussed in Appendix A and Section 1.0, Introduction, to the Draft EIR, the Draft EIR considered and addressed topics from public comments and questions that were received during the NOP comment period, and at the scoping meetings, related to environmental issues.

Comment GO14-7 The October 1, 2020, Notice of Preparation for the Project is legally inadequate. The appropriate remedy is a revised Notice of Preparation and recirculation with a new review and comment period for responsive and trustee agencies and members of the public. Title 14 of the California Code of Regulations (hereafter "CEQA Guidelines") requires that an NOP "shall provide the responsible and trustee agencies, the Office of Planning and Research and county clerk with sufficient information describing the project and the potential environmental effects to enable the responsible agencies to make a meaningful response." (CEQA Guidelines, § 15082(a)(1) (emphasis added).)

The October 1, 2020, NOP is inadequate because it fails to provide sufficient information about the probable environmental effects of the project for responsible agencies to meaningfully respond, and indeed misleads these agencies through use of vague and otherwise inaccurate descriptions of the project. For example, the NOP suggests that there may be no direct impact on LA State Historic Park by describing a direct flyover of the park by the preferred project alternatives as being "in connection with providing additional transit service adjacent to the Los Angeles State Historic Park." (NOP, p. 2.) A reasonable interpretation by an uninformed reader of the NOP text could include that if an adjacent station is not constructed that the aerial tram would not fly directly over the park. As the February 2021 letter notes, even if the proposed Project did not encroach on and over LA State Historic Park, its development adjacent to the park would still have significant adverse impacts on the Park.

Response GO14-7 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The proposed Project's NOP complied with CEQA. CEQA Guidelines section 15082(a)(1) only requires an NOP to include a description of the project, location of the project (either by street address or attaching a map), and the probable environmental effects. The NOP fully complied with Section 15082(1)(a), and provided an adequate project description, the project location (including a map of the routes as well as a narrative description), and probable environmental effects. Contrary to what this comment suggests, CEQA does not require an analysis of the probable environmental effects for the proposed Project in the Notice of Preparation, as that is the role of a Draft EIR. The NOP appropriately identified the environmental areas that would be studied in further detail in the Draft EIR. Further, sufficient

information was provided in the NOP to guide the responsible agency consultation process, as the NOP provided a written project description detailing the components of the proposed aerial gondola system, the proposed route, project location and environmental setting, as well as the overall project purpose. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of the Metro's consultation with CEQA responsible agencies following the release of the NOP. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process.

Comment GO14-8 The NOP is also inadequate in that it fails to include a summary of the "[p]robable environmental effects of the project." (CEQA Guidelines, § 15082(a)(1)(C).) Instead, it lists the entirety of the CEQA Guidelines Appendix G analysis categories, explaining that the Draft EIR to follow will address all of them. While that may be factually accurate, the mere listing of analysis categories to be included in a later environmental review document cannot be understood as a description of "probable environmental effects," and does not serve to provide responsible agencies with sufficient information to make a meaningful response with respect to the scope of environmental review required. If only generalized information is provided to responsible agencies, only generalized responses will be received from them, which is insufficient to fulfill those agencies' mandatory NOP response obligations. (See CEQA Guidelines, § 15082(b)(3): "A generalized list of concerns not related to the specific project shall not meet the requirements of this section.")

Response GO14-8 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO14-7 for discussion of how the NOP for the proposed Project complied with CEQA.

Comment GO14-9 Under CEQA, a "project" is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378(a) (emphasis added)). Where multiple "activities are part of a coordinated endeavor, among the various steps which taken together obtain an objective, or otherwise related to each other, they constitute a single project for purposes of CEQA." (County of Ventura v. City of Moorpark (2018) 24 Cal.App.5th 377, 385 [internal quotation marks and citations omitted].) "CEQA 'cannot be avoided by chopping up proposed projects into bite-size pieces' which, when taken individually, may have no significant adverse effect on the environment. [Citations.]" (Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1223.) This improper practice is commonly referred to as "piecemealing."

Response GO14-9 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Because the comment does not address an environmental

issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO14-10 The NOP is therefore also inadequate for its incomplete and misleading project description, which must include the readily foreseeable future development at the Dodger Stadium terminus of the Project, where development of some portion of the 260 acres around Dodger Stadium owned or controlled in part by McCourt Global (also owner of the gondola development company ARTT LLC) is plainly foreseeable. McCourt Global's website included the following statements (published even after the NOP was released):

- "Our current real estate projects include…260 acres of land at Chavez Ravine in Los Angeles."
- "McCourt currently owns 260 acres of land at Chavez Ravine in Los Angeles, the home of Dodgers Stadium. Among other plans for the area, McCourt will develop a cutting-edge aerial tramway from Los Angeles Union Station to Dodgers Stadium through its company, Aerial Rapid Transit Technologies."[3]

Footnote 3: McCourt Global, McCourt / Our Company, last viewed / downloaded May 18, 2021, attached as part of Exhibit B (emphasis added); and McCourt Global, Real Estate Overview, Nov. 26, 2020, last viewed / screen captured Jan. 12, 2022 via "Internet Archive Wayback Machine" (https://web.archive.org), attached as part of Exhibit B (emphasis added), available at:

https://web.archive.org/web/20201126121740/https://www.mccourt.com/real-estate-overview.

But see McCourt Global, McCourt Partners Real Estate, attached as Exhibit C, available at: https://www.mccourt.com/real-estate, last viewed / screen captured Jan. 12, 2022 (scrubbing references to "real estate projects" and "other plans for the area" around Dodger Stadium except the LA ART project. See also lengthy discussion re Dodger Stadium "piecemealing," infra pp. 26-33.

Response GO14-10 This response considers the content of Exhibits B and C to this letter, referenced in this comment. Refer to Response GO14-7 for discussion of how the NOP for the proposed Project complied with CEQA. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Mere statements on a website are not evidence that such development is currently proposed, or are sufficiently firm or committed to such that environmental analysis is required. CEQA does not require such speculation. No

improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project.

Comment GO14-11 The failure to include any information in the NOP about this clearly foreseeable development associated with the proposed Project precluded responsible agencies and members of the public from providing meaningful responses on the "whole of the project." This comment is expanded upon at length below, as the Draft EIR suffers from the same fatal flaw.

Response GO14-11 Refer to Response GO14-10 for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Refer to Response GO14-7 for discussion of how the NOP for the proposed Project complied with CEQA. Agencies and members of the public were not precluded from providing meaningful comments on the NOP or the Draft EIR. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during the scoping period led directly to changes to the proposed Project to incorporate public feedback.

Comment GO14-12 The February 2021 letter also criticizes the description of project alternatives, which then included only the so-called Spring Street alternative, the Broadway alternative, and the no-project alternative. The letter concludes by noting that the inadequate NOP frustrated members of the public, including members of ADCCLA. Its inadequacies interfered with their ability to provide informed comment to the lead agency, and ADCCLA requested that a revised, legally sufficient NOP be recirculated and a new comment period provided.

Response GO14-12 Refer to Response GO14-7 for a discussion of how the NOP for the proposed Project complied with CEQA. CEQA Guidelines section 15082(a)(1) only requires an NOP to include a description of the project, location of the project (either by street address or attaching a map), and the probable environmental effects. CEQA does not require a full and complete accounting of potential Project alternatives in the NOP as this comment suggests. Indeed, the NOP process is intended to allow stakeholders and members of the public to provide comments on the scope and contents of the EIR, including any potential alternatives they wish to see analyzed. Agencies and members of the public were not precluded from providing meaningful comments on the NOP

or Draft EIR. Refer to Response GO14-11 for a discussion of the discussion of the proposed Project's public outreach during the NOP scoping period.

Comment GO14-13 Subsequently, ADCCLA, through LA Parks Alliance's letter of December 19, 2022, asserts that Metro was improperly designated as the lead agency under CEQA, and no longer requests that Metro revise and recirculate a legally adequate NOP. Instead, because Metro cannot be designated as the lead agency pursuant to CEQA Guidelines Section 15051, both ADCCLA and LA Parks Alliance request that Metro refrain from further environmental review of the Project and instead allow the properly designated CEQA lead agency, the City of Los Angeles, to begin the environmental process anew.[4]

Footnote 4: See John P. Given, letter to Metro Deputy Executive Officer Corey Zelmer ("Objection to Metro as Lead Agency"), Dec. 19, 2022, already a part of the Project record as a comment to the DEIR, and available at https://www.laparksalliance.org/2022/12/21/objection-to-metro-as-lead-agency/.

Response GO14-13 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro has discretionary authority to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project (Public Utilities Code § 130252), which will include several discretionary approvals (multiple approvals of design and construction plans, approvals and agreements contemplated in the Memorandum of Agreement and subsequent amendments, agreement to integrate fares with Metro's fares / one tap system). This discretionary authority is considerably more broad than the individual land use and other review and approvals to be issued by responsible agencies for the components of the proposed Project occurring within their jurisdiction. In short, Metro has "the greatest responsibility for supervising or approving the project as a whole" and is the appropriate lead agency. (CEQA Guidelines, §15051(b) [emphasis added].) Simply because other agencies have approval authority for the proposed Project, does not mean that Metro does not have the "principal responsibility" for approving or supervising the proposed Project. Indeed, CEQA recognizes that multiple agencies may have authority over a project. Therefore, CEQA includes the responsible agency process and consultation requirements in order for other agencies to provide necessary review and approval of aspects of a project. (Pub. Resources Code, §§ 21067, 21069.) The proposed Project would require review and approvals from Caltrans, State Parks, the City, and Cal/OSHA, as responsible agencies, in addition to review and approval by Metro as lead agency. Responsible agencies' discretionary approvals required for the proposed Project are secondary to Metro's statutory authority to review and approve transportation projects, and the City and other agencies were appropriately named

as responsible agencies. Further, Metro engaged in required consultation with all responsible agencies during the process of preparing the Draft EIR for the proposed Project, in compliance with CEQA. This consultation process included meetings with Metro and the responsible agencies to discuss the scope and content of the environmental information that Metro would include in the Draft EIR (Pub. Resources Code, § 21080.4(b); CEQA Guidelines § 15104), additional consultation with the City and State Parks as Draft EIR preparers, and comments from these responsible agencies on the Draft EIR (Pub. Resources Code, § 21153(c); CEQA Guidelines, § 15086(c).) This consultation process will continue throughout the course of the environmental review process. Consultation helps ensure that the EIR includes the necessary analysis regarding environmental effects within a responsible agency's jurisdiction to allow that agency to rely on the EIR, if ultimately certified, when considering the necessary approvals for the proposed Project that fall under its regulatory authority. As set forth in Section 2.0, Project Description, of the Draft EIR, if Metro certifies the Final EIR, each responsible agency will then conduct its own discretionary review process for the Project approvals it is responsible for. This comment references a letter from John P. Given to Metro Deputy Executive Officer Corey Zelmer ("Objection to Metro as Lead Agency"), Dec. 19, 2022. Refer to Responses GO8-1 through GO8-22 for responses to that letter.

Comment GO14-14 B. Metro Ignored Mandatory Project Review by Responsible and/or Trustee Agencies.

The "State Clearinghouse" is responsible for managing CEQA review for state agencies. (CEQA Guidelines, § 15205.) The lead agency has a mandatory duty to provide sufficient copies of an EIR to the State Clearinghouse so it may distribute them for agency review and comment for all agencies that are either "a responsible agency, trustee agency, or otherwise [have] jurisdiction by law with respect to the project" or when the project is identified "as being of statewide, regional, or areawide significance." (Ibid., subd. (b)(2)-(3).)

The Project fits both requirements. Review is required by many state agencies, including several trustee agencies. The Project is also one of "statewide, regional, or areawide significance" under CEQA Guidelines Section 15206 as the Project is within and would substantially impact the Santa Monica Mountains Zone as defined in the Public Resources Code, which includes virtually the entire Project area. (See CEQA Guidelines, § 15206, subd. (b)(4).) Public Resources Code Section 33105 states, in relevant part (emphasis added):

Response GO14-14 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Consistent with the requirements of CEQA Guidelines section 15205(b)(2)-b(3), prior to the release of the Draft EIR, Metro submitted the required documentation of the release of the Draft EIR to the State Clearinghouse (SCH # 2020100007). Documentation of submittal of the Draft EIR to the State

Clearinghouse is available on the SB 44 website for the proposed Project.[9] Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of the Metro's consultation with CEQA responsible agencies. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Refer to Response G014-16 for discussion of Metro's consultation with CEQA trustee agencies.

Comment GO14-15 The [Santa Monica Mountains Zone] shall also include Elysian Park and El Pueblo de Los Angeles State Historic Park and, for purposes of providing a recreational trail corridor, it shall also include hiking and equestrian trail connections and accessways between Griffith Park, Elysian Park, and El Pueblo de Los Angeles State Historic Park.

The entire Santa Monica Mountains Zone also falls within the state-designated Rim of the Valley Trail Corridor, for which a Master Plan was adopted in June 1990. (See Pub. Res. Code, §§ 33105.5, 33204.3 et seq.) The Rim of the Valley Corridor, including the entirety of the Santa Monica Mountains Zone, has been proposed to be added as a boundary adjustment to an expansion of the National Park Service's Santa Monica Mountains Recreation Area.[5]

Among the documents provided to the public by Metro when it released the Project's Draft EIR are a "Notice of Completion & Environmental Document Transmittal" and "Summary Form for Electronic Document Submittal."[6] The Notice of Completion lists a "Reviewing Agencies Checklist" to allow the lead agency to request the State Clearinghouse to distribute the Notice and Draft EIR documents to reviewing agencies so that those agencies can fulfill their CEQA comment obligations. (Notice of Completion, p. 2.) The Summary Form similarly allows the lead agency to provide a list of responsible or trustee agencies to the State Clearinghouse. (Summary Form, p. 2.)

Footnote 5: See Exhibit D, which includes: Santa Monica Mountains Conservancy (SMMC), Rim of the Valley Trail Corridor Boundary map and excerpts from Rim of the Valley Trail Corridor Master Plan; National Park Service, Rim of the Valley Unit Proposed Addition to Santa Monica Mountains National Recreation Area. SMMC's entire ROV Master Plan is available at:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwi1_YmO88z8AhWjKkQIHUZLCPEQFnoECAYQAQ&url=https%3A%2F%2Fsmmc.ca.gov%2Fwpcontent%2Fuploads%2F2020%2F04%2FROV-Master-Plan.pdf&usg=AOvVaw0pYr2L5XdpzX_kj982-GC6.)

Footnote 6: As of December 21, 2022 the documents seem to no longer be available at Metro's web page for the Project (https://www.metro.net/projects/aerial-rapid-

[9] Refer to Remainder of the Record category at https://laartsb44.net/#!/documents.

transit/) or in the related Dropbox file link found on that page for the DEIR and other documents. They should be a part of the Project record, but are attached as part of Exhibit E.

Response GO14-15 This comment provides a general recitation and characterization of the CEQA statute and regulations. This response considers the content of Exhibit D to this letter, referenced in this comment. Refer to Response G014-16 for discussion of consultation with CEQA trustee agencies, including Santa Monica Mountains Conservancy. All documents for the SB 44 administrative record for the proposed Project, including State Clearinghouse Documents filed at the time the Draft EIR was released, are available on the proposed Project's SB 44 website.[10] In response to comments regarding the Rim of the Valley Trail Corridor, an addition to the Draft EIR has been provided for the Rim of the Valley Trail Corridor Master Plan. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of the Rim of the Valley Trail Corridor Master Plan. As noted therein, while the proposed Project is located within the boundaries of the Rim of the Valley Trail Corridor, the proposed Project would have no impact on the Rim of the Valley Trail, which is located north of Elysian Park, across Interstate I-5. The proposed Project would provide access to and connectivity between El Pueblo, Los Angeles State Historic Park, and Elysian Park.

Comment GO14-16 Metro failed to include at least two state agencies that should have received notice and copies of the Draft EIR on the Notice of Completion form as required. The first, the Santa Monica Mountains Conservancy ("SMMC"), is a designated trustee agency over resources within the Project area. (See Pub. Res. Code, § 33105, quoted above.)[7] It was not listed on either State Clearinghouse Form.[8]

The second state agency Metro failed to notify, the California Department of Housing and Community Development ("HCD"), has responsibilities which include ensuring every California city (whether a general law or charter city) assesses, analyses, and plans for "an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need" for various income levels. (Cal. Gov. Code, § 65583, subd. (a)(3).) It was likewise not listed on either State Clearinghouse Form.

The Surplus Lands Act (Govt. Code sections 54220-54234) provides for a right of first refusal to other public agencies whenever a local agency proposes to dispose of surplus land. A notice of availability requirement is applicable to both the SMMC and the HCD. (Govt. Code, §§ 54222, 54230.5.) Sales and leases of surplus lands generally qualify as dispositions requiring approval of HCD before sale or lease of surplus land can be finalized. (Govt. Code, §54230.5, subd. (b)(1).)[9] Similarly, California law requires that the sale of any property by a public agency within the Santa Monica Mountains Zone requires offering the land to the SMMC first:

[10] Refer to Remainder of the Record category at https://laartsb44.net/#!/documents.

Footnote 7: See also, Supervising Deputy Attorney General Christina Bull Arndt, letter to Executive Director Joseph T. Edmiston, Santa Monica Mountains Conservancy, July 26, 2021, attached as Exhibit F. "The Conservancy meets the definition of a trustee agency because it is a state agency which has jurisdiction over the natural resources of the [Santa Monica Mountains] Zone, which it holds in trust for the people of California…[T]he Conservancy should be considered a trustee agency for any CEQA project which affects natural resources within the Zone." (Exhibit F, p. 3.)

Footnote 8: Curiously, the Notice of Completion lists a similar agency, the "California Baldwin Hills Conservancy (BHC)," as a reviewing agency for the Project even though at closest Baldwin Hills is approximately seven miles distant from, and has no resources near or within, the Project area. For more information, see http://bhc.ca.gov.

Footnote 9: See also, HCD's Surplus Lands Act FAQ, available at: https://www.hcd.ca.gov/docs/planning-andcommunity-development/slafaq.pdf.

Response GO14-16 This response considers the content of Exhibit F to this letter, referenced in this comment. Refer to Section 1.0, Introduction, of the Draft EIR, for discussion of the CEQA Responsible and Trustee Agencies. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of the Metro's consultation with CEQA responsible agencies. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Metro has complied, and will continue to comply, with the CEQA requirements for consultation with responsible agencies at each stage of the environmental review process. This consultation process has included meetings with Metro and the responsible agencies to discuss the scope of environmental review, additional consultation with the City and State Parks as Draft EIR preparers, and comments from responsible agencies on the Draft EIR. This consultation process will continue throughout the course of the environmental review process. Santa Monica Mountains Conservancy ("SMMC") has no discretionary approval authority related to the proposed Project; however, Metro notified SMMC as a trustee agency.[11] CEQA defines a "trustee agency" as "a state agency that has jurisdiction by law over natural resources affected by a project, that are held in trust for the people of the State of California." (Public Resources Code, § 21070.) Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of the Surplus Land Act. HCD is not a responsible agency for the proposed Project as it does not have responsibility for carrying out or approving the proposed Project and does not have discretionary authority related to the proposed Project. (Public Resources Code § 21069.) Refer to

[11] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2023. Los Angeles Aerial Rapid Transit Project Email from Cory Zelmer to info@smmc.ca.gov.

Section 2.10, Required Permits and Approvals, of the Draft EIR, which provides a list of the potential discretionary entitlements, reviews, and approvals required for implementation of the proposed Project.

Comment GO14-17 The conservancy shall have the first right of refusal on any property within the zone presently owned by a public agency and scheduled for disposal as excess lands, except where such lands are designated for acquisition as a park or recreation area by a federal, state, or local agency. The conservancy shall have the right to acquire such lands at the disposing agency's purchase price plus any administrative and management costs incurred by the disposing agency. (Pub. Res. Code, § 33207(b).)

The DEIR describes public lands within the City of Los Angeles as potential sites for several Project components. For example, "the proposed Alameda Tower, which would be constructed on the Alameda Triangle, a portion of City ROW between Alameda Street, North Main Street, and Alhambra Street." (DEIR, p. ES-4.) "The proposed Alpine Tower would be constructed at the corner of Alameda Street and Alpine Street on city-owned property." (Ibid.) "[T]he proposed Chinatown/State Park Station would be constructed partially on City ROW and partially within the boundaries of the Los Angeles State Historic Park." (Ibid.)

The City of Los Angeles maintains and periodically publishes a list of declared and undeclared surplus properties that can be reviewed by registering for and then downloading them from the Department of General Services website.[10] Review of recently downloaded declared and undeclared surplus properties lists discloses that none of the site described in the DEIR were listed as either declared or undeclared surplus properties when the DEIR was released.[11]

Before the City of Los Angeles may dispose of any of the lands described in the DEIR as city-owned, under the Surplus Lands Act it must notify both SMMC and HCD that the lands are surplus and follow the appropriate legal process before it may dispose of them for the benefit of a private project, including the LA-ART gondola Project. But Metro's State Clearinghouse submissions failed to identify SMMC and HCD as responsible agencies and failed to identify SMMC as a trustee agency. There is no indication that either agency has had any notice of the Project, let alone adequate notice.

Footnote 10: See https://gsd.lacity.org/services/integrated-asset-services/property.

Footnote 11: See "City of Los Angeles – Surplus Declared Properties as of (12/6/2022)" and "City of Los Angeles – Surplus Undeclared Properties as of (12/6/2022)" downloaded from the General Services website on December 20, 2022, attached as Exhibit G.

Response GO14-17 This comment provides a general recitation and characterization of California law, case law, and/or regulations, and the Draft EIR. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a

discussion of the Surplus Lands Act. Refer to Response GO14-16 for discussion of consultation with CEQA trustee agencies, including Santa Monica Mountains Conservancy and HCD. Documents for the SB 44 administrative record for the proposed Project, including State Clearinghouse Documents filed at the time the Draft EIR was released, are available on the proposed Project's SB 44 website.[12]

Comment GO14-18 LA Parks Alliance notes that it is highly unlikely that the proposed site for the Alpine Tower Project component, described as "currently being used as non-public parking storage for City vehicles" (DEIR, p. ES-8), would be available to the proposed Project given its highly suitable location for affordable housing. Affordable housing is particularly appropriate at sites near public transit. The parcel at the proposed Alpine Tower location is approximately 700 feet from Metro's Gold Line Chinatown station, less than half a mile from LA Union Station, and located between and at most only a few hundred feet from existing major bus route stops along Alameda Street. (See DEIR, Table 3.17-1 and Figure 3.17-2, pp. 3.17-13 to 3.17-16.)[12] If desired, bus stops could be added or re-located nearer to the parcel to be even more convenient for a future affordable housing project at the site.

There are numerous state incentives for housing opportunities near public transit. California's Density Bonus Law, for example, allows affordable housing projects to reduce or eliminate parking, providing a major cost benefit for affordable projects. (See generally, Govt. Code, §§ 65915-65918). HCD has an Affordable Housing and Sustainable Communities Program, which "funds land-use, housing, transportation, and land preservation projects to support infill and compact development that reduce greenhouse gas ("GHG") emissions."[13] The City of Los Angeles has its own Transit Oriented Communities Affordable Housing Incentive Program and Guidelines which in some respects exceeds the baseline requirements of the State Density Bonus Law. (See Los Angeles Municipal Code ("LAMC"), § 12.22 A.31.)

For the preferred alternative of the Project to proceed, it would almost certainly have to undergo a major design overhaul to relocate the Alpine Tower, as there is very little chance a tower could be constructed at the desired site given the site's suitability for a far more urgent need with legally superior right to the site than a private gondola project. Moreover, the environmentally superior alternative, the Transportation Systems Management Alternative, remains available, and with only modest modifications could easily achieve most Project goals, leaving the proposed Alpine Tower site for its more suitable use as affordable housing.

Footnote 12: As the County's regional transportation authority, Metro is particularly well suited to analyze the suitability of the site for affordable housing with respect to proximity of existing public transit options.

[12] Refer to Remainder of the Record category at https://laartsb44.net/#!/documents.

Footnote 13: For more information, see https://www.hcd.ca.gov/grants-and-funding/programs-active/affordablehousing-and-sustainable-communities.

Response GO14-18 This comment provides a general recitation and characterization of statutes and regulations. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not displace housing or prevent planned housing, including at the Alpine Tower's location, and how the Alpine Tower's location considered and avoided the anticipated 903 North Main Street Homeboy housing project. Furthermore, refer to Topical Response E for discussion of how development of housing is constrained on the portion of 901 North Main where the proposed Alpine Tower would be located due to the proximity to the Metro L Line (Gold) tracks. The proposed Alpine Tower would be located on a triangular portion of 901 North Main Street between the Metro L Line (Gold) tracks and Alameda and Alpine Streets, and this property was previously analyzed by the City of Los Angeles' City Administrative Officer, describing it as unsuitable for housing. Compliance with Metro's requirements for construction design in locations adjacent to Metro's systems further restricts the ability for development on the portion of 901 North Main Street between the Metro L Line (Gold) tracks and Alameda and Alpine Street. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment GO14-19 Metro's failure to provide notice to SMMC and HCD requires, at the least, an immediate extension of the comment period so that these agencies have sufficient time to study the Draft EIR with respect to Project concerns related to their respective jurisdictions. The DEIR is inadequate for its failure to identify the clearance required by HCD before any of the City public land identified by the DEIR may be transferred to a private party to construct or operate the Project. It is further inadequate for failing to identify the potentially significant land use conflicts under the Surplus Lands Act and Public Resources Code related to the public interest and resources identified in those statutes. The environmental review process cannot proceed until this serious procedural error has been fully remedied.

Response GO14-19 Refer to Responses GO14-16 through GO14-18 for a discussion of Metro's consultation with responsible and trustee agencies, including SMMC[13] and HCD, as

[13] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2023. Los Angeles Aerial Rapid Transit Project Email from Cory Zelmer to info@smmc.ca.gov.

well as the Surplus Land Act. Compliance with the Surplus Land Act, should it apply, is separate and distinct from the CEQA environmental process and the purpose of environmental review. Refer to Appendix A, Public Outreach Report, of this Final EIR, for an overview of the Draft EIR public review period. The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. No further extension is required; as discussed in Response GO14-16, the required consultation and notice has occurred.

Comment GO14-20 C. The Project is Not a Public Transit Project Eligible for SB 44 Streamlining

As discussed briefly in an earlier DEIR comment letter, the Project is not a public transit project, as it is proposed to be privately owned and operated and intended primarily to provide service to and from Dodger Stadium, a private sports and event venue.[14] It is therefore not eligible for SB 44 streamlining as an environmental leadership transit project ("ELTP") as claimed in the DEIR. (DEIR, pp. 1-4 to 1-9.) The Draft EIR is therefore inaccurate and misleading and fails as an informational document for including these false claims. Moreover, since the Project is not eligible for SB 44, any attempt by Metro to limit the exercise of project objectors' rights under generally applicable law that does apply would violate CEQA's strict procedural mandates and likewise allow for objectors to seek an appropriate legal remedy.

Footnote 14: See Given letter, pp. 8-10, supra p. 4 fn. 4.

Response GO14-20 This comment provides a general recitation and characterization of CEQA, including SB 44. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to the Responses for GO8 responses to the referenced letter in the footnote to this comment. As provided in Appendix R, Senate Bill 44 (Public Resources Code Section 21168.6.9), of the Draft EIR, SB 44 establishes specified procedures for the administrative and judicial review of the environmental review and approvals granted for an environmental leadership transit project, including that actions or proceedings seeking judicial review of the certification of an environmental impact report for an environmental leadership transit project or the granting of any project approval, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. SB 44 accordingly does not abrogate CEQA's requirements, but imposes timing requirements to ensure an efficient judicial review process for both petitioners and the lead agency alike. Further, Metro has complied with and will continue to comply with all of CEQA's requirements.

Comment GO14-21 The mandatory requirements for SB 44 are found in Public Resources Code section 21168.6.9. An ELTP is a "project to construct a fixed guideway and related fixed facilities that meets all" of the conditions of subdivision (a)(1) of that statute. The first requirement is the project be a "fixed guideway operating at zero emissions." The ELTP statute uses the federal definition for "fixed guideway" found in Chapter 53 (Public Transportation) of the United States Code. (Pub. Res. Code, § 21168.6.9, subd. (a)(2), citing 49 U.S.C. § 5302.)

Under federal law, a "fixed guideway" is precisely defined as follows:

Fixed guideway.—The term "fixed guideway" means a public transportation facility—

(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

(B) using rail;

(C) using a fixed catenary system;

(D) for a passenger ferry system; or

(E) for a bus rapid transit system.

(49 U.S.C. § 5302, subd. (8).)

The term "public transportation" used in the definition for "fixed guideway" is further defined as follows. "Public transportation:"

(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

(B) does not include—

(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

(ii) intercity bus service;

(iii) charter bus service;

(iv) school bus service;

(v) sightseeing service;

(vi) courtesy shuttle service for patrons of one or more specific establishments; or

(vii) intra-terminal or intra-facility shuttle services.

(49 U.S.C. § 5302, subd. (15).)

The proposed Project is not "public transportation" within the meaning of federal law.

Response GO14-21 This comment provides a general recitation and characterization of Senate Bill (SB) 44 and federal statutes. Refer to Topical Response A, SB 44, for discussion of the proposed Project's consistency with the requirements of SB 44. As discussed in Topical Response A, the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO14-22 First, the Project is not a "regular, continuing shared-ride surface transportation" service. It is not "regular" and "continuing." The Project is intended primarily to provide "a direct transit connection between LAUS and the Dodger Stadium property…" (DEIR, p. 2-12.) On non-game and non-event days, the Project would operate at the discretion of the operator, not on a regular schedule: "It is anticipated that the proposed Project operations would vary the number of cabins in service and speed throughout the day, based on demand." (DEIR, p. 2-42 (emphasis added).) Compare this demand-based operational decision-making to the continuing and regular Gold Line and local bus route schedules, which operate each day on a published schedule without respect to day-to-day demand.

Moreover, the Project's proposed use for other purposes, including travel to and from Dodger Stadium for use by community members in neighborhoods near Dodger Stadium are entirely speculative. See DEIR, p. ES-10: "The Project Sponsor will request consideration by the Los Angeles Dodgers of the potential for the Dodger Stadium Station to include a mobility hub where outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon."

The decision to operate based on commercial demand rather than on a regular schedule, and speculative permissive use by a separate entity to allow operation on some days but not others mean the Project is not "regular" and "continuing" and therefore is not "public transportation" under applicable federal law.

Response GO14-22 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Further, as discussed in Section 2.0, Project Description, of the Draft EIR, while the proposed Project may "vary the number of cabins in service and speed throughout the day, based on demand," just as Metro trains and buses do, the proposed Project would operate under a pre-determined, regular operating hour schedule. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/ last mile multi-modal options, such as a bike share program and

individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon.

Comment GO14-23 Second, the Project would not provide surface transportation at all, as it is an aerial tramway. It is designed and intended to carry its passengers above surface transportation, to entirely avoid vehicle traffic. Consideration of the project types that may be considered a "fixed guideway" is informative. (See 49 U.S.C. § 5302, subd. (8), which lists only rail, fixed catenary systems, passenger ferry systems, and bus rapid transit systems.) None are or include aerial, non-surface transportation, such as a gondola or aerial tram.

Response GO14-23 This comment provides a general recitation and characterization of the federal statutes. Refer to Topical Response A, SB 44, of the Final EIR, for discussion of how, as an aerial tramway, the proposed Project is a fixed guideway, consistent with FTA precedent.

Comment GO14-24 Third, on game and event days at Dodger Stadium, the Project would not be "open to the general public or open to a segment of the general public defined by age, disability, or low income." The Project would prioritize Dodger ticket holder (and presumably special event use) (DEIR, p. 3.17-25) and may entirely exclude the "general public" at those times. Such limitations show the Project is not "public transportation" as defined in section 5302 subdivision (A). In fact, such limitations cause the Project to be more accurately described as a "courtesy shuttle service for patrons of one or more specific establishments," which is specifically excluded from being considered "public transportation" under section 5302 subdivision (B).

Response GO14-24 This comment provides a general recitation and characterization of the federal statutes. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO14-25 The DEIR also describes the Project's use for tourism. "Tourism ridership would be driven by the proposed Project capturing a share of the existing tourism market in Los Angeles, particularly for tourists to downtown Los Angeles visiting other attractions." (DEIR, p. 3.17-25.) But "sightseeing" services for tourism are also specifically excluded from consideration as "public transportation" under relevant federal law. (49 U.S.C. § 5302, subd. (15)(B)(v).)

Response GO14-25 This comment provides a general recitation and characterization of the federal statutes. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. The proposed Project is not a sightseeing service. As discussed in Section 2.3.7, Purpose and Need, of the Draft

EIR, the proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO14-26 The Project is not "public transportation."

Since the first requirement of a "fixed guideway" is that it be a "public transportation facility" the Project cannot be considered a "fixed guideway" and on that basis does not qualify for SB 44 ELTP streamlining. But even assuming the Project could be considered "public transportation," which plainly based on a textual analysis of the federal statute it cannot be, other section 5302 requirements are also not met.

Notwithstanding the DEIR's contrary conclusion, the project would not "us[e] and occupy[] a separate right-of-way for the exclusive use of public transportation." The DEIR claims, "the proposed Project would exclusively use and occupy the airspace above the public right-of-way through a franchise agreement with the City of Los Angeles" and "[f]or that reason, the proposed Project, as a type of aerial tramway, is properly classified as a "fixed guideway" as defined by SB 44." (DEIR, p. 1-5) This analysis is incomplete, inaccurate, and misleading.

The Project's surface components would be built primarily (but not exclusively) within an existing City right-of-way that is used primarily by surface vehicles (DEIR, p. ES-4). Only the aerial components of the Project would be constructed and operated above that right of way, but they would also not operate exclusively in that area. The Project would use other areas in addition to the City's right of way areas for its operation. It would also use airspace above private properties, above Los Angeles State Historic Park, above Metro's Gold Line, and above the SR-110 freeway. (ES-4 to ES-7.) It's queuing areas could also be expected to use surface area space dedicated to other purposes. (See, e.g., ES-8, describing queuing areas located "in a proposed new pedestrian plaza at El Pueblo…")

Response GO14-26 This comment provides a general recitation and characterization SB 44. Refer to Response GO14-22 for a discussion of the proposed Project is public transit. As discussed in Topical Response A, SB 44, the FTA considers aerial tramways fixed guideways for purposes of the definition in Section 5302. Federal law does not require use of exclusive rights-of-way for all components of a transit service. The proposed Project would operate primarily over the public ROW and publicly owned property to minimize aerial rights requirements over private properties, taking into account existing and future adjacent land uses. Federal law does not prohibit aerial tramways from acquiring aerial rights for portions of the separate right of way for its use.

Comment GO14-27 And the Project proposes to use significant surface area of the Los Angeles State Historic Park. (DEIR, p. 3.11-38: "The Chinatown/State Park Station would have a footprint of 2,195 square feet in the park, and the station canopy would have an overhang of 9,320 square feet over the park.") It is evident from information included in the DEIR that the Project would not use and occupy a separate right-of-way for the exclusive use of public transportation, since it would also use spaces within several parks and other public and private spaces that are not reserved for the exclusive use of public transportation. Even the surface area of City rights-of-way where Project components would be built (and over which they would "overhang," as the DEIR describes it, see, e.g., DEIR, pp. 2-51 to 52), are not exclusively used for public transportation, as they are roadways open for ordinary vehicle traffic.

Response GO14-27 Refer to Response GO14-26 for a discussion of how the proposed Project would primarily over the public ROW and publicly owned property to minimize aerial rights requirements over private properties. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO14-28 The DEIR fails to provide a meaningful SB 44 analysis including the Project's anticipated use of the described ground and airspaces that are proposed to be used by the Project that are not reserved for the exclusive use of public transportation. The DEIR's conclusory statement about only one part of the Project that uses an aerial portion of the City right-of-way is in no way adequate to show it meets all of section 5302's requirements.

Response GO14-28 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Public Resources Code section 21168.6.9 does not require the EIR to include an assessment of the applicability of

SB 44 to the proposed Project. Nevertheless, Section 1.4.3, Senate Bill 44, of the Draft EIR, includes an assessment of the proposed Project's compliance with SB 44.

Comment GO14-29 To complete the analysis under section 5302, the Project is not a "rail" project. It does not use a "fixed catenary system."[15] It is not for a "passenger ferry system" or a "bus rapid transit system." (49 U.S.C. § 5302, subds. (8)(B)-(E).)

As the Project does not meet any of the basic requirements of relevant federal law to be considered a "fixed guideway facility" it is clearly not eligible for SB 44 streamlining status. This is, without more, sufficient to show that the Project is not eligible as an environmental leadership transit project under SB 44.[16]

Footnote 15: "[A] catenary is a system of overhead wires used to supply electricity to a locomotive, streetcar, or light rail vehicle which is equipped with a pantograph. The pantagraph [sic] presses against the underside of the lowest overhead wire, the contact wire." Southeastern Pennsylvania Transportation Authority (SEPTA), What is a Catenary?, July 13, 2017, https://iseptaphilly.com/blog/catenary . The Metro Gold Line is such a system. (DEIR, p. 5-61.)

Footnote 16: Notably, and as discussed in LA Parks Alliance's earlier letter, ARTT LLC has even argued that its Project is not a "transit guideway system." See Given letter, supra note 4, p. 8, fn. 9.

Response GO14-29 This comment provides a general recitation and characterization of federal statutes. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Response GO8 for a response to the letter referenced in Footnote 16. As discussed in GO8-19, the comment cites a document predating the initiation of environmental review for the proposed Project, which accordingly has no bearing on the sufficiency of the Draft EIR. Further, for the proposed Project, Metro is tasked with approving all plans for design, construction, and implementation, as well as with providing the proposed Project written approvals to operate, pursuant to its authority under Public Utilities Code section 130252.

Comment GO14-30 But the requirement to be a "fixed guideway facility" is but one of SB 44's requirements. Among other things, the DEIR must also demonstrate that 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," "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," and that it is consistent with applicable planning and transportation strategies. (Pub. Res. Code, § 21168.6.9, subds. (1)(B)-(E).) The DEIR analysis of these additional requirements is likewise inadequate, inaccurate, and incomplete for the DEIR's failure to consider and analyze the readily foreseeable future development at the Dodger Stadium terminus of the

Project, a significant and fatal flaw which will be discussed further below.[17] Dodger Stadium development would draw passenger vehicles to the Project area that are not considered in any DEIR analysis category, and invalidate all conclusions with respect to reduction of greenhouse gas emissions, vehicle miles traveled, and consistency with applicable planning and transportation strategies.

Footnote 17: See also, comments re NOP, supra pp. 2-4.

Response GO14-30 This comment provides a general recitation and characterization of SB 44. Refer to Topical Response A, SB 44, of the Final EIR, for discussion of how, as an aerial tramway, the proposed Project is a fixed guideway, consistent with FTA precedent, and how the proposed Project would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program, pursuant to GHG-PDF-A. Further, refer to Section 1.0, Introduction, of the Draft EIR, pages 1-4 through 1-9, for analysis of the proposed Project's compliance with SB 44. As discussed therein, the proposed Project would reduce emissions by no less than 50,000 metric tons of greenhouse gases directly in the proposed Project's corridor as defined within the EIR over the useful life of the proposed Project, and, without using offsets, the proposed Project's lifetime VMT reduction over its useful life (30 years based on SCAQMD's guidance for GHG significance thresholds) would be a reduction of greater than 30,000,000 VMT at 129,629,500 VMT saved, substantially more VMT saved than is required under SB 44. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property..

Comment GO14-31 "Full compliance with the letter of CEQA is essential to the maintenance of its important public purpose. Reviewing courts have a duty to consider the legal sufficiency of the steps taken by [administrative] agencies [citation], and we must be satisfied that these agencies have fully complied with the procedural requirements of CEQA, since only in this way can the important public purposes of CEQA be protected from subversion." (Envtl. Prot. Info. Ctr. v. Johnson (1985) 170 Cal.App.3d 604, 622-623 (citations and internal quotation marks removed, emphasis added).) The Project is not eligible for SB 44 as an environmental leadership transit project. The environmental review process must therefore follow CEQA's generally applicable procedural mandates.

Response GO14-31 This comment provides a general recitation and characterization of the CEQA statue, case law, and regulations. Refer to Topical Response A, SB 44, and Responses GO14-20 to GO14-30, for discussion of the proposed Project's consistency with the

requirements of Senate Bill (SB) 44. Metro has complied with and will continue to comply with CEQA's requirements.

Comment GO14-32 D. No Part of Los Angeles State Historic Park is Available for Sale or Lease for Commercial Purposes; Proposed Entitlements from California Department of Parks and Recreations to Allow Use of the Park cannot be Granted.

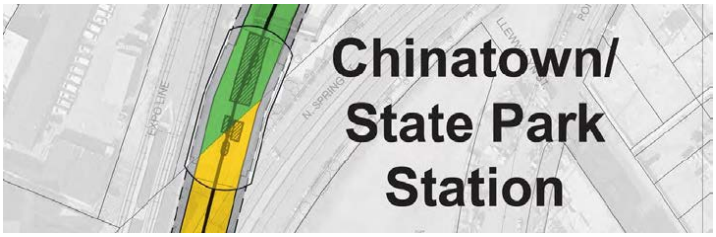
1. Proposed Use of Los Angeles State Historic Park.

The preferred Project alignment proposes the use of land and airspace at and above Los Angeles State Historic Park ("LASHP"). (DEIR, p. ES-4.) The DEIR describes the Project's Chinatown/State Park Station as "constructed partially on City ROW and partially within the boundaries of" LASHP, suggesting that the station is evenly shared between City land and the park. (Ibid.) The more accurate description for those who venture beyond the DEIR's executive summary, discloses that the station uses far more parkland than City ROW:

> The station would have a footprint of 2,605 square feet, comprised of 410 square feet located on City ROW and 2,195 square feet in the park. The station canopy would have an overhang of 15,030 square feet, comprised of 5,710 square feet over City ROW and 9,320 square feet over the park.

(DEIR, p. 2-52.)

More than 84 percent of the station's footprint is located within the LASHP boundary, and approximately 62 percent of the station's "overhang" is located above the park. The following image, taken from DEIR Appendix Q, p. 4, shows how the Project footprint and "overhang" of the Chinatown/State Park Station are predominantly within LASHP.



Response GO14-32 This comment provides a general recitation and characterization of the Draft EIR. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework, including Public Resources Code section 5019.59, that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of

the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. Refer to Response GO14-33 for additional information about the Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO14-33 In addition, the DEIR states that "[t]he proposed Project's required aerial clearance width over the Los Angeles State Historic Park would be 53 feet 2 inches wide with an area of approximately 59,470 square feet, plus an Additional Separation Buffer." (DEIR, p. 2-52 (emphasis added).) While the "Additional Separation Buffer" is mentioned within the DEIR numerous times (e.g., ibid.), nowhere is it specifically defined. The discussion of American National Standards Institute (ANSI) Standard B77.1 (DEIR, pp. 2-18 to 2-19), clearly states that the 53 feet 2-inch width does not include the Additional Separation Buffer. Overhead images in the DEIR that show the Additional Separation Buffer likewise do not provide meaningful information about the area the buffer would occupy. (See, e.g., DEIR, Figure 2-7, p. 2-20; DEIR Appx. Q, p. 4.) The DEIR thus fails to provide the necessary information necessary to understand how much park area would be used by the Project.

Response GO14-33 Section 2.4.6, Aerial Clearance, of Section 2.0, Project Description, of the Draft EIR details that Industry standards for the design and operation of ropeways and cabins are documented in the American National Standards Institute (ANSI) Standard B77.1, which is developed in coordination with manufacturers, consumers, and regulators. ANSI B77.1 regulates vertical and horizontal clearances between the ropeway and cabins to elements such as vehicles, pedestrians, vegetation, buildings, and other structures. ANSI B77.1 provides minimum clearance requirements depending on the nature of the element and whether the clearance is vertical or horizontal. To define the width of the ropeway path which must be clear of elements, the horizontal clearance outside of the cabin paths as required by the ANSI B77.1 safety standard for passenger ropeways was used. ANSI B77.1 includes two criteria, both of which must be met, for horizontal clearance between the cabin and an adjacent element: when hanging vertically, the cabins must be no closer than five feet to any obstruction that is not part of the ropeway system; and when the cabins are tilted within a prescribed range (as from wind), the cabins must not come into contact with anything. For the proposed Project, the five-foot requirement is slightly wider than the swing requirement, so the five-foot requirement controls the design path width. The proposed Project would include five feet on each side of the vertically hanging

cabins for a required aerial clearance width of 53 feet 2 inches. The proposed Project would also include an Additional Separation Buffer. Figure 2-7 of Section 2.0, Project Description, depicts the proposed Project's anticipated aerial rights requirements and the Additional Separation Buffer. Section 3.4.6, Aerial Clearance, of Section 3.0, Project Description, of the Final EIR details the proposed Project's Additional Separation Buffer, with additional detail provided in Appendix N, Additional Separation Buffer, of the Final EIR. Based on the current design, the Additional Separation Buffer is estimated to be approximately 10 feet on each side of the required aerial clearance width based applicable standards, requirements, building codes, and guidelines. The proposed Project's Additional Separation Buffer would comply with applicable standards, requirements, building codes, and guidelines as determined by the City and Metro. The final width of the Additional Separation Buffer would be determined by the appropriate agencies during the permitting process for the proposed Project. Refer to Response GO14-32 for discussion of how, with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the park for kite flying, special events, and other passive recreational opportunities would not be affected by the proposed Project.

Comment GO14-34 The above measurements describe an area for the Project alignment, which is perhaps helpful to understand the Project when viewing it on an overhead plan view. But the Project is not flat. It will exist and operate within a 3-dimensional envelope. The DEIR fails to explain the total volume of space required by the Project to operate safely within LASHP, only noting that "[t]he aerial clearance would allow the continued use of the park, with certain limitations." (DEIR, p. 2-52.) The DEIR fails not only to provide the necessary information to understand the volume of space used by the Project, but also to explain the specific limitations that might be imposed upon LASHP visitors as they use the park as a result of construction of the Project.

Response GO14-34 Refer to Response S2-2 regarding the Chinatown/State Park Station and Response GO14-32 for discussion of how, with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the park for kite flying, special events, and other passive recreational opportunities would not be affected by the proposed Project.

Comment GO14-35 The DEIR does explain that certain activities, such as kite flying, would not be possible in the vicinity of the Project, and that LASHP special event spaces would need to be altered to some degree from where they might otherwise be located to accommodate the Project. (DEIR, pp. 5-60 to 5-63.) But park uses in the vicinity of the Project area, and not solely beneath the area where gondolas would continuously cross through the park's airspace, would be profoundly and adversely impacted. The DEIR fails to describe the amount of parkland area at the western edge of LASHP that is cut off, "orphaned" from the rest of the park as a narrow remainder parcel sliver. It

appears to be at least several tens of thousands of additional square feet when viewed from overhead. (See DEIR, Appx. Q, p. 4.)

Response GO14-35 This comment provides a characterization of the Draft EIR. Refer to Section 5.0, Other CEQA Considerations, for discussion of how the ability to use the vast majority of the park for kite flying would not be affected by the proposed Project and how, due to the location of the proposed Project alignment on the western edge of the park adjacent to and crossing over the existing Metro L Line (Gold), a light-rail train with an overhead catenary system, and the western pedestrian walkway within the park which has existing trees along both the west and east side of the walkway, the proposed Project does not significantly reduce the safe kite flying area within the park. The proposed Project would not cut off or orphan the western edge of the park from the rest of the park. As shown in Figure 5-2 of the Draft EIR, more than 30 of the park's 32 acres are not beneath the proposed Project's alignment. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade where pedestrians are present – eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. Given these required clearances and the height at which the cabins would travel over the Los Angeles State Historic Park, it will continue to be possible for most events to take place both under the majority of the alignment within the park and adjacent to the alignment. Use of more than 30 of the park's 32 acres for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project.

Comment GO14-36 The DEIR describes approvals thought necessary from the California Department of Parks and Recreation on DEIR page 2-61:

Approvals determined necessary by the California Department of Parks and Recreation for the Project could include, but not necessarily be limited to:

a. Pursuant to Government Code section 14666, an easement and/or aerial easement, to construct and operate the Project within/over the Los Angeles State Historic Park.

b. Pursuant to Public Resources Code section 5003.17, a lease or other agreement, to construct and operate the Project within/over the Los Angeles State Historic Park.

c. Pursuant to Public Resources Code Section 5003 and Government Code Section 14666, a right of entry, to construct the Project within/over the Los Angeles State Historic Park.

d. Pursuant to Public Resources Code section 5002.2, an amendment to the Los Angeles State Historic Park General Plan.

As discussed in the following sections, these approvals cannot lawfully be made.

Response GO14-36 This comment provides a general recitation and characterization of the Draft EIR. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO14-37 2. Legal framework

With "approval of the state agency concerned," Government Code section 14666 allows grant of an easement or right-of-way "across real property belong to the state…for those purposes as the [Director of General Services] deems are in the interest of the state." The state agency responsible for LA State Historic Park is our Department of Parks and Recreation ("DPR" or "Department"). (See Govt. Code, §§ 5001-5019.5.) DPR is the controlling authority for California state parks, which are "to be preserved and managed for the benefit and inspiration of all state residents and visitors to the state parks." (Pub. Res. Code, § 5001, subds. (a)(2), (b).) The DPR's Director "shall promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations." (Pub. Res. Code, § 5001.2 (emphasis added).)

Similarly, the Department "shall administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public." (Pub. Res. Code, § 5003 (emphasis added).)

The DPR is "authorized to provide means of ingress and egress" to provide access to the public. (Pub. Res. Code, § 5003.5.) And the Department has done so: one ingress/egress location is conveniently located approximately 300 feet from Metro's L Line (Gold Line) Chinatown Station, there are several gates located along Spring St. that may be opened when access is desired, and there are two vehicle entrances/exits.

But the Department is expressly limited in allowing use of parkland to provide right-of-way access to other land. The mandatory inquiry requires the Department to consider whether the land to which access is requested already has "reasonable access." Only where reasonable access "does not exist or cannot be economically constructed outside the boundaries of the park" may DPR grant a permit for right-of-way access across state parkland. (Ibid.)[18]

The only reasonable interpretation of Public Resources Code Section 5003.5 paragraph two is that access provided under the conditions of this section are intended for parcels that are *actually contiguous with* a state park, and cut off from a road or highway located on the far side of parkland. (Pub. Res. Code, § 5003.5, ¶ 2,

describes an "application…for right–of–way across a state park for ingress and egress *to a highway or road from their lands separated from such highway or road by the state park*…" (emphasis added).)

Footnote 18: Public Resources Code Section 5003.5 states, in its entirety:

The department is authorized to provide means of ingress to and egress from all state parks in order to provide ready access thereto by the public and to provide means of ingress and egress to highways and roads across state parks from lands separated from such highways and roads by state parks, and for that purpose may enter into contracts or agreements with cities, counties, and other political subdivisions of the State and with other state agencies or with persons, firms or corporations for the acquisition, construction, and maintenance of suitable roads, trails, and pathways.

When application is received by the department, other than under Section 5012, from any person, firm or corporation for right–of–way across a state park for ingress and egress to a highway or road from their lands separated from such highway or road by the state park, the department shall determine whether any reasonable access exists outside the boundaries of the park, or could be economically constructed.

Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the park, the department shall grant a permit for right–of–way across the park over such route and subject to such conditions and construction and maintenance specifications as the department may determine which will cause minimum alteration to the physical features of the park and minimum interference with the use of the park by the public. The permittee shall at his own expense construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of such permit. The department may require a permittee or permittees to allow the use of such means of ingress and egress by any other applicant whose lands are similarly situated. The department shall grant a permit for such use under terms and conditions imposed upon existing users, upon payment of a reasonable compensation for construction and maintenance of the road, by the applicant to the existing permittee, or permittees.

Response GO14-37 This comment provides a general recitation and characterization of statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO14-38 The Department may also grant permits and easements to a *public agency* for public roads, for public bicycle and pedestrian trails, and for utility lines, or for "electric, gas, water, sewer, telephone, telegraph and utility lines, and pipelines and structures incidental thereto, to perform a public service or oil or gas pipelines." (Pub. Res. Code, § 5012, subds. (a)-(d).)[19] Before the DPR may lease land pursuant to Public Resources Code section 5003.17, the Director must make a finding "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." (Pub. Res. Code, § 5001.65.)

Most important, and with few exceptions (all of which are inapplicable here), **"[c]ommercial exploitation of resources in units of the state park system is prohibited."** (Pub. Res. Code, § 5001.65.)[20]

Footnote 19: Subdivisions (e) and (f) of Public Resources Code section 5012, which relate to the use of state parks for small craft harbors and recreation areas and oil and gas pipelines, are not relevant.

Footnote 20: In addition to the above statutory regime, which protects our state parkland from unlawful encroachment by those who would seek to use these valuable resources for personal and commercial gain, the Park Preservation Act (Pub. Res. Code, §§ 5400-5409) forbids a public entity's (whether city, county, city and county, etc.) acquisition of existing public parkland for nonpark purposes "unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both." (Pub. Res. Code, § 5401, subd. (a).) Applicability of the Park Preservation Act will be analyzed separately below.

Response GO14-38 This comment provides a general recitation and characterization of statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO14-39 3. Analysis

As discussed above and elsewhere, the proposed Project is not a public transportation project. (See discussion, supra pp. 8-12.) While the Project proposes that provision of new access to LA State Historic Park will be an important feature of the Project, the Park is already well-served by existing Metro service via the Gold Line Metro Station, which operates only a few hundred feet from where the Project's proposed Chinatown/State Park Station would be located. In addition, the DEIR provides information about local bus lines operating in the Project area, including near LASHP.

"The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property…" (DEIR, p. 2-12.) The relevant legal question to determine whether the state parkland at LASHP may be made available for the purpose of providing access to Dodger Stadium is "whether any reasonable access exists outside the boundaries of the park or could be economically constructed." (Pub. Res. Code, § 5003.5.)

There is but one answer possible: physical access to Dodger Stadium is plentiful.

Response GO14-39 This comment provides a general recitation and characterization of statutes and regulations. Refer to Topical Response A, SB 44, for discussion of the proposed

Project's consistency with the requirements of SB 44. As discussed in Topical Response A, the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project would enhance public transit options for the park by providing passenger access to Chinatown, Los Angeles State Historic Park, and to nearby neighborhoods, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex, pedestrian access enhancements which could include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. In addition, the station canopy would provide much needed shade. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. Refer to Section 5.0, Other CEQA Considerations, of the Draft EIR, for a discussion of the location of the Chinatown/State Park Station, including how the proposed Project's Chinatown/State Park Station location was chosen over the other potential locations because it minimized the proposed Project's potential footprint within the Los Angeles State Historic Park and impacts to neighboring properties while maintaining transit access to the Park and surrounding communities.

Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and

businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO14-40 Dodger Stadium is not made landlocked by its proximity to LA State Historic Park—it is not even immediately adjacent to LA State Historic Park. At its nearest point to the park Dodger Stadium is more than 1,500 feet distant. It is accessible by numerous roadways and entrances, and as the DEIR notes, on game days is already served by Metro's Dodger Stadium Express. (DEIR, p. ES-19.) Because there are already numerous entrances to Dodger Stadium, as a matter of law it must be found that "reasonable access exists outside the boundaries of [LA State Historic Park]."

LASHP is therefore neither necessary nor available to provide additional Dodger Stadium with additional access it does not need. The controlling Public Resources Code section provides no exception. Moreover, since access to Dodger Stadium already exists, no "alteration of the physical features of the park" or level of "interference with the use of the park by the public" can be justified. No part of LASHP is necessary to provide access to Dodger Stadium, and Public Resources Code section 5003.5 therefore prohibits use of the park by the Project.[21]

The DEIR states that a secondary Project purpose is to provide access to LASHP from Union Station and Dodger Stadium and local neighborhoods near Dodger Stadium. But the DPR has already provided for adequate access to LASHP. Metro's Gold Line Chinatown Station and several bus lines already provide convenient public transportation to the park, and many people arrive by bicycle or on foot. It is noteworthy that ARTT LLC approached Metro and the Department with its proposal. DPR did not ask for help increasing park access, because it has already provided adequate access.

Footnote 21: It makes no difference under Public Resources Code section 5003.5 whether access being sought is ground-based or aerial. The statute makes no distinction between provision of ground or aerial access.

Response GO14-40 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. The proposed Project would also improve community access to the Los Angeles State Historic Park by providing an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Refer to Response GO14-39 for discussion of public transit options for Los Angeles State Historic Park. Further, as discussed Section 2.0, Project Description, of the Draft EIR, the proposed Project could also provide pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/ State Park Station, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge to improve access from North Broadway to the park. These features of the proposed Project would improve access to the Los Angeles State Historic Park. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park.

Comment GO14-41 Moreover, these alleged access enhancements are illusory and speculative. On days where there is no baseball game or other event at Dodger Stadium, the Project would operate at the discretion of the operator, not on a regular schedule. As the DEIR notes, service would vary, "based on demand." (DEIR, p. 2-42.) If demand is insufficient, nothing guarantees that the Project will operate. Likewise, travel to the Park from Dodger Stadium station for neighborhoods near Dodger Stadium is subject to private approval and is completely speculative. (DEIR, p. ES-10: "The Project Sponsor will request consideration by the Los Angeles Dodgers of the potential for the Dodger Stadium Station to include a mobility hub where outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon.")

Response GO14-41 Refer to Section 2.0, Project Description, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. Refer to Response GO14-22 for a discussion of how proposed Project may vary the number of cabins in service and speed throughout the day, based on demand, just as Metro trains and buses do, the proposed Project would operate under a pre-determined, regular operating hour schedule. Refer to Topical Response

F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon.

Comment GO14-42 Further, the DEIR analysis of neighborhood ridership is deeply flawed. First, as noted above it relies on the speculative availability of Dodger Stadium Station, and then arbitrarily doubles the size of the surveyed ridership area around the stadium from a half-mile walking distance to an entire mile, assuming that the same number of people who might walk half a mile would also ride bicycles up to a mile. (DEIR, p. 3.17-25.) Second, the DEIR does not analyze, or even discuss, the hilly topography of the neighborhoods surrounding Dodger Stadium that would allegedly be served by a new mobility hub, assuming it is ever built. There seems to have been no survey of potential Dodger mobility hub users to determine whether they either would walk or ride to a hub facility. Third, the park user ridership analysis assumes, without evidentiary support, that 10% of existing Gold Line users to the park would instead use the gondola, assuming there is enough demand that it is running at the time. (*Ibid*.)

Response GO14-42 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon. As discussed in Section 3.17, Transportation, of the Draft EIR, ridership for neighborhood riders was estimated by calculating the working-age people and jobs within a half-mile walking-distance of each proposed station based on a street network analysis, growth rates in population and jobs as forecast using the City of Los Angeles travel demand model, and United States Census journey to work mode split data. As discussed in Appendix N, Transportation Appendices, of the Draft EIR, the typical reasonable walking distance to high-quality fixed route transit is one half-mile, which was then calculated based on the actual street network. A one-mile biking distance for the Dodger Stadium Station was chosen for the evaluation of the Dodger Stadium Station since the mobility hub would facilitate safe and convenient connections to Elysian Park and Solano Canyon, which are beyond a half-mile walking distance. A one mile ride on a

bicycle, even with some grade change, can comfortably be made in fifteen minutes or less. Fifteen minutes is a typical planning time that many transit riders are willing to incur to reach a station, which compares with a one-half mile walking distance. This estimated time was based on the professional judgment of Fehr & Peers which prepared Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR.

The proposed Project would serve events at the Los Angeles State Historic Park. As described on page 3.17-26, in Section 3.17, Transportation, in the Draft EIR, the analysis to estimate Los Angeles State Historic Park event ridership assumed a 10 percent capture rate for rides between LAUS and the Los Angeles State Historic Park for an average sized event (ranging from craft fairs drawing 6,000 to 8,000 people per event to evening concerts drawing 12,000 to 20,000 people per event, averaging 11,200 people per event), meaning that 10 percent of the attendees would ride the proposed Project. This estimated capture rate was based on the professional judgement of Fehr & Peers which prepared Section 3.17, Transportation and Appendix N, Transportation Appendices of the Draft EIR, including the ridership model, as event attendee data were available and provided by State Parks, but event attendee mode split data were not available. However, compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the much shorter headways compared with the Metro L Line (Gold) and area bus service would result in more frequent, higher capacity transit service, and the travel time would be less. The commenter did not provide any specific data to indicate why a 10 percent capture rate should be considered an unreasonable assumption for Los Angeles State Historic Park event attendee ridership.

Furthermore, as noted on page 3.17.34 and 3.17.35 of Section 3.17, Transportation, of the Draft EIR, the proposed Project would generate neighborhood ridership that would reduce vehicle miles traveled (VMT), but to provide a more conservative analysis, only the VMT benefits of the proposed Project were calculated on Dodger Stadium game/event days. Accordingly, while the VMT for other ridership scenarios such as neighborhood riders and the Los Angeles State Historic Park users was calculated, the Draft EIR conservatively only assumes VMT reductions from Dodger Stadium game and event ridership in its analysis, including in Section 3.03, Air Quality and Section 3.08, Greenhouse Gas Emissions, of the Draft EIR. Including VMT reductions from other ridership sources analyzed (e.g., neighborhood riders, tourists) would provide additional air quality and greenhouse gas emissions reductions benefits which were conservatively not assumed in the Draft EIR's analysis. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines, § 15124.) The Draft EIR provided sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test

or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.)

Comment GO14-43 Finally, Public Resources Code section 5012 is not applicable to the Project with respect to the Project's proposed use of LASHP. No public agency is requesting access for the purpose of providing roads, public bicycle or pedestrian trails, or utility lines. No request is being made for "electric, gas, water, sewer, telephone, telegraph" or other utility lines. No public or private entity is requesting use of the park for oil or gas pipelines.

The Project request is for access as a private transportation project to serve a commercial sports and entertainment venue with existing substantial access, including convenient access by public transportation (Dodger Stadium Express). While the DEIR suggests the Project would be nominally open to the public when it is operating, on Dodger game days or for special events at Dodger Stadium, Dodger ticket holders (and presumably special event patrons) would have priority access to gondola use. (DEIR, p. 3.17-25.)

As explained above, the Project is not public transportation. It is better described as a "courtesy shuttle service for patrons of one or more specific establishments" (see 42 U.S.C., § 5302 subd. (B)). In other words, the DEIR description of the Project as open to the public (except when it isn't) doesn't change that the gondola is a commercial private transit enterprise to benefit Dodger Stadium and whatever future development might one day be built there. "Commercial exploitation of resources in units of the state park system is prohibited." (Pub. Res. Code, § 5001.65 (emphasis added).)

Response GO14-43 This comment provides a general recitation and characterization of the federal and state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading

up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. As noted in Section 3.17, Transportation, of the Draft EIR, on peak game attendance days, pre-purchase of timed tickets would be implemented, and game-day riders possessing a timed ticket would have priority boarding. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment GO14-44 4. Conclusion

Based on the above, LA Parks Alliance strongly objects to any use of LASHP for the Project's private commercial use. Construction and operation of the Project within LA State Historic Park would plainly violate state law that protects units of state park system from commercial exploitation. Nor is there any exception within the relevant statutes that allows for the Director and Department to agree to unlawful commercial exploitation of LA State Historic Park to take advantage of proposed desirable Project features (for example, a mid-park bridge across the Gold Line rail to Broadway, an enhanced concession area, a mobility hub). Should the Director and Department do so, they would violate the fundamental duties set forth in Public Resources Code sections 5001, 5001.2, 5001.65, 5003, 5003.5, 5003.17, and other statutes.

The Department must manage state park units "for the benefit and inspiration of all state residents and visitors to the state parks," and the Director must conserve "the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations." (Pub. Res. Code, § 5001, subd. (a)(2), and § 5001.2.) Commercial use of the state parks is prohibited. (Pub. Res. Code, § 5001.65.)

The proposed Project may not lawfully use any part of LA State Historic Park for access to Dodger Stadium, including its airspace.

Response GO14-44 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Responses GO14-32 through GO14-43 for responses to comments contained in this section of this letter.

Comment GO14-45 E. The Public Park Preservation Act and Other Relevant Statutes Prohibit Use of LA State Historic Park for Non-Park Uses.

Public comments submitted during the scoping comment period show that many community members object to use of public parkland for the private commercial gondola project. A representative sample included in DEIR Appendix A follows:

- Email comment of Julie Rico, Nov. 7, 2020: I am concerned about the potential negative impacts of the proposed Los Angeles Aerial Rapid Transit project on Los Angeles State Historic Park which we view as the greatest threat to Northeast Los Angeles open space in over 20 years.

- Comment of Tom Norris, Nov. 12, 2020: "Los Angeles State Historic Park (LASHP) is a unique public open space with historical significance and strong community ownership… This is a park space that is used often by family and friends, especially now when meeting outdoors in open spaces is the only safe option during this Covid health crisis. We do not want to give our public lands over to the McCourt family!"

- Email comment of Phyllis Ling, Nov. 16, 2020: "[T]his gondola would cut through the middle of the Los Angeles State Historic Park. This project would be at the expense of the Chinatown Community, who fought hard for this open space, rather than see it turned into an industrial office park. After it was dedicated as park land, the community waited many more years for construction to be completed. And now, just as we are beginning to enjoy this open space, a private company wants to cut through the heart of the park with this massive monstrosity. This is offensive, especially as the City is making efforts to advance social equity. This public resource in a low income community must not be sacrificed to a private company for private gain."

- Comment of Jeff Pawling, Nov. 17, 2020: "Personally, I oppose this gondola system being constructed over the Los Angeles State Historic Park. If Frank McCourt couldn't deliver a World Series to LA, why would we deliver him a tram over a beloved and beautiful park? This EIR needs to address the exact route the proposed gondola would take over the park and how it would affect the park as a whole both during and after construction. There are simply other efficient modes of transportation that can be utilized to transport people to and from Dodger Stadium that do not involve a gondola."

- Comment of Philip Lee, Nov. 17, 2020, who requests: "Full transparency on the rapid transit and how it affects public lands. McCourt should not be given any public land."
- Letter comment of Los Angeles River State Park Partners, Nov. 10, 2020, p. 2: "Los Angeles State Historic Park is now a gem among the State Parks in the Los Angeles area and a national model for urban parks. But the State's major investment that made LASHP possible may be at risk if private interests are allowed to spoil the public good represented by the park."

Response GO14-45 This comment provides a general recitation and characterization of certain comments received during the public scoping period. Refer to Responses GO14-6 through GO14-12 for discussion of comments on the NOP for the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act.

Comment GO14-46 In addition to the express limitations of Government Code sections 5001 through 5019.5 discussed above, the California Public Park Preservation Act and other statutes detail additional limitations on the use of California parkland resources, and in particular on state park historical units. Our legislature has enacted strict limitations on how California parklands may be used, whether by public agencies or by private actors who would exploit these precious resources.

The loss of any parkland for the benefit of the Project constitutes a significant and unavoidable environmental impact, requiring denial of the Project or selection of a feasible alternative. (Pub. Res. Code, § 21002: "The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives…")

Response GO14-46 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act.

Comment GO14-47 1. The Public Park Preservation Act does not authorize acquisition of public parks, including LA State Historic Park, for use by the Project.

The Public Park Preservation Act of 1971 ("Park Preservation Act" or "Act") (Public Resources Code sections 5400–5409) forbids the acquisition of land by a public agency if the land to be acquired is already in use as a public park at the time of acquisition, "unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both…" (Pub. Res. Code, § 5401(a).) While the Park Preservation Act nominally restricts only public agencies, that does not mean such acquisitions are permitted by private entities or actors (since other generally applicable Public Resource Code sections already restrict these actions — see Part. I(D), supra pp. 12-18). The Park Preservation Act thus

provides no alternative vehicle for Metro (or ARTT LLC or any other entity) to acquire any portion of LA State Historic Park for the benefit of the proposed Project.

Although it is clearly not possible for ARTT LLC to acquire any portion of LA State Historic Park for the Project pursuant to the Park Preservation Act, it is nonetheless appropriate to briefly review the Act to illustrate the nature of limitations that would be imposed on public agencies were such an agency inclined to attempt use of the Act's procedures to assist the Project proponent. The DEIR is incomplete in not including this important background information to assist decisionmakers and members of the public in understanding that even a state agency could not acquire this land for the benefit of the Project.

Response GO14-47 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO14-48 As noted above, the basic premise of the Park Preservation Act is explained in Public Resources Code section 5401, subdivision (a), which states in its entirety:

> No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon.

Stated differently, the Parks Preservation Act allows a California public agency (but not a private entity or actor) to acquire existing parkland and use it for a non-park purpose, so long as the "acquiring entity pays or transfers" "sufficient compensation or land, or both," to the public agency that operates the existing parkland. But this general premise operates within very strictly defined limitations, as explained in subsequent sections of the Act.

Initially, it is important to note that none of the express exceptions of the Act apply to transportation infrastructure, whether private or public. The first exception relates

to "the construction or maintenance of underground utility services." (Pub. Res. Code, § 5402.) The second exception is for a public utility (public or private) acquiring land to provide services to the park and where the services cannot feasibly be located underground. (Pub. Res. Code, § 5403.) The third exception relates to a public utility (public or private) acquiring an interest in a waterway. (Pub. Res. Code, § 5403.5.)

Response GO14-48 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act.

Comment GO14-49 Since no exception applies, a public agency might acquire land at LA State Historic Park, but only if it first provided the cost of substitute park land, actual substitute park land, or some combination of the two. But "cost of acquiring substitute park land" means providing sufficient payment to cover:

> [L]and of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.
>
> (Pub. Res. Code, § 5405, subd. (a).)

Likewise, "substitute park land" provided by the acquiring agency means:

> [Land] of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land by generally the same persons who used the existing park land, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.
>
> (Pub. Res. Code, § 5405, subd. (b).)[22]

The proposed Project cannot utilize the Park Preservation Act because no public agency seeks to be the "acquiring entity" of LA State Historic Park land on its behalf. The DEIR nonetheless fails as an informational document because it evaluates neither the availability nor cost of substitute park land to adequately compensate the people of California for use of public parkland that has been set aside and held in trust for their benefit. See California Public Resources Code, section 5019.91, subdivision (b):

> **The mission of the California State Park system** is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. **State parks are set aside** to protect their natural, historical, cultural,

and recreational values **in perpetuity for the people of the state**. (Emphasis added.)

Footnote 22: Any combination of exchange of substitute park land and payment to allow acquisition of new substitute park land must meet the same standard. (Pub. Res. Code, § 5405, subd. (c).)

Response GO14-49 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act.

Comment GO14-50 The Park Preservation Act also allows for improvement of unacquired park land in lieu of acquiring substitute park land. (Pub. Res. Code, § 5404.) However, that alternative would still require the acquiring agency to account for and pay the entire cost in land or compensation as described in Public Resources Code section 5405. Moreover, it would only be possible where the land to be acquired is "less than 10 percent of the park land, but not more than one acre." (Ibid.) Here, the footprint of the proposed Project's Chinatown/State Park Station is "2,195 square feet in the park, and the station canopy would have an overhang of 9,320 square feet over the park." (DEIR, p. 3.11-38.) This is both less than ten percent of the 32-acre park and less than an acre. But it does not account for the massive use of airspace required for the Project (almost 60,000 square feet as seen from an overhead view, a number which does not include the vague "Additional Separation Buffer"). (DEIR, p. 2-52.) The Project would therefore utilize well over an acre of LA State Historic Park land, and the "in lieu" alternative would not be available to a public agency desiring to acquire the land for a non-park purpose. (As discussed, a private entity cannot take the land at all.)

The informational value of the Park Preservation Act is to assist the public in understanding underlying limitations on the use of public parkland. Only an absolutely absurd interpretation of the statutes describing the fundamental duties, powers, and authorities of the Department of Parks and Recreation and the Director of Parks could lead one to conclude that even though no public agency can use public parkland without adequately compensating the people of California for land held in perpetuity, that the Director and Department could quietly negotiate with a private actor to allow acquisition or exchange of parkland for non-park use for only minor improvements without considering the cost and availability of "substitute park land" or calculating and obtaining that value.[23]

To be clear, the Public Park Preservation Act is not applicable to the Project. It does, however, inform the propriety of a monetary or land exchange, if one were possible, or the offer of public benefits such as park improvements in exchange for use of public parkland. It provides at least one basis to consider the amount of compensation necessary to justify a private taking of land meant to be held in perpetuity by and for the people of California, assuming such a taking is permissible, which it is not. The

DEIR fails as an informational document for failing to provide this information. The DEIR acknowledges that LA State Historic Park serves "a region that has been historically limited in terms of access to parkland" (DEIR, p. 2-9), but it does not include the information necessary to allow members of the public and decisionmakers to understand the profound impacts the significant loss of public parkland at LA State Historic Park would have.[24]

Footnote 23: As discussed, this is "land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land by generally the same persons who used the existing park land, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon." (Pub. Res. Code, § 5405, subd. (b).) LA Parks Alliance does not believe such land exists.

Footnote 24: While the discussion in this section is focused on the significant adverse impact and the DEIR's lack of useful information with respect to compensation for loss of land at LA State Historic Park, LA Parks Alliance notes that it is equally applicable to El Pueblo de Los Angeles Historical Monument. See also discussion re Land Use and Planning conflicts, infra pp. 73-75.

Response GO14-50 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act. Refer to Response GO14-33 for additional information about the Additional Separation Buffer. Refer to Response GO14-153 for a discussion of how the proposed Project would be consistent with the El Pueblo General Plan.

Comment GO14-51 2. Public Resources Code section 5019.59 prohibits use of LA State Historic Park for the Project.

There are also several Public Resources Code sections specifically relevant to the proposed Project because of its proposed use of LA State Historic Park. For example, Public Resources Code section 5019.50 requires that "[a]ll units that are…a part of the state park system…shall be classified by the State Park and Recreation Commission into one of the categories specified in [Article 1.7 of Chapter 1 of the Public Resources Code]." LA State Historic Park, as its name suggests, is classified as a "historical unit." (Pub. Res. Code, § 5019.59; see DEIR, pp. 3.11-1 to 3.11-2, 3.11-38.)

Historical units of the state park system are expressly limited in the type and nature of development allowed within the unit. As the DEIR notes, the primary purpose of historical units is "to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events." (Pub. Res. Code, § 5019.59; DEIR, p. 3.11-38.) Under state law, development is therefore dramatically limited:

> The *only facilities that may be provided* are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking. Upon approval by the commission, lands outside the primary historic zone may be selected or acquired, developed, or operated to provide camping facilities within appropriate historical units. Upon approval by the State Park and Recreation Commission, an area outside the primary historic zone may be designated as a recreation zone to provide limited recreational opportunities that will supplement the public's enjoyment of the unit. Certain agricultural, mercantile, or other commercial activities may be permitted if those activities are a part of the history of the individual unit and any developments retain or restore historical authenticity.
>
> (Pub. Res. Code, § 5019.59 (emphasis added).)

Response GO14-51 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO14-52 The DEIR notes that the Project conflicts with the Park's General Plan, which does not permit the Project. It provides a conclusory rationale that the park's General Plan may be revised to allow for "transit," and argues that if the General Plan is so revised the Project will then be consistent with LA State Historic Park's General Plan and with Public Resources Code section 5019.59, "which permits facilities for the comfort and enjoyment of the visitors, such as access." (DEIR, p. 3.11-42.) But the DEIR's analysis of Public Resources Code section 5019.59 is grossly incomplete, suggesting that so long as proposed development is within the list of items (access, parking, water, sanitation, interpretation, or picnicking) there is no further analysis necessary. But of course there is.

The plain text of the statute does not permit any and all development that might be made "for the comfort and enjoyment" of park visitors. Public Resources Code section 5019.59 uses the word "required" to modify and limit the type and amount of development at a state park historical unit. As already discussed, the Park has plentiful access via several entrances, and is already served by existing Metro train service and numerous bus lines. Further development to provide additional access is not required. Nothing in the DEIR provides substantial evidence to support a contrary conclusion.

Further, and as already discussed, on days where no baseball game or event is held at Dodger Stadium, the Project would operate at the discretion of the operator, not on a regular schedule. Service would vary "based on demand." (DEIR, p. 2-42.) Nothing guarantees the Project will operate daily to provide Park access. Travel to the Park from Dodger Stadium station for neighborhoods near Dodger Stadium is subject to private approval and thus completely speculative. (DEIR, p. ES-10.) And on Dodger

game or stadium event days, use of the Project to get to the Park would be secondary to ticket holders' preferred use. (DEIR, p. 3.17-25.)

Appendix N's meager analysis of ridership for users of LA State Historic Park is incomplete and entirely speculative. The DEIR provides no discussion of daily ridership use for LASHP, whether from the Project's Union Station terminus or Dodger Stadium terminus. (DEIR, Appx. N Ridership Model, pp. 13-14, 15-16.) It only analyzes ridership to special events at the Park. Even then, the Fehr & Peers Ridership Model Development report acknowledges that it is entirely based on guesswork. "No data are available for mode share of attendees travelling to events at the Park. For the purposes of this analysis, Fehr & Peers assumed a 10% mode split for attendees taking transit from Union Station." (Ibid., p. 13.)

Thus, the DEIR assumes with no apparent basis or supporting data that on special event days as many as 10% of park visitors traveling from LA Union Station to the Park would instead use the Project for access. (DEIR, p. 3.17-26.) Put another way, the DEIR acknowledges that 90% of park special event riders from Union Station would arrive some other way than the Project. If not for the Project siphoning off a small percentage of park visitors, 100% would have little difficulty in arriving via existing alternatives. Even assuming the 10% assumption were true, and no substantial evidence supports it, how does the DEIR's best case assumption concluding that 90% of visitors arriving from Union Station by means other than the Project support a conclusion that it provides required access? This is the only relevant question for development of historical unit under Public Resources Code section 5019.59.

Likewise, discussion of neighborhood ridership does not describe in any detail the number of people who would use the Project to travel from the Dodger Stadium terminus and depart at the Chinatown/State Park Station, assuming the Project even runs on non-Dodger game or event days. Using information provided in the DEIR it is impossible to conclude that a significant number of LA State Historic Park users would arrive via the Project. The analysis does not distinguish between those who depart the Project at Chinatown/State Park Station to go to the Park as opposed to other destinations. (DEIR, Appx. N Ridership Model, p. 21.) There is no substantial evidence to show the Project is required to provide access to LA State Historic Park, the mandatory finding required by Public Resources Code section 5019.59.

Response GO14-52 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not

contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment.

Further, as discussed in Response GO14-22, refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Further, as discussed in Section 2.0, Project Description, of the Draft EIR, while the proposed Project may "vary the number of cabins in service and speed throughout the day, based on demand," just as Metro trains and buses do, the proposed Project would operate under a pre-determined, regular operating hour schedule.

Refer to Section 3.17, Transportation, of the Draft EIR, which analyzed different ridership types in order to calculate the estimated VMT for the proposed Project. As discussed in Section 3.17.3, Methodology, of the Transportation analysis, ridership estimates included "a number of distinct market segments including: Dodger Stadium game and event attendees, employees, tourists, neighborhood riders, and Los Angeles State Historic Park visitors and event attendees." In addition to Dodger Stadium game and event attendees, as discussed on page 3.17-34 in Section 3.17, Transportation of the Draft EIR, it is estimated that ridership from nearby neighborhoods would range between 200 and 575 riders (400 to 1,150 trips for round-trip), and the daily number of tourists who would ride the proposed Project is estimated to vary between 1,265 tourists and 3,370 tourists. As discussed in Section 3.17, ridership for neighborhood riders was estimated by calculating the working-age people and jobs within a half-mile walking-distance of each proposed station based on a street network analysis, growth rates in population and jobs as forecast using the City of Los Angeles travel demand model, and United States Census journey to work mode split data. As discussed on page 3.17-26, of Section 3.17, of the Draft EIR, ridership for the daily park use is included in the ridership estimates for neighborhood riders. Table 3.17-4, Proposed Project Estimated Daily Riders, provides the daily weekday riders and daily weekend riders for Dodger Stadium access, other special events, and neighborhood riders (inclusive of neighborhood/regional and daily Park access). Transit ridership by nature is related to a variety of uses. Some riders using the Chinatown/State Park Station will visit the Los Angeles State Historic Park, others will travel to and from the businesses, community uses and residences, such as the William Mead Homes, located within a ½ mile walking distance of the station. Some riders will visit multiple uses. Given the mixed use nature of transit stations, it is typical practice to estimate ridership and report it for the station area

not for individual uses. Due to the fact that the proposed Project would serve event destinations in Dodger Stadium and the Los Angeles State Historic Park, ridership estimates were prepared for both, which is why those destinations and market segments are calculated separately. The proposed Project would serve events at the Los Angeles State Historic Park. As described on page 3.17-26, the analysis to estimate Los Angeles State Historic Park event ridership assumed a 10 percent capture rate for rides between LAUS and the Los Angeles State Historic Park for an average sized event (ranging from craft fairs drawing 6,000 to 8,000 people per event to evening concerts drawing 12,000 to 20,000 people per event, averaging 11,200 people per event), meaning that 10 percent of the attendees would ride the proposed Project. This estimated capture rate was based on the professional judgement of Fehr & Peers which prepared Section 3.17, Transportation and Appendix N, Transportation Appendices of the Draft EIR, including the ridership model, as event attendee data were available and provided by State Parks, but event attendee mode split data were not available. However, compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the much shorter headways compared with the Metro L Line (Gold) and area bus service would result in more frequent, higher capacity transit service, and the travel time would be less. The commenter did not provide any specific data to indicate why a 10% capture rate should be considered an unreasonable assumption for Los Angeles State Historic Park event attendee ridership.

Refer to Section 3.17, Transportation, of the Draft EIR for a detailed discussion of potential impacts of the proposed Project on the existing surrounding communities, including an overall reduction in vehicle miles traveled (VMT). Furthermore, as noted on page 3.17-34 and 3.17-35 of Section 3.17, Transportation of the Draft EIR, the proposed Project would generate neighborhood ridership that would reduce vehicle miles traveled (VMT), but to provide a more conservative analysis, only the VMT benefits of the proposed Project was calculated on Dodger Stadium game/event days,. Accordingly, while the VMT for other ridership scenarios such as neighborhood riders and the Los Angeles State Historic Park users was calculated, the Draft EIR conservatively only assumes VMT reductions from Dodger Stadium game and event ridership in its analysis, including in Section 3.03, Air Quality and Section 3.08, Greenhouse Gas Emissions, of the Draft EIR. Including VMT reductions from other ridership sources analyzed (e.g., neighborhood riders, tourists) would provide additional air quality and greenhouse gas emissions reductions benefits which were conservatively not assumed in the Draft EIR's analysis.

Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how the underlying factors that would influence pre-game/event and post-game/event travel conditions and ridership are built into the ridership model developed for the proposed Project based on extensive data sources and assumptions validated by data.

Comment GO14-53 An additional limitation of Public Resources Code section 5019.59 restricts commercial activities. The project is not a public transportation project. It will be privately built and operated to transport ticket holders to Dodger Stadium for baseball games and private events, a commercial activity. Commercial activities are only permitted at historic units of the state park system when they "are a part of the history of the individual unit and any developments retain or restore historical authenticity." (Pub. Res. Code, § 5019.59.) Obviously, the Project has nothing to do with the historic identity of LA State Historic Park. Since the DEIR does not provide sufficient evidence to show that the Project is required to provide access to LA State Historic Park, it must be considered a prohibited commercial activity.

The Department of Parks and Recreation has jurisdiction over LA State Historic Park and may amend its General Plan to permit lawful activities, but it does not have the ability to modify the General Plan to allow commercial activities in violation of Public Resources Code section 5019.59. (See Pub. Res. Code, § 5001.65: "Commercial exploitation of resources in units of the state park system is prohibited." And see Pub. Res. Code, § 5009.53: "Improvements [to state park units] that do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource, which are attractions in themselves, or which are otherwise available to the public within a reasonable distance outside the park, shall not be undertaken within state parks." (Emphasis added.))

The Department simply cannot modify the General Plan for the benefit of the Project.

Response GO14-53 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Response GO14-52 for discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan and the Los Angeles State Historic Park General Plan Amendment. Refer to Topical Response A, SB 44, for discussion of the proposed Project's consistency with the requirements of SB 44. As discussed in Topical Response A, the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO14-54 The DEIR fails to identify the significant and unavoidable land use conflict between the Project and Public Resources Code section 5019.59. No Project alternative including an alignment on or over LA State Historic Park can be built, because the Department of Parks and Recreation may not approve a facility that is not required for access and may not approve commercial activity with no historic connection to a historical unit of the state park system.

Response GO14-54 This comment provides a general recitation and characterization of the state statutes and regulations. Refer to Topical Response F, Los Angeles State Historic Park, for a

discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Response GO14-52 for discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan and the Los Angeles State Historic Park General Plan Amendment.

Comment GO14-55 F. Project Approval Would Pre-Commit the Future Discretion of State and Local Officials, in Conflict with the California Constitution and State and Local Law.

Proposed Project approvals with the City include a development agreement and franchise agreement. (DEIR, pp. 2-61 to 62.) Approvals for the use of airspace over LA State Historic Park, which are not lawfully available to the Project, would require an amendment to the park's general plan and an easement and/or aerial easement pursuant to Govt. Code section 14666 and a lease or other agreement under Public Resources Code section 5003.17 to allow construction and operation on and over the park. (Ibid. at p. 2-61.)

A development agreement with the City of Los Angeles would be limited to 20 years. (Ibid.) A franchise agreement with the City is limited to 21 years. (Los Angeles City Charter, § 390, subd. (c).)

Franchises of up to 40 years may be granted "for the construction and operation of subways, elevated railways and grade separated railways." (LA City Charter, § 390(c).) The Project is none of these and so is limited to a maximum length of 21 years. LA Parks Alliance notes that, unlike the secretive sole source contract awarded to ARTT LLC, before the City may grant any franchise, the City Council must "advertise its intention to grant the Franchise and shall award the Franchise to the highest responsible and responsive bidder after competitive bidding, in accordance with the procedures prescribed by ordinance governing the granting of Franchises." (Ibid., subd. (b).)

Even if the Project could lawfully obtain the necessary approvals to operate on and over LA State Historic Park, and it cannot, agreements made with the Department of Parks and Recreation may not exceed 10 years, unless a future "Joint Legislative Budget Committee" agrees with the Department's extension of the agreement (Pub. Res. Code, § 5003.17, subd. (d)(2).) Project approvals made now would therefore tie the hands of future City and state elected officials, precluding them from exercising their complete authority and discretion to choose not to renew the development agreement, franchise agreement, and lease or other agreements necessary for the project to move forward.

Given the express limitations of the public resources code to limit agreements for the use of state park resources to no more than 10 years, with extensions beyond that time made under the sole authority of a future joint legislative budget committee based on documentation to be provided by a future Director, it would be highly improper for the Department of Parks and Recreation to enter into an agreement to

construct private infrastructure that would nullify the discretion of a future Director and future members of the joint legislative budget committee. Initial approval of such a lease agreement by the current Department and Director, part of the executive branch of our state government, even assuming it is lawful in the first instance which it is not, would pre-commit the future discretion of elected legislators by creating a status quo that would be impossible to undo. The pre-commitment necessary to approve the Project for a term longer than the legislature has permitted violates basic separation of powers principles under the California Constitution and hamstrings the discretion of future elected officials from disapproving the continuation of the Project.[25]

The DEIR fails to adequately describe or engage with any of the above limitations and therefore fails as an informational document.

Footnote 25: See Cal. Const., art. III, § 3: "The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution." "The purpose of the [separation of powers] doctrine is to prevent one branch of government from exercising the complete power constitutionally vested in another…" (Younger v. Superior Court (1978) 21 Cal.3d 102, 117.)

Response GO14-55 This comment provides a general recitation and characterization of the state statutes and regulations and case law. The decision of any single public agency with jurisdiction over the proposed Project would have no impact on another agency's separate independent authority related to the proposed Project, and the proposed Project would not be able to proceed if it was unable to obtain all required approvals for the proposed Project.. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park.

Comment GO14-56 G. The DEIR Engages in Improper Project Piecemealing by Failing to Consider or Analyze Foreseeable Development of Land Around Dodger Stadium.

1. Legal background

The California Environmental Quality Act's definition of "project" contains one of the fundamental black letter law concepts of California environmental law: "'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378 (emphasis added).) "'Project' is given a broad interpretation … to maximize protection of the environment." (Riverwatch v. Olivenhain Mun. Water Dist. (2009) 170 Cal.App.4th 1186, 1203 (emphasis added.) Project descriptions must accurately reflect the whole of the action considered. (McQueen v Board of Dirs. (1988) 202 Cal.App.3d 1136, 1144.)

It is improper to divide a single CEQA "project" into smaller sub-projects to evade review of the entire scope of project impacts, a practice known as "piecemealing." "CEQA 'cannot be avoided by chopping up proposed projects into bite-sized pieces' which, individually considered, might be found to have no significant effect on the environment." (Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora (2007) 155 Cal.App.4th 1214, 1223.) Our courts prohibit piecemeal review, in part, to protect public participation in the decisionmaking process, requiring that members of the public and decisionmakers are adequately informed "of the environmental consequences of decisions before they are made. (Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs. (2001) 91 Cal.App.4th 1344, 1356 [emphasis in original].)

In considering whether an EIR is legally adequate, courts look "not for perfection but for adequacy, completeness, and a good faith effort at full disclosure." (California Oak Foundation v. Regents of University of California (2010) 188 Cal.App.4th 227, 262, quoting CEQA Guidelines, § 15151 (emphasis added); see DEIR, p. ES-2.) However, "the fact that a particular development which now appears reasonably foreseeable may, in fact, never occur does not release it from the EIR process. [Citation.] Similarly, the fact that future development may take several forms does not excuse environmental review." (City of Antioch v. City Council (1986) 187 Cal.App.3d 1325, 1338.)

Response GO14-56 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations, but does not raise a substantive issue on the content of the Draft EIR. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO14-57 2. Piecemealing concerns were raised in scoping comments; the DEIR ignored the comments and evidence of foreseeable development.

Future development of Dodger Stadium parking lots represents a "foreseeable indirect physical change in the environment" due to the proposed Project that must be considered in the environmental review process. A significant number of comments received during the Project's scoping process raised concerns regarding foreseeable future development of land around Dodger Stadium that is currently used for parking.

For example, one scoping commenter questioned the purpose of the Project's intermediate stop (the Chinatown/State Park Station), "[u]nless someone is planning to build a mall or entertainment complex in the area — perhaps in the freed-up Dodger parking lots? — then the additional stop is a waste of resources that will damage the biological and social environment. Are such plans afoot?"[26] Another wondered, "[w]hat are the plans to develop the Dodoger [sic] Stadium parking lot? Will the LA ART be used year-round? Doubt this expensive system is being created just for Dodger games."[27] Chinatown stakeholder King Cheung expressed suspicion of

the Project: "Why spend $125 millions to build a gondola just to transport people to the Dodgers games? Mc Court [sic] does not own the Dodgers anymore. So it is an expense venture. What does he gain? What is his future goal? Build a downtown Disney type of entertainment center on the empty parking lots?"[28]

In a joint letter from The California Endowment and Homeboy Industries to then-Metro CEO Phillip A. Washington and then-Los Angeles Mayor and Metro Board Chair Eric Garcetti asked simply, leaders of these vital local nonprofits asked simply: "What is the proposed future use of the vacant parking lots at Dodger Stadium caused by the Project?"[29]

Footnote 26: Janet Owen Driggs, email to Cory Zelmer, Nov. 17, 2020, DEIR, Appx. A, pdf. p. 314.

Footnote 27: Patricia Perez, LA ART Virtual Scoping Meeting comment, Oct. 22, 2020, DEIR, Appx. A, pdf. p. 502.

Footnote 28: King Cheung, scoping comment email to laart@metro.net, Nov. 16, 2020, DEIR, Appx. A, pdf. p. 177.

Footnote 29: Dr. Robert. K. Ross, MD (The California Endowment) & Father Gregory Boyle, S.J. (Homeboy Industries), joint comment letter to Phillip A. Washington re NOP comments for LA ART Project, Nov. 16, 2020, p. 12. This letter is already part of the administrative record for the proposed Project.

Response GO14-57 This comment provides a general recitation and characterization of certain comments received during the public scoping period. Refer to Responses GO14-6 through GO14-12 for discussion of NOP comments. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues – has been well established. The speculative scoping comments do not constitute evidence of a larger development plan and therefore did not require a further response. Under CEQA section 15082(b)(1), responses to the NOP are intended help the lead agency identify the significant environmental issues, alternatives, and mitigation measures that should be explored in the EIR. The scoping responses identified in this comment relate to speculative development that is not contemplated as part of the proposed Project. CEQA does not mandate that Metro consider separate projects than the one proposed simply because commenters raised the potential. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community

engagement during the Draft EIR scoping period. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during the scoping period led directly to changes to the proposed Project to incorporate public feedback.

Comment GO14-58 The question of future Dodger Stadium development was also important to Metro at one point—enough so that in asking for information about ARTT LLC's business plan for the project, Metro explained ARTT LLC should "outline the following: … Future plans at Dodger Stadium site." (Los Angeles Aerial Rapid Transit, Response to Metro Request for Information, Sept. 2018, pp. 12-13.)[30] Just as the DEIR fails to address scoping comment concerns about development at Dodger Stadium, ARTT LLC's response interprets the question narrowly: "The only plan for Dodger Stadium related to the ART is to provide a station on the Dodger Stadium property, together with appropriate pedestrian connections from the station to the stadium." (Ibid., p. 13.) The DEIR makes no mention of potential development plans at Dodger Stadium, despite widespread media attention on such plans locally for well over a decade, so ARTT LLC's strategy of interpreting the broad question narrowly seems to have worked. But it has not worked with community members who demand more information.

ARTT LLC's narrow interpretation of Metro's request for information makes no sense. Metro already knew from the basic premise of the Project that it would include a gondola station at or near LA Union Station and at Dodger Stadium. A reasonable interpretation of Metro's question could thus only have been to ask about other development, in addition to the Project's Dodger Stadium Station. Allowing ARTT LLC, owned by McCourt Global, to evade such a fundamental question is either naïve or disingenuous on Metro's part. But even if Metro believes there are no future development plans, as lead agency under CEQA it has an independent duty to consider foreseeable indirect physical changes to the environment due to the Project.

Perhaps Metro didn't consider Dodger Stadium parking lot development foreseeable. This is far-fetched, but not impossible.

But this is why CEQA has a scoping comment process, so community members and responsible and trustee agencies can raise their own questions and concerns, including consideration of potential indirect physical changes in the environment the lead agency may have inadvertently overlooked. (See CEQA Guidelines, § 15083.) If Metro thought Dodger Stadium development was not a reasonably foreseeable indirect change in the environment before scoping, after receiving so many scoping comments they could no longer ignore it. Yet they did.

A review of scoping comments is informative.

Commenter Susan Karat MacAdams cited a story published by the Los Angeles Times in 2012, in which Times' writer Bill Shaikin described land-use documents associated

with the sale of the Los Angeles Dodgers from Frank McCourt to current-owner Guggenheim Baseball.[31]

MacAdams' letter quotes portions of the article highly relevant to foreseeable future development at the Dodger Stadium parking lots:

> The Dodgers' new owners will pay $14 million per year to rent the parking lots from an entity half-owned by Frank McCourt, according to **land-use documents intended to "facilitate the orderly development" of the property surrounding Dodger Stadium**. [¶] The **potential uses for the property include shops and restaurants, homes and offices, and another sports venue, according to documents obtained Friday by The Times.** The **documents also discuss the possibility of parking structures on the land….citing as examples the restaurants and clubs surrounding AT&T Park in San Francisco and Petco Park in San Diego.**
>
> (Ibid., emphasis added.)

Footnote 30: This document should be in the administrative record of the case, but is also attached as Exhibit H.

Footnote 31: See DEIR, Appx. A, Susan Karat MacAdams letter to Cory Zelmer, Nov. 16, 2020, p. 2, citing and quoting Bill Shaikin, Dodgers' owners to pay $14 million a year to rent parking lots from McCourt entity, LA Times, May 4, 2012, available at https://www.latimes.com/sports/la-xpm-2012-may-04-la-sp-0505-dodgers-land-20120505-story.html. The Shaikin article is attached as part of Exhibit I.

Response GO14-58 This comment provides a general recitation and characterization of certain comments received during the public scoping period. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues – has been well established. In addition, as discussed in Topical Response G, the Covenants, Conditions, Restrictions, and Easement for Chavez Ravine ("CC&Rs") alluded to in this comment as "land use documents" were adopted over a decade ago and do not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. Refer to Response GO14-57 for a discussion of how the scoping comments do not constitute

evidence of development that should be analyzed in the Draft EIR. Moreover, the reference to the administrative record (Exhibit H) in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 is noted, but the cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. The unsolicited proposal process was intended to inform Metro's sole source determination to act as lead agency for the proposed Project and advance it to environmental review. Metro's sole source determination was upheld in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO14-59 Shaikin's article reports that the land-use documents were withdrawn from the Dodgers' bankruptcy proceedings after an attorney for the Times objected to the documents having been filed under seal. They were filed with the Los Angeles County Recorder's office shortly thereafter when McCourt's sale of the Dodgers to Guggenheim Baseball was made final. (Shaikin, supra fn. 31.)

A document entitled "Declaration of Covenants, Conditions, Restrictions and Easements for Chavez Ravine" (hereinafter "Chavez Ravine CC&Rs") is clearly one of the documents referenced in the Shaikin article, as it was executed on April 27, 2012, and recorded May 1, 2012, several days before the Shaikin article was published.[32] As accurately reported by the Los Angeles Times, the agreement is intended, in part, to "facilitate the orderly development" of the Dodger Stadium parking lots (then owned by an entity named "Blue Landco LLC"). (Chavez Ravine CC&Rs, pp. 1-2 (emphasis added).) As Shaikin reported, Blue Landco LLC was co-owned by former Dodger owner McCourt and "an entity affiliated with the new team owners."[33] The agreement contemplates that Landco would gain control of the Dodger Stadium parking lot areas upon construction of parking structures, which would free up space in the parking lot areas to allow for development to occur. (Chavez Ravine CC&Rs, p. 2.) The agreement requires efforts to reduce the amount of parking utilized by Dodger Stadium patrons, including by developing what the agreement refers to as "Mass Transportation." (Ibid., pp. 26-27.) This would allow the required number of vehicle spaces to be reduced first from 19,000 to 16,500 (ibid., p. 11), and with approval of the City of Los Angeles, to below 16,500. (Ibid., pp. 11, 26-27.)

Article IV, subdivision 4.1 of the agreement lays out Blue Landco LLC's rights to pursue development of substantial commercial, residential, medical, academic, and other structures and facilities:

> 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.
>
> (Ibid., p. 25.)

The Shaikin article relates substantial evidence that future development of Dodger Stadium due to the Project is not only foreseeable, but likely. This substantial evidence, without more, is sufficient to show that development of the Dodger Stadium parking lots is a "reasonably foreseeable indirect physical change in the environment" due to the Project. (See CEQA Guidelines, § 15378.) The available evidence shows such development is not only foreseeable but has actually been foreseen and planned for by former Dodger owner Mr. McCourt (who coincidentally owns or controls the Project proponent, ARTT LLC). Metro's apparent failure to already have investigated, analyzed, and discussed the obviously foreseeable indirect physical change in the environment and its potentially significant environmental effects through the Project DEIR after receiving queries from many scoping commenters is unacceptable.

Footnote 32: Declaration of Covenants, Conditions, Restrictions and Easements for Chavez Ravine, recorded May 1, 2012, is attached as Exhibit J.

Footnote 33: Shaikin, supra note 31. While details regarding stadium and parking lot ownership are interesting, and to some degree relevant as the Project proponent is owned or controlled by McCourt, the primary relevance of the agreement in the CEQA analytic context is the foreseeability of future development of Dodger Stadium parking lots, not development of them by any particular individual or entity.

Response GO14-59 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the adoption of the CC&Rs over a decade ago does not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. Refer to Response GO14-58 for further discussion of the CC&Rs. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO14-60 Moreover, there is far more evidence showing that Dodger Stadium development is foreseeable, much of it (including the already-cited 2012 Bill Shaikin article) publicly

known and reported on in local and national media for well over a decade, including reporting on former Dodger owner McCourt's earlier development plans:[34]

- Bill Shaikin and David Zahniser, Dodgers to add shops, a museum, and garages, LA Times, Apr. 24, 2008, available at: https://www.latimes.com/archives/la-xpm-2008-apr-24-sp-dodrep24-story.html (describing a letter sent to Dodger season ticket holders regarding a plan "to transform at least part of the parking lot into an area offering dining and shopping for fans who arrive early and stay late, avoiding pregame and postgame traffic").

- Dakota Smith, New Dodgers Stadium Reveal: We Got Trees!, Curbed Los Angeles, Apr. 24, 2008, available at: https://la.curbed.com/2008/4/24/10572290/dodger-stadium-2 (describing a press release from former Dodger owner Frank McCourt and noting Dodger Stadium would be "a place to visit year-round to shop, dine and play").

- Dylan Hernandez and Bill Shaikin, Stadium makeover is unveiled, LA Times, Apr. 25, 2008, available at: https://www.latimes.com/archives/la-xpm-2008-apr-25-sp-stadium25-story.html (describing the same $500M project, which would occupy "about 15 acres of parking, or about 2,000 spaces").

- On deck: Dodger Stadium Renovations (photo slideshow), LA Times, Apr. 2008, available at: https://www.latimes.com/sports/la-dodger-stadium-improvementspg-photogallery.html (photo slideshow documenting Frank McCourt's public unveiling of $500M proposed Dodger renovations with elected officials, media, and beloved Dodger announced Vin Scully – see select photos in Exhibit I).[35]

- Bill Shaikin, Rick Caruso, Joe Torre withdraw from bidding to buy Dodgers, LA Times, Feb. 23, 2012, available at: https://www.latimes.com/archives/blogs/dodgers-now/story/2012-02-23/rickcaruso-joe-torre-withdraw-from-bidding-to-buy-dodgers (noting that Los Angeles developer and former mayoral candidate Rick Caruso and former Dodgers manager and famed MLB executive Joe Torre withdrew from bidding on the Dodgers in early 2012 because then-owner Frank McCourt refused to include the Dodger Stadium parking lots as part of the sale. The article noted this was "the clearest evidence yet that McCourt intends to keep the lots and try to build on them.")

- John Gittelsohn and Nadja Brandt, Stadium land seen as Dodgers key, Bloomberg News/ArkansasOnline.com, Apr. 8, 2012, available at: https://www.arkansasonline.com/news/2012/apr/08/stadium-land-seen-dodgerskey-20120408/ (discussing Guggenheim Partners' 2012 acquisition of the Dodgers for $2.15B, a record price for any sports team at the time; the article quotes UCLA economics professor Lee Ohanian that such a price

"didn't make sense," and expected that revenue to justify such a high price would come from development of the land around Dodger Stadium.)

- Roger Vincent and Ken Bensinger, Developing Chavez Ravine is likely in play for new Dodgers owner, LA Times, Apr. 16, 2012, available at https://www.latimes.com/sports/la-xpm-2012-apr-16-la-fi-dodgers-land-20120417-story.html (noting numerous well-known real estate developers had made bids for the team, and the $2.15B price suggested development in the parking lot development was likely, recalling that "[f]our years ago, McCourt proposed a $500-million plan to ring the stadium with restaurants, shops and a Dodgers museum.").

- Adrian Glick Kudler, Everyone Betting on Dodger Stadium Land Development, Curbed Los Angeles, Apr. 17, 2012, available at: https://la.curbed.com/2012/4/17/10379072/everyone-betting-on-dodger-stadium-land-development.

Footnote 34: The cited articles, as well as select images from the "On deck: Dodger Stadium Renovations (photo slideshow)", are attached as Exhibit I.

Footnote 35: Presentation materials for the "LA Dodgers Stadium Next 50" still appear on architecture firm Johnson Fain's website at https://johnsonfain.com/projects/architecture/commercial/la-dodgers-stadium-next-50/ (last viewed, Jan. 11, 2023). Johnson Fain's Next 50 web page includes visualizations and descriptions of stadium improvements as well as an "[u]rban plaza surrounded by administrative office buildings," a Dodger museum, 20,000 square foot Dodger Store, café, two 8-level 900-car parking structures, and a "Top of Park plaza." The plaza would be "located at the highest elevation on site [and] 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."

Response GO14-60 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system and is not evidence of a larger development project at the Dodger Stadium property. As discussed in Topical Response G, the "Next 50" project was proposed over 15 years ago, and did not proceed after 2008. The current owners of the Los Angeles Dodgers purchased the team and Dodger Stadium in 2012. Accordingly, the Next 50 Project is not required to be included as a related project in the Draft EIR or analyzed as part of the proposed Project in Draft EIR. Further, as discussed in Topical Response G, the purported "future" development that commenters suggest is contemplated at Dodger Stadium would require additional City designations and zoning, permits, and approvals, including potentially environmental review, that are not contemplated or

analyzed in the Draft EIR because no such development is proposed. Mere statements on a website are not evidence that such development is currently proposed, or are sufficiently firm or committed to such that environmental analysis is required. Moreover, actions from over a decade ago, and speculative comments attempting to assign a motive to such actions, do not evidence a firm and specific commitment to develop the property surrounding Dodger Stadium. The proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. Accordingly, the Draft EIR did not omit "foreseeable" development from its analysis, and CEQA expressly discourages such speculation. Refer to Response GO14-58 for further discussion of the CC&Rs. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO14-61 As discussed above, a letter submitted on behalf of Arts District Community Council of Los Angeles in February 2021 also provides Metro with substantial evidence of foreseeable development of the Dodger Stadium parking lots. (See Exhibit A, supra fn. 2.) The ADCCLA letter cites statements found on McCourt Global's website (still present as recently as March 31, 2022), noting that McCourt Global's "current real estate projects include…260 acres of land at Chavez Ravine in Los Angeles." (See Exhibit B, supra fn. 3.) McCourt Global's revised web page no longer mentions the 260 acres of Chavez Ravine as a "current real estate project." It instead promotes the "Los Angeles Aerial Rapid Transit project" as "an opportunity for our organization to partner with community leaders and stakeholders to contribute to the region's aggressive climate goals and promote sustainability through innovative, zero-emission mobility technology— all while improving mobility and access to Dodger Stadium." (See Exhibit C, supra fn. 3.) But web archives show text on that page state, as recently as January 26, 2021:

> McCourt currently co-owns 260 acres of land at Chavez Ravine in Los Angeles, the home of Dodgers Stadium. Among other plans for the area, McCourt will develop a cutting-edge aerial tramway from Los Angeles Union Station to Dodgers Stadium through its company, Aerial Rapid Transit Technologies. (McCourt Global, Real Estate Overview, Nov. 26, 2020, attached as part of Exhibit B, supra p. 3 fn. 3 (emphasis added).)

Metro's choice to allow ARTT LLC to ignore Metro's query as to development plans at Dodger Stadium during early negotiations between the two does not erase the objective reality that such development is reasonably foreseeable. The evidence is manifest that development of a portion of the Dodger Stadium parking lots is not only foreseeable but likely. The DEIR is fatally flawed for failing to consider, analyze, and explain the potentially significant environmental impacts that would result from this foreseeable development that will follow due to the Project. Under CEQA, deferring

environmental review of foreseeable indirect environmental impacts and thus deferring any and all necessary mitigations associated with those impacts is impermissible. “While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines, § 15144.)

Response GO14-61 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro’s Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system and is not evidence of a larger development project at the Dodger Stadium property for which environmental analysis of was “impermissibly deferred.” Further, as discussed in Topical Response G, the purported “future” development that commenters suggest is contemplated at Dodger Stadium would require additional City designations and zoning, permits, and approvals, including potentially environmental review, that are not contemplated or analyzed in the Draft EIR because no such development is proposed. CEQA discourages such speculation. Refer to Response GO14-10 for a discussion of how mere statements on a website do not constitute a firm commitment to potential development such that it is ”foreseeable.” In addition, the unsolicited proposal process was intended to inform Metro’s sole source determination to act as lead agency for the proposed Project and advance it to environmental review. Metro’s sole source determination was upheld in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate).

Comment GO14-62 Most important, since reasonably foreseeable development at Dodger Stadium would be expected to draw many people to the Chavez Ravine site daily on non-game and non-special event days (and would also likely cause additional traffic and transportation issues on days with games and special events from drawing even more people than the approximately 56,000 fans that attend a sellout game at the stadium), the DEIR’s complete failure to consider and analyze impacts of such readily foreseeable development entirely undercuts major claims of Project benefits with respect to reduced energy usage, reduced greenhouse gas emissions, reduced vehicle miles traveled (VMT), and assertions regarding other standard environmental impact analysis categories.

In short, the Project’s environmental review process is made entirely invalid by the Draft EIR’s egregious failure to disclose, discuss, and evaluate the foreseeable development.

Response GO14-62 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro’s Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project

Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO14-63 Moreover, development of Dodger Stadium parking lots is not the only reasonably foreseeable use of the Project. The Project would also allow Dodger Stadium to be used as a "satellite lot" to allow people to drive to downtown Los Angeles in order to park at Dodger Stadium and use the private gondola to come down from Dodger Stadium to attend events in downtown Los Angeles sports and entertainment venues and to large events at LA State Historic Park. This injection of additional vehicles into the downtown area is also a reasonably foreseeable indirect environmental impact that is not discussed or analyzed in the DEIR.

For example, at a recent meeting of Metro's Ad Hoc 2028 Olympics Committee, the board received a staff presentation explaining how Dodger Stadium parking area had been used as satellite parking for the MLS Cup Final, scheduled at 1pm on Nov. 5, 2022, hours before USC's scheduled home football game at the Coliseum the same day.[36] The MLS Cup Final satellite parking utilized a private shuttle bus service which ran from 9 am to 6 pm. According to Metro, 500 car and 1,500 riders used this shuttle service. If the Project were constructed shuttle buses would not be necessary to move sports event attendees from Dodger Stadium to downtown sports venues, as patrons could use the ARTT LLC private gondola to gain access to Metro's public transit system, whether via trains or bus lines. This foreseeable use of the Project would also draw vehicle traffic to Dodger Stadium that is not accounted for by the Draft EIR.

At the Ad Hoc meeting, public commenter Phyllis Ling noted: "It sounds like you are opening the door to people using Dodger Stadium parking lot as a park and ride lot. That would be – would that be the biggest park and ride lot in the nation? That's a lot of additional Vehicle Miles Traveled into our neighborhood." She also expressed that Metro should learn the lessons from the London and Rio Olympics, which had both built gondolas for their Olympics, and that had not worked out as long-term infrastructure choice for transportation. As Ling stated: "The Rio gondola ran out of money for maintenance and is no longer running. The London gondola has hardly any local riders, it is used mostly for tourism and needs taxpayer funding to support it."[37] As discussed at length above, the federal definition for "public transportation" does not include services used for tourism or "sightseeing," which is specifically excluded from consideration as "public transportation" under federal law. (49 U.S.C. § 5302, subd. (15)(B)(v).)

The Ad Hoc 2028 Olympics Committee meeting presentation also included discussion of an event on October 28, 2018, known locally and nationally as the "Los Angeles Sports Equinox," because games in every major US sports league occurred in Los Angeles on the same day: NFL (Rams), MLB (Dodgers), NBA (Clippers), NHL (Kings), and MLS (Galaxy). If the Project were built, expanded use of Dodger Stadium as a satellite (or park and ride) lot for similar high conflict sports and event days in downtown Los Angeles is a readily foreseeable physical change due to the project and would likewise be expected to draw significant vehicle traffic to Dodger Stadium, increasing greenhouse gas emissions and vehicle miles traveled.

Footnote 36: See excerpts from Metro Ad Hoc 2028 Olympics Committee Agenda – Final, Nov. 16, 2022, agenda item 6, "Mobility Lessons Learned from World Sports Events," as well as p. 11 of a slide presentation presented at that meeting entitled "Major Events Lessons Learned," attached as Exhibit J. Metro presents the audio and video of the Ad Hoc committee's meeting audio/video on its media website: https://metro.granicus.com/player/clip/2413?view_id=2&redirect=true&h=461b5c8f36092ebca0c1ed190e407b21 (last viewed Jan 10, 2023). The agenda and related materials are also available at: https://metro.legistar.com/MeetingDetail.aspx?ID=1005579&GUID=696A3208-D9CE-4B9E-8728-977FC65341C8&Options=&Search= (last viewed Jan 10, 2023). The Metro Ad Hoc 2028 Olympics Committee meeting audio/video for this meeting must be made part of the Project's administrative record.

Footnote 37: See link to audio/video, supra fn. 36.

Response GO14-63 The contents of Exhibit J are considered in this response. The comment suggests because Dodger Stadium was used as a park and ride for the MLS Cup final in November 2022, Dodger Stadium may similarly be used for other events. However, this was a unique situation that is not a reasonably foreseeable consequence if the proposed Project were to be constructed and implemented. The scenario described involved Major League Soccer's championship game, the location of which was not scheduled in advance. As the commenters' cited article notes, the Los Angeles Football Club's ("LAFC") Banc of California Stadium was only confirmed as the host of the MLS Cup the Sunday prior to the game, which would occur at the same time as a pre-scheduled University of Southern California football game next door at the Los Angeles Coliseum. This meant that parking within the vicinity for the football game took priority, and LAFC was required to coordinate with and obtain approval from the Los Angeles Dodgers for use of the parking lot. It is highly unlikely that such an event would repeat with any sort of frequency requiring the analysis in the EIR for the proposed Project. Even so, LAFC utilized shuttle buses from Dodger Stadium to the Banc of California Stadium, and there is no indication that the presence of the proposed Project would have increased the likelihood that Dodger Stadium would be used as a parking location for major events. In sum, the proposed Project would connect LAUS to the Dodger Stadium property via an aerial gondola system. The

proposed Project does not contemplate the use of the Dodger Stadium parking lot as a park-and-ride and nor is this use reasonably foreseeable, and accordingly, no such analysis is required. Further, based upon a review of Metro's November 16, 2022, Ad Hoc Olympics Planning Committee meeting, no member of the Ad Hoc 2028 Olympics Committee discussed the potential for using Dodger Stadium as a parking location for the 2028 Olympics. Rather, only a single member of the public raised the possibility during public comment at the meeting. The proposed Project does not contemplate the use of the Dodger Stadium parking lot as a park-and-ride and nor is this use reasonably foreseeable, and accordingly, no such analysis is required.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world and their operations. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment GO14-64 Ling's public comment also expressed surprise that the private ARTT LLC gondola project had been placed on Metro's "Comprehensive MCP Project List."[38] Following the close of public comment, in response to Ling's comment, Ad Hoc committee chair, Supervisor Hilda L. Solis questioned its inclusion on the list as well: "You know, just a quick question for staff—I don't recall reading in my materials that the proposed gondola was a part of this. Is that correct?" Metro staff member Ernesto Chaves responded evasively: "It's not part of the prioritized list that is coming up in the next item." But Ms. Ling's comment was not that it was placed on the prioritized list, it was that it was placed on the comprehensive list, which is correct.

The "lessons learned" presentation was followed by discussion of Metro's "2028 Games Mobility Concept Plan." As discussed above, the Project is included on Attachment C to that agenda item. (See fn. 38, this page.) The Project's inclusion on Metro's "Comprehensive MCP Project List" prepared for the Olympics must be construed as a formal acknowledgement by Metro that a reasonably foreseeable

indirect physical change due to the Project is the use of Dodger Stadium parking lots as a satellite lot for Olympics event attendees. The presentation to Metro makes clear that even if Dodger Stadium is not an Olympic venue use of its parking lots for satellite lot use as in the recent MLS Cup Final is an available and perhaps desirable, more important reasonably foreseeable, option for many downtown sports venues where Olympic events will be held.[39] As discussed above, this foreseeable use would draw additional vehicle traffic to Dodger Stadium to utilize the private gondola, which would increase greenhouse gas emissions and vehicle miles traveled, among other potentially significant impacts, thus calling into significant question the DEIR's GHG, VMT, and other conclusions. The DEIR does not address this foreseeable indirect physical change or its potential impacts.

Footnote 38: See Comprehensive MCP Project List, p. 5, attached as Exhibit K. The list is Attachment C to agenda item 7 on the Ad Hoc 2028 Olympics Committee Nov. 16, 2022 agenda; see Exhibit J, supra fn. 36. It is available at http://metro.legistar.com/gateway.aspx?M=F&ID=b8e94467-6e56-4687-b2bc-3d0bb08fb2fa.pdf.

Footnote 39: See Metro presentation, Motion 42 Update: 2022 Prioritized MCP Project List, Nov. 16, 2022, p. 3 (showing a map and list of downtown Los Angele venues), attached as Exhibit L.

Response GO14-64 The contents of Exhibit L are considered in this response. Refer to Response GO14-63 for discussion of how the proposed Project does not contemplate the use of the Dodger Stadium parking lot as a park-and-ride, nor is this use reasonably foreseeable. At Metro's November 16, 2022, Ad Hoc Olympics Planning Committee meeting, the Committee approved the 2028 Games Mobility Concept Plan – 2022 Prioritized Mobility Concept Plan Project List (Attachment A). The proposed Project was not included in the 2022 Prioritized Mobility Concept Plan Project List (Attachment A).[14] The Dodgers manage the Dodger Stadium parking lot and would have to approve any deal to use the parking lot. Such an agreement is entirely separate from the proposed Project's operations, and the mere possibility that the Dodger Stadium property could be used in such a manner without any agreement in hand is simply too speculative to require the analysis in the EIR for this aerial gondola system.

Comment GO14-65 Finally, the DEIR discusses that attendees at periodic special events at LA State Historic Park could take the private Project from LA Union Station to the proposed Chinatown/State Park Station, instead of existing public transit options. The DEIR assumes without substantial evidence that it would "capture" 10 percent of such riders. (DEIR, p. 3.17-26.) But the DEIR seems to assume that LASHP special event attendees will come only from the Union Station terminus of the Project. It does not discuss or analyze the foreseeable use of the Project to allow Dodger Stadium parking lots as a potential satellite lot for LA State Historic Park special events which, like other

[14] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2022. 2028 Games Mobility Concept Plan (Attachment A). Available at: https://datamade-metro-pdf-merger.s3.amazonaws.com/ad-hoc-2028-olympics-committee-6b993d455bc3.pdf. Accessed August 2023.

foreseeable uses that would use the Dodger Stadium parking lots for a park and ride or satellite use, would draw additional vehicle traffic to the local community, increasing greenhouse gas emissions and vehicle miles traveled, among other environmental impacts.

Response GO14-65 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Response GO14-42 for discussion of the analysis of proposed Project ridership from LAUS to the Los Angeles State Historic Park. Refer to Response GO14-64 for a discussion of how the use of the Dodger Stadium parking lot is not a reasonably foreseeable use required to be analyzed in the Draft EIR, as the Dodgers manage the Dodger Stadium parking lot and would have to approve any deal to use the parking lot. Such an agreement is entirely separate from the proposed Project's operations, and the mere possibility that the Dodger Stadium property could be used in such a manner without any agreement in hand is simply too speculative to require the analysis in the EIR for this aerial gondola system.

Comment GO14-66 Metro's inexplicable failure to disclose, discuss, and analyze the above foreseeable indirect environmental impacts of the Project cannot be corrected merely by adding additional information in the Final EIR. The purpose of an EIR is to provide the public with detailed information about a project before it is approved (Pub. Res. Code, §§ 21002.1, 21003.1) [W]hen significant new information is added to the EIR after public notice…but before certification, the EIR must be recirculated…" (Pub. Res. Code, § 21092.1; CEQA Guidelines, § 15088.5). The Draft EIR for the Project must be revised and recirculated to address the many deficiencies described in this and other comment letters so that the public has an opportunity to review and provide meaningful comment. Recirculation is required when a DEIR is "so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless." (Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1130.)

Response GO14-66 This comment and the comments provided in this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO14-67 The DEIR's analyses in numerous impact categories is clearly incomplete and deficient for its failure to consider potentially significant impacts of the foreseeable indirect

physical change in the environment caused by likely future development at the Dodger Stadium parking lots or use of the lots as satellite for downtown Los Angeles events. These include the Project's analysis of Air Quality, Energy, Geology and Soils, Land Use and Planning, Noise, Public Services, Parks and Recreation, Transportation and Traffic, and Utilities and Service Systems, among others. Conclusions about greenhouse gas (GHG) emissions and vehicle miles traveled (VMT) are particularly suspect.

Response GO14-67 Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project, which solely proposes an aerial gondola system. Refer to Section 3.03, Air Quality, 3.06, Energy, 3.07, Geology and Soils, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Park and Recreational Facilities, 3.17, Transportation, and 3.19, Utilities, of the Draft EIR, for an analysis of the proposed Project's potential environmental impacts. Conclusions regarding greenhouse gas emissions and vehicle miles traveled are further substantiated by information provided in technical reports; refer to Appendix J, Greenhouse Gas Emissions Technical Report and Appendix N, Transportation Appendices, of the Draft EIR.

Comment GO14-68 In addition, the failure to consider foreseeable indirect impacts completely invalidates the DEIR's Cumulative Impact and Growth-Inducing Impact Analyses. As the DEIR acknowledges: "Secondary effects of growth could result in significant, adverse environmental impacts, which could include increased demand on community public services, increased traffic and noise, degradation of air and water quality, and conversion of agricultural land and open space to developed uses." (DEIR, p. 5-57.)

Response GO14-68 Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project, which solely proposes an aerial gondola system. This comment does not specify why the Draft EIR's cumulative impact analysis and growth inducing impact analysis, provided in Section 5.0, Other CEQA Considerations, is otherwise invalid, nor how the cited quote renders the analysis invalid. Indeed, the comment's quotation from the Draft EIR is from the background overview of growth-inducing impacts, and are not related to the analysis of the proposed Project's growth-inducing impacts. Page 5-57 of the Draft EIR also acknowledges that "[g]enerally, growth inducing projects are located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure, such as water or sewer facilities, or roads." The proposed Project's potential growth-inducing impacts analysis is provided on pages 5-58 through 5-60 of the Draft EIR. Pursuant to CEQA section 15130(a), the Draft EIR discussed the cumulative impacts of the proposed Project with other past, present, and probable future projects in Section 5.2, Cumulative Impacts. Pursuant to CEQA Guidelines section 15125.2(d), the Draft EIR provided a discussion

of the ways in which the proposed Project could induce growth in Section 5.4, Growth-Inducing Impacts. Mere speculation from a commenter does not constitute evidence of a foreseeable impact that should have been analyzed, and no revisions to the analysis are required.

Comment GO14-69 Metro has failed to make "a good faith effort at full disclosure" of the Project's environmental effects. (See California Oak Foundation, 188 Cal.App.4th at 262.) The entire DEIR is rendered invalid for its failure to address any impacts from the foreseeable indirect physical changes to the environment likely to be caused due to the proposed Project and must revise and recirculate the DEIR. In the alternative, Metro could instead deny the Project outright. This is the most appropriate course of action since there are superior feasible alternatives that would reduce the Project's significant (and unavoidable) adverse environmental impacts. (See Pub. Res. Code, § 21002: "[P]ublic agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects….")

Response GO14-69 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project, which solely proposes an aerial gondola system. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR of "a good faith effort at full disclosure." Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. In addition, the Draft EIR identifies feasible mitigation measures to substantially lessen identified significant environmental impacts from the proposed Project, in compliance with CEQA's requirements. As discussed in Section 4.0, Alternatives, of the Draft EIR, on page 4-15, pursuant to CEQA Guidelines section 15126.6(f)(2), the Draft EIR considered three Direct Alignment Alternatives which included alternative locations for the proposed Project but dismissed these alternatives from further detailed consideration because they would not avoid or substantially lessen significant effects of the proposed Project, would not otherwise meet the project objectives, and because the Project Sponsor would likely be unable to reasonable acquire, control, or otherwise have access to alternative sites required for the Direct Alignment Alternatives.

Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. In response to public comments, this alternative was considered but dismissed from further detailed analysis in the Final EIR because it did not meet most of the basic objectives of the proposed Project.

Comment GO14-70 II. SUBSTANTIVE COMMENTS ON IMPACT ANALYSES

The following comments are generally presented in the order addressed in the Draft EIR.

A. The Executive Summary is Incomplete and Inaccurate.

Note that some comments associated with the Executive Summary will be made within specific DEIR analysis sections following this section.

Response GO14-70 This comment provides a general introduction to comments raised in this Part II of this letter. Responses to the comments in this section of this letter are provided in Responses GO14-71 through GO14-175.

Comment GO14-71 1. CEQA requires the City of Los Angeles to serve as Lead Agency.

As discussed at length in this office's letter on behalf of LA Parks Alliance of December 19, 2022, LA Park's Alliance objects to Metro's negotiated arrangement to serve as lead agency for the Project. (DEIR, p. ES-1.) The Executive Summary's conclusory analysis that Metro is "the public agency with the greatest responsibility for supervising or approving the project is a whole" is grossly in error. Metro has not documented that it has performed the mandatory analysis pursuant to CEQA Guidelines section 15051 to determine the appropriate lead agency. Had the proper analysis been done, plainly the City of Los Angeles would be designated as the lead agency, not Metro.

Metro's errant conclusion is presented as a fait accompli. This is confusing and misleading to the public (and perhaps also to some agency decisionmakers), most of whom are unlikely to understand that the determination of lead agency must follow the CEQA guidelines. If the CEQA Guidelines were followed the City of Los Angeles would be designated as lead agency, not Metro, for all the reasons discussed in the letter of December 19, 2022.

Designation of the incorrect lead agency prejudicially taints the EIR process, a fatal flaw that can only be remedied by beginning the environmental review process anew with the correct lead agency, here the City of Los Angeles. (See Planning & Conservation League v. Department of Water Resources (2000) 83 Cal.App.4th 892, 907.)

Response GO14-71 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response G014-13 for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. As the agency tasked with planning, operating, and coordinating funding for the Los Angeles Region's transportation system, Metro has primary responsibility for implementation of the proposed Project, and is the proper lead agency. Under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).) Metro elected to serve as lead agency, and the City has cooperated as a responsible agency, including consultation in preparation of the Draft EIR.

Comment GO14-72 2. The number of Dodger Stadium parking spaces to be removed is not included in the DEIR.

The Executive Summary notes that "[i]mplementation of the Dodger Stadium Station would require the removal of parking spaces," but nowhere does the DEIR detail the number of spaces permanently lost at the stadium due to implementation of the Project. (DEIR, p. ES-10; see also, DEIR, p. 2-39.) The DEIR is incomplete in not including this information.

Response GO14-72 Refer to Section 2.9.7, Dodger Stadium Station, of Section 2.0, Project Description, of the Draft EIR, which states that approximately 194 existing parking spaces would be removed to accommodate the Dodger Stadium Station, the realigned perimeter road, and the pedestrian pathway connecting the station to Dodger Stadium. Parking is not required to be analyzed under CEQA or the City's Transportation Assessment Guidelines ("TAG").

Comment GO14-73 3. Claims of reduced GHG emissions and reduced VMT do not consider reasonably foreseeable indirect physical changes in the environment due to the Project.

The DEIR explains in the Executive Summary and repeats many times throughout that "the proposed Project would reduce vehicle miles traveled (VMT) and congestion, leading to reduced GHG emissions and improved air quality." (DEIR, p. ES-13.) But as discussed above, the DEIR does not consider reasonably foreseeable indirect physical changes in the environment due to the Project, such as development of Dodger Stadium parking lots, or use of those lots as a satellite or "park and ride" lot, which would likely draw many thousands of cars to Dodger Stadium. Thus, all DEIR conclusions regarding GHG, VMT, and many other analysis categories are incomplete and inaccurate and cannot be relied upon.

Response GO14-73 Refer to Responses GO14-57 through GO14-64 for a discussion of how the Draft EIR analyzed all reasonably foreseeable impacts of the proposed Project, which solely proposes an aerial gondola system. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment GO14-74 4. The Executive Summary's "Summary of Public Comments" glosses over neutral and negative comments received during the scoping process.

The Executive Summary's "Summary of Public Comments" improperly mischaracterizes the public comments received during the Project's scoping process by minimizing all negative and neutral comments received. (DEIR, p. ES-17.) The Executive Summary describes the numerous mixed comments in one sentence: "Many community members expressed conditional support for the proposed Project with a strong interest in future Project developments." (Ibid.) This comment seems intended to dissuade DEIR reviewers from bothering to review Appendix A, which includes hundreds of pages of comments, including not only positive and conditionally supportive, but also negative and neutral comments that would likely have informed additional public comment on the DEIR.

California's Supreme Court has held that the environmental review process is intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d 376, 392.) "[B]efore project approval, the law presumes the lead agency is neutral and objective and that its interest is in compliance with CEQA. … The agency's unbiased evaluation of the environmental impacts of the applicant's proposal is the bedrock on which the rest of the CEQA process is based." (Golden Door Properties, LLC v. Superior Court (2020) 53 Cal.App.5th 733, 782.)

Metro falls far short of CEQA's goals of transparency, full disclosure, and lack of bias when it grossly mischaracterizes public comments received during the scoping process and uses the DEIR as an advocacy document rather than a neutral, unbiased evaluation of the Project. Because the DEIR must be revised and recirculated (if not entirely discarded) due to its numerous fatal flaws, LA Parks Alliance urges Metro to take the opportunity to remove misleading statements that mischaracterize public comment received in any later environmental review document prepared for the Project.

Response GO14-74 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Contrary to this comment's suggestion, CEQA does not

require the Executive Summary to provide a characterization of all comments received on the NOP. In compliance with CEQA Guidelines section 15123(b)(2), the Draft EIR identified "Areas of controversy known to the Lead Agency including issues raised by agencies and the public" on pages ES-14 through ES-17 of the Executive Summary. Further, refer to Section 1.0, Introduction, of the Draft EIR, for a summary of public comments and questions received during the NOP phase of CEQA review for the proposed Project. Refer to Attachment F in Appendix A, Scoping Report, of the Draft EIR, for copies of all written comments submitted during the public scoping period, a verbatim transcript of the comments received during the meeting, and a verbatim copy of the Q&A Box from the meeting. All comments received during the scoping process for the proposed Project are included in Appendix A to the Draft EIR. Refer to Responses GO14-6 through GO14-12 for discussion of comments received on the NOP. The Draft EIR complied with the requirements of CEQA Guidelines section 15151 to provide information, facts, and analysis to allow decision-makers to make an intelligent decision concerning the proposed Project's environmental consequences. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5

Comment GO14-75 5. The Executive Summary's list of significant and unavoidable impacts is incomplete and inaccurate.

As discussed above, while the California Department of Parks and Recreation clearly has jurisdiction over LA State Historic Park, neither the Department nor the Director have unbridled authority to permit changes to state parkland that would result in a violation of state law. Since the Project may not use any portion of LA State Historic Park for all of the reasons discussed in Parts I(D) and I(E) of this letter (see pp. 12-25), the Executive Summary is incomplete and inadequate for failing to identify that impacts to LA State Historic Park are significant and unavoidable.

Response GO14-75 Refer to Topical Response F, Los Angeles State Historic Park, for discussion regarding how the California Department of Parks and Recreation has the authority to grant the necessary approvals for the proposed Project. Refer to Responses GO14-32 through GO14-54 for responses to comments raised in Parts I(D) and I(E) of this letter. The Executive Summary to the Draft EIR summarizes all potential impacts from the proposed Project set forth in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR, in compliance with CEQA. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A

would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO14-76 B. The DEIR's Introduction is Incomplete and Inaccurate.

1. The DEIR fails to identify all trustee and responsible agencies.

As discussed above, Metro failed to include at least two state agencies as trustee and/or responsible agencies. (See Part. I.B., supra pp. 3-7.) As a result, DEIR section 1.3 is incomplete and inaccurate for failing to identify the Santa Monica Mountains Conservancy and California Department of Housing and Community Development. (DEIR, p. 1-2.)

Response GO14-76 Refer to Section 1.0, Introduction, of the Draft EIR for discussion of the CEQA Responsible and Trustee Agencies. Refer to Response GO14-16 for discussion of SMMC and HCD. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of the proposed Project's consultation with CEQA responsible agencies. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Metro has complied, and will continue to comply, with the CEQA requirements for consultation with responsible agencies at each stage of the environmental review process.

Comment GO14-77 2. The DEIR misidentifies the Project as eligible for SB 44.

The DEIR's SB 44 analysis of the Project concludes that it is eligible for SB 44 streamlining as an environmental leadership transit project. (DEIR, pp. 1-4 to 1-9). However, this conclusion is incorrect for all the reasons discussed above (primarily because the project is not "public transportation" and therefore cannot be considered a "fixed guideway"). (See Part I.C., pp. 8-12.) In addition to objections already raised, the DEIR's SB 44 analysis is also vague, inaccurate, and misleading.

First, although the Project is only 1.2 miles in length (DEIR, p. ES-1), the DEIR states: "For the purposes of SB 44, this Draft EIR defines the 'corridor of the project' as the area in which Dodger fans travel to and from games at Dodger Stadium, based on existing ticket sale data." (DEIR, p. 1-4.) The DEIR is vague and ambiguous in not explaining why the "corridor of the project" is so much greater than the actual project area and suggests that the Project takes credit for GHG and VMT reductions not associated with the Project. The response to DEIR comments should explain why the

"corridor of the project" can be so vast when compared to the small actual corridor the proposed Project would occupy if constructed.

Response GO14-77 Refer to Response G014-22 for discussion of how the proposed Project complies with SB 44. As discussed in Section 1.4.3, Senate Bill 44, of the Draft EIR, the "corridor of the project" for purposes of SB 44 is "the area in which Dodger fans travel to and from games at Dodger Stadium, based on existing ticket sale data." As explained in Section 3.17, Transportation, of the Draft EIR, VMT for the proposed Project ridership forecasting model is calculated by multiplying the number of vehicle trips by the average trip length, and average trip length is calculated using Teralytics data of approximately 2.1 million trip samples to calculate average trip lengths for weekday games (19-21 miles) and weekend games (22-25 miles). As demonstrated in Appendix N, Transportation Appendices, of the Draft EIR, in the "LA ART Mode of Access Data Considered and Estimated Future Mode of Access" table, the proposed Project ridership forecasting model assumes that 67.5 percent of riders for the proposed Project will take public transportation to LAUS to access the proposed Project via Alameda Station. The methodology for these ridership estimates is explained in detail in Section 3.17, Transportation, of the Draft EIR, on pages 3.17-24 to 3.17-26. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[15] Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR.

Comment GO14-78 As discussed above, the DEIR's calculation of GHG and VMT reductions do not include consideration of reasonably foreseeable indirect physical changes in the environment (foreseeable development at Dodger Stadium parking lots as well as use of the lots for satellite parking), and therefore information provided in support of the DEIR's SB 44 analysis of GHG and VMT is inaccurate and must be recalculated. (See DEIR, pp. 1-5 to 1-6, 1-8.) This claim is made repeatedly throughout the DEIR.

Response GO14-78 Refer to Responses GO14-57 through GO14-64 for a discussion of how the Draft EIR analyzed all reasonably foreseeable impacts of the proposed Project, which solely proposes an aerial gondola system.

Comment GO14-79 The DEIR's consistency analysis with the Goals of Connect SoCal is inaccurate. For example, the second goal is met in part "by reducing passenger vehicle miles traveled." (DEIR, p. 1-6.) As discussed above, the VMT calculations are incorrect due to the DEIR's failure to consider reasonably foreseeable indirect physical changes in the environment due to the Project. Likewise, the fifth and seventh goals are met in

[15] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

part by assuming a reduction in net GHG due to the Project, which is also calculated without considering reasonably foreseeable indirect physical changes in the environment due the Project. (DEIR, pp. 1-6, 1-7.) The Project meets the sixth goal by relying on an entirely speculative "potential mobility hub" at Dodger Stadium, which would allegedly increase access to Elysian Park and surrounding communities. (DEIR, p. 1-7.)

The DEIR's analysis of consistency with the eighth listed goal states that it would "leverage new transportation technologies and data-driven solutions that result in more efficient travel." (Ibid.) There is no evidence presented in the DEIR to support this pie-in-the-sky consistency conclusion—the conclusory statement is no more than unabashed cheerleading in support of the Project.

Response GO14-79 This comment provides a general recitation and characterization of the Draft EIR. Refer to Section 1.0, Introduction, of the Draft EIR, pages 1-6 to 1-8, and Appendix N, Transportation Appendices, of the Draft EIR, for analysis of the proposed Project's consistency with each of the goals of Connect SoCal. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is consistent with the goals of Connect SoCal, as the proposed Project would provide improved mobility, accessibility, reliability and travel choices for people traveling in Los Angeles to a major event destination (Dodger Stadium), as well as provide improved transit service to adjacent communities, and would otherwise reduce greenhouse gas emissions by reducing VMT. The proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel are discussed in Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR. The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime emissions of the proposed Project over its useful life would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the proposed Project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles travelled. The proposed Project would result in a net reduction in criteria pollutant emissions by reducing vehicle miles travelled. As discussed in Section 5.0, Corrections and

Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon. Thus, the proposed Project would provide improved mobility, accessibility, reliability and travel choices for people traveling in Los Angeles to a major event destination (Dodger Stadium), as well as provide improved transit service to adjacent communities. The proposed Project would reduce greenhouse gas emissions by reducing VMT. Accordingly, the proposed Project would be consistent with goals in Connect SoCal and is thus consistent with the applicable sustainable communities strategy and regional transportation plan, satisfying Public Resources Code sections 21168.6.9(a)(1)(D)-(E).

Comment GO14-80 The DEIR's analysis of consistency with Connect SoCal's ninth goal suggests that the Project will encourage housing growth. (Ibid.: "The proposed Project would encourage development of diverse housing types.") While LA Parks Alliance believes this statement is likely true, since the DEIR fails to consider the growth-inducing impacts of the reasonably foreseeable indirect physical changes to the environment due to the failure to address future development at Dodger Stadium (which could not only include housing, but also would likely increase the number of permanent jobs in the region, which would induce housing demand), it is completely at odds with the DEIR's later conclusion that the Project will not promote any growth in housing, whether directly or indirectly. (DEIR, p. 5-58.) The Project cannot both encourage housing while not directly or indirectly inducing growth. Metro needs to explain this internal inconsistency.

Response GO14-80 Refer to Response GO14-79 for a discussion of the proposed Project's consistency with each of the goals of Connect SoCal. Refer to Response GO14-68 for a discussion of the proposed Project's growth-inducing impacts analysis. Further, this comment mischaracterizes Goal Nine of Connect SoCal, as well as the Draft EIR's analysis of the proposed Project's consistency with this goal. In full, the Goal states: "Encourage development of diverse housing types in areas that are supported by multiple transportation options." As discussed on page 1-7 of the Draft EIR, the proposed Project is consistent with this goal "by providing an additional transportation option for the residents and visitors in the City of Los Angeles, and enabling access between Dodger Stadium, the surrounding communities, and the regional transit system accessible at LAUS." Therefore, the proposed Project is consistent with this goal for its ability to provide a transit connection, not housing. Further, as discussed in Table C-3, Consistency with Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy) of Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, Goal Nine is "not applicable to an individual transportation project." Accordingly, the Draft EIR is not "internally inconsistent" in its discussion of the potential for growth-inducing impacts. Refer to Topical

Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property.

Comment GO14-81 The DEIR's analysis of consistency with the tenth and final Connect SoCal goal states that the Project "would promote conservation of natural and agricultural lands and restoration of habitats by being constructed in a previously developed area, and would not impede the region's goal of conserving land and restoring habitats." (DEIR, p. 1-7.) This is an outrageous conclusion given that the Project seeks to use well over an acre of the Los Angeles State Historic Park for a significant portion of its alignment and would require 81 trees in and adjacent to the Park to be destroyed. On this basis alone, it is evident that the Project does not "promote conservation of natural…lands and restoration of habitats." Further, and as discussed below, removal of 81 trees and Project-related activity at the western side of the Park removes habitat, and the Project's gondola cable system will likely result in deadly bird strikes. These significant impacts do not "promote conservation."

Response GO14-81 Refer to Section 1.0, Introduction, of the Draft EIR, for the proposed Project's analysis of consistency with Connect SoCal's goals, including to promote conservation of natural and agricultural lands and restoration of habitats by being constructed in a previously developed area, and to not impede the region's goal of conserving land and restoring habitats. Further, as discussed in Table C-3, Consistency with Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy) of Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, Goal Ten is "not applicable to an individual transportation project," but nevertheless, the proposed Project "would promote conservation of natural and agricultural lands and restoration of habitats by being constructed in a previously developed area," and therefore "would not impede the region's goal of conserving land and restoring habitats." Therefore, the proposed Project is consistent with Goal Ten. Refer to Section 3.04, Biological Resources, with supporting data provided in Appendix E, Biological Resources Assessment, of the Draft EIR, for a discussion of how the proposed Project would have less than significant impacts to biological resources with mitigation. This conclusion is further substantiated by Appendix G, Supplemental Biological Resources Report, of this Final EIR. As discussed in Appendix G, while the removal of the relatively small amount of wooded habitat for the proposed Project would result in a marginal reduction of suitable tree habitat in the short-term, in the long-term, the replacement of the trees proposed in connection with the applicable tree replacement requirements (and memorialized in BIO-PDF-F) would more than offset any realized impacts associated with the proposed Project. In addition, in order to provide additional environmental benefits, the proposed Project would implement

BIO-PDF-A through BIO-PDF-H. BIO-PDF-A, which would establish a Tree Protection Zone to protect trees during construction that are not identified to be removed, but are either in the construction footprint, or in close proximity to the construction footprint, is discussed in Section 3.04 of the Draft EIR. BIO-PDF-B through BIO-PDF-H are discussed in Section 5.0, Corrections and Additions, of this Final EIR.

As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Refer to Responses GO14-134 through GO14-141 for discussion of the Draft EIR analysis of risk of avian collision.

Comment GO14-82 C. The Project Description Minimizes Project Impacts, Includes Artificially Constrained Project Objectives, and is Inaccurate, Incomplete and Misleading.

1. The project description of Los Angeles State Historic Park minimizes aesthetic, cultural, historic, and other Project impacts.

The DEIR provides general descriptions of major landmarks within the alignment of the proposed Project. Section 2.3.4 of the DEIR's Project Description provides information about Los Angeles State Historic Park. The bland description of LA State Historic Park greatly undervalues its importance as a treasured resource within both the local community it serves and to the people of California more generally.

LA State Historic Park's name was specifically chosen "in an effort to support the broad interpretive purpose of the Park in telling the whole cultural story of Los Angeles." (LASHP General Plan, p. 10 (emphasis added).)[40] As LA State Historic Park's General Plan states:

> 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. … [¶]

The site has been the crossroads and hub for many peoples in the past and is still in a transportation corridor that is connected to the larger region by rail, the nearby river, and major thoroughfares. It has been the scene of discovery, adventure, and tragedy. Struggles and triumphs were part of the changing landscape of the people passing through, moving in, moving out, forced out, and returning. It is the core of a town that grew to a megalopolis with global influence that was, and still is, often veiled in myth and controversy.

On the other hand, the Park is nestled into the heart of Los Angeles' urban core surrounded by clusters or pockets of identifiable neighborhoods and communities that have long rooted connections to the history of the city. While intimately connected to the surrounding dense urban development, the open space of the 32 acres of this site will be able to provide escape from the structure and pace of urban life.

(LASHP General Plan, pdf. p. 9 ("Sense of Place").)

Footnote 40: California Department of Parks and Recreation, Los Angeles State Historic Park General Plan and Final Environmental Impact Report (hereafter "LASHP General Plan"), 2005, available at: https://www.parks.ca.gov/pages/21299/files/LASHP%20General%20Plan-EIR.pdf.

Response GO14-82 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. The planning, developing, and efforts made by State Parks and its partners resulted in a park that provides the "a place to learn and to celebrate the ethnically diverse history and cultural heritage of Los Angeles" for the surrounding community, greater Los Angeles, and visitors from around the world, one that the proposed Project is designed to honor and expand upon. Pursuant to CEQA Guidelines section 15124, the Draft EIR contained an accurate, stable, and consistent description of the proposed Project, with sufficient specific information about the proposed Project to allow a complete and informative evaluation and review of its environmental impacts. Section 2.0, Project Description, of the Draft EIR, included a description of all integral components of the proposed Project for the environmental analysis, enabling Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR, to fully analyze and disclose all impacts of the proposed Project, and Section 4.0, Alternatives, of the Draft EIR, to consider potential alternatives to the proposed Project. Section 2.0, Project Description, of the Draft EIR

contains the specific descriptions of the proposed Project required pursuant to CEQA Guidelines section 15124, including a description of the proposed Project's location (Draft EIR, § 2.3), a statement of the project objectives, including the underlying purpose of the proposed Project (*id*., § 2.3.8), a description of the project's technical and environmental characteristics (*id*., §§ 2.2, 2.4 to 2.9), a discussion of the intended uses of the EIR (*id*., § 1.2), and a list of the project approvals that will be required (*id*., § 2.10). Pursuant to Section 15165 of the CEQA Guidelines, each component of the proposed Project, e.g., each station, tower, and junction, are identified within the Draft EIR and their impacts analyzed. In addition, Section 2.0, Project Description recognizes that the proposed Project will serve different types of riders, noting that in addition to providing an aerial rapid transit option for visitors to Dodger Stadium, the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. Section 2.0 also recognizes the ancillary features of the proposed Project, including pedestrian improvements, amenities at the Los Angeles State Historic Park, and mobility hubs at both the Chinatown/State Historic Park Station and Dodger Stadium Station. The Project Description in the Draft EIR includes 62 pages of detailed descriptions of the whole of the action considered as part of the Project. In turn, the Draft EIR fully analyzes and discloses the potential environmental impacts of this proposed Project, providing mitigation as necessary for potentially significant impacts. CEQA does not require the Project Description to include the level of detail regarding surrounding "landmarks" that this comment requests.

Comment GO14-83 One of LA State Historic Park's major features, identified by its General Plan as an "aesthetic resource," is its iconic view of the City of Los Angeles. (Id., p. 38.) "As viewed from the north, especially from the northern two-thirds of the property, 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*." (Ibid. (emphasis added).)

LA State Historic Park's General Plan's Final EIR includes Mitigation Measure Aes-1 to protect this "front porch" view of the Los Angeles skyline. It requires that those necessary facilities to be constructed at LA State Historic Park "[i]mplement design practices that reduce the overall negative aesthetic effect of new facilities." (Id., p. 122.) These design practices include use of vegetation to screen negative views, incorporating architectural site/design elements consistent with the plan, limit and direct lighting downward, and evaluating the location of structures to enhance positive views from and of the Park. (Ibid.)

The DEIR description of the iconic "front porch" viewshed states only that "[v]iews of downtown Los Angeles are available from the majority of the site." This bland description seems calculated to minimize the importance of protected views of downtown Los Angeles from LA State Historic Park, and to set the table for later

minimization of the Project's significant aesthetic impacts on the Park, which are discussed further below.

Response GO14-83 Refer to Response S2-5 discussing how the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan mitigation measure Aes-1. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, including on the Los Angeles State Historic Park, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project in response to comments on the Draft EIR, including at Los Angeles State Historic Park. Refer to Response S2-5 for a discussion of the proposed Project' s consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO14-84 2. The project description of Dodger Stadium is incomplete.

The DEIR's one-paragraph description of Dodger Stadium is accurate, but incomplete.

The DEIR's description of Los Angeles Union Station explains the LA Union Station Master Plan "encompasses approximately 38-acres" [sic]. (DEIR, p. 2-7.) The DEIR's description of El Pueblo de Los Angeles notes that its Historic District has an area of approximately 9.5 acres. (DEIR, p. 2-8.) The DEIR's description of Los Angeles State Historic Park states that it "comprises 32 acres of open space." (DEIR, p. 2-9.)

The DEIR's description of Dodger Stadium notes the date it opened, its street address, where it is located, its seating capacity, its location relative to local freeways, and the neighborhoods located around it.

But the DEIR does not mention that Dodger Stadium is surrounded by 260 acres of parking lots. This is a curious omission, given that one of the DEIR's fatal flaws is its failure to discuss or analyze the reasonably foreseeable indirect physical change in the environment likely to occur due to the Project: the development of some portion of the 260 acres of parking lots surrounding the stadium. (See discussion Part I(G), supra pp. 26-34.)

Response GO14-84 Refer to Section 2.0, Project Description, of the Draft EIR, which includes a description of Dodger Stadium and the surrounding area, stating that Dodger Stadium is directly surrounded by surface parking. Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts. Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project, which solely proposes an aerial gondola system.

Comment GO14-85 3. The Project Purpose and Need section is incomplete and misleading.

The DEIR includes a brief discussion describing the need and alleged purpose of the Project. (DEIR, pp. 2-10 to 2-12.) It explains that with the potential ability to move 10,000 people within two hours prior to the start or after a game or event at Dodger Stadium, and with average Dodger Game attendance of approximately 49,000 people, the private gondola could transport approximately 20,000 fans to Dodger Stadium. (DEIR, p. 2-12.) This assertion suggests that the gondola would operate at essentially maximum capacity right out of the gate.

But the question is not how many people could use the gondola, it is how many would.

The DEIR states that if immediately constructed and operational in 2026, the initial average ridership to attend Dodge Games would only be 6,000 fans. (DEIR, pp. 3.17-34 to 3.17-35.) The Project Description is thus very misleading, grossly

overstating the initial Dodger Stadium game ridership as potentially more than even the DEIR claims—not approximately 20% of fans, but approximately 12% (that is, if the many DEIR assumptions regarding ridership are accurate).

Moreover, the DEIR's ridership assumptions are that 100% of gondola users will use it both for arriving to and departing from Dodger Stadium. (DEIR, p. 3.17-24). But there is no chance this unsupported assumption is correct. A healthy person could walk from Dodger Stadium to Union Station in far less than the two hours it would take to transport 10,000 fans there. According to the Google Maps direction tool, a walk from Dodger Stadium to Union Station (which is flat or downhill the entire way), would take 35-37 minutes, depending on the precise route chosen.[41] The DEIR estimates that 15% of riders would transfer from the Metro Gold line at its Chinatown Station. (DEIR, p. 3.17-24.) This is a considerably shorter walk from Dodger Stadium than to Union Station, only 1.2 miles, and would take only 25 minutes.[42]

Footnote 41: Exhibit M is a Google Map page created January 9, 2023, showing two walking routes from Dodger Stadium to LA Union Station, both of approximately 1.8 miles, estimated to take between 35-37 minutes.

Footnote 42: Exhibit N is a Google Map page created January 9, 2023, showing walking routes from Dodger Stadium to the Metro Gold line Chinatown Station, the shortest of which is 1.2 miles, estimated to take approximately 25 minutes.

Response GO14-85 This comment provides a general recitation and characterization of the Draft EIR. This response takes into consideration the content of Exhibits M and N to this comment. Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirements for the project description, including the statement of objectives (describing the underlying purpose of the proposed Project). Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close

to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for a discussion of the underlying factors that would influence pre-game/event and post-game/event travel conditions and ridership are built into the ridership model developed for the proposed Project based on extensive data sources and assumptions validated by data. As discussed in the Draft EIR, the proposed Project's ridership is anticipated to increase from 6,000 riders in the proposed Project's Opening Year (2026) to 10,000 riders in the proposed Project's Horizon Year (2042). (See, e.g., Draft EIR, § 3.17, p. 3.1-34.) Topical Response B also discusses how while there are some game attendees who currently choose to walk to and from Dodger Stadium, the walk would take approximately five to eight times as long as the ride on the proposed Project, and the path would be on a steep downward grade which does not meet Americans with Disabilities Act Accessibility Guidelines, and would be challenging for children, seniors, or people with limited physical mobility.

Refer to Topical Response N, Environmental Justice, for a discussion of the proposed Project is designed to be ADA compliant. As discussed in Section 2.0, Project Description, of the Draft EIR, the cabins allow for sitting or standing, and would be fully ADA accessible, including accommodating wheelchairs. In addition, the length and sizing of the arrival/departure platforms within station would be compliant with the accessibility requirements of the ADA. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. While this alternative would provide improved pedestrian connections compared to existing conditions, the 25 minute plus travel time from the Metro L Line (Gold) Station to the location of the proposed Dodger Stadium Station would be at least nine times greater than the three minute travel time between those two locations with the proposed Project, and this alternative would be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and the physical exertion. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment GO14-86 For those who would not choose to wait for their turn in a post-game gondola line who cannot or prefer not to walk to the nearest Gold Line station or to Union Station, many would likely use another available alternative than stand and wait for an hour or more. Other options include a rideshare service such as Uber or Lyft, the Dodger Stadium Express bus (assuming it is still in operation), or a shorter walk to an

intermediate location, for example Sunset Boulevard, to take a rideshare vehicle or other public transportation from there.

As Metro's precursor agency (Los Angeles County Transportation Commission) learned from the August 1990 Gruen Associates report, a gondola tramway alternative offers the lowest capacity of typically available people mover technologies, and therefore the greatest waiting times compared to other technology options.[43] Metro seems to have forgotten the earlier study. While the 1990 gondola option was a slightly different technology and route than the currently proposed Project, its conclusions comparing the relative waiting time among people moving technologies remains valid. The LACTC Study amplifies two important points ignored by the Project's DEIR:

- Gondola boarding wait times far exceed wait times for other options
- Proper transportation planning requires consideration of not only the time it takes for the technology to deliver passengers from one point to another, but the total amount of time spent waiting/boarding and traveling.[44]

As the LACTC Study notes, "[a]ny transit technology must accommodate a peak loading phenomenon where up to 56,000 persons enter or leave [Dodger] Stadium within a brief period of time before or after events." (LACTC Study, p. iii.) But the DEIR never discusses the total time between Union Station and Dodger Stadium including both waiting and travel time. It only ever discusses the brief travel time. (See, e.g., DEIR, pp. ES-1, ES-3, 1-1, 2-1, 2-12, 2-42, 3.11-54, 3.11-55, 5-59.) The DEIR discusses queueing areas, but not queueing times. 10,000 patrons cannot all occupy one 30-40 passenger gondola cabin. At a rate of only 5,000 passengers per hour, if the gondola is as popular as projected (and no substantial evidence supports that it will be) the last gondola would leave Dodger Stadium approximately two hours after conclusion of a game or special event. The DEIR assumes 100% round trips (DEIR, p. 3.17-24) but fails to consider that not all patrons will be willing to wait that long. The LACTC Study, completed more than 30 years ago, did not make this fundamental error.

Footnote 43: Gruen Associates, Dodger Stadium Transit Access Study prepared for the Los Angeles County Transportation Committee (hereafter LACTC Study), Aug. 1990, pp. iii-iv, attached as Exhibit O.

Footnote 44: See LACTC Study, supra fn. 43, p. 30.

Response GO14-86 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation. As described in Section 3.17, Transportation, of the Draft EIR, for purposes of the Draft EIR, the transportation analysis included the analyses required by Appendix G of the CEQA Guidelines and the City of Los Angeles Transportation Assessment Guidelines (TAG). Pedestrian queues are not required to be analyzed under CEQA or the TAG. Nevertheless, refer to Topical Response B for discussion of how post-game queues at Dodger Stadium were estimated based on

assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Those seated the furthest away from the Dodger Stadium Station would take more time to arrive at the Station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. As detailed in Topical Response B the queues to board, loading times, and travel times for the Dodger Stadium Express are significantly longer and more variable as compared to the proposed Project. The post-game/event queue for the proposed Project would be constantly moving as cabins would depart every 23 seconds. This is in contrast to the Dodger Stadium Express, which has much longer gaps in bus departures (from a minimum of 3 minutes to a maximum of 19 minutes spacing between bus departures based on 2023 season observations further described in Topical Response B) leading to static queues that build substantially over time as departure frequency is substantially less frequent than the proposed Project. Additionally, based on 2023 season observations, the service time from the first bus departure to the last bus departure for the Dodger Stadium Express was nearly 2 hours, with the last bus departing up to 90 minutes after the end of the game. Once all Dodger Stadium Express buses in operation depart for LAUS post game, headways spaced out due to traffic congestion and overall run time between Dodger Stadium and LAUS. The longest time between bus departures was observed to be 19 minutes. During this 19 minute time period, the passenger queue either remained static, or grew as additional riders entered the queue following their exit from Dodger Stadium.

In contrast, within the same approximately 1/3 of an hour between Dodger Stadium Express departures at its longest headway, the proposed Project could serve approximately 1,667 passengers on average (5,000/3=1,667), which is approximately 90 percent (1,667/1,840) of the average 2019 season one-way passenger load of 1,840 carried by the Union Station Dodger Stadium Express in total for an entire game.

Refer to Topical Response B for discussion of other modes of transit, including the Dodger Stadium Express, rideshare, and walking. The Draft EIR does not assume 100% round trips during a Dodger game. As discussed in Topical Response B, the ridership modeling for the proposed Project took into account that post-game/event ridership on the proposed Project would be less than pre-game ridership and incorporated the expected drop in post-game ridership compared to pre-game that is seen today for the Dodger Stadium Express. These post-game riders who do not make a return trip were assumed to switch to vehicle modes to ensure a conservative VMT analysis.

As described in Section 2.0, Project Description, of the Draft EIR, the two primary types of aerial transit used in urban environments are tramways and detachable

gondolas. As shown in Table 1 of the 1990 *Dodger Stadium Transit Access Study* (1990 Study) referenced in the comment and attached as Exhibit O to this letter[16], the gondola technology evaluated in that study was a reversible tramway system consisting of two 125-passenger cars, similar to the Portland Aerial Tram in Portland, Oregon and the Roosevelt Island Tramway in New York, New York. An aerial tram system typically has two cabins that shuttle back and forth between two end terminals. The proposed Project is a detachable gondola system. An aerial gondola system includes multiple cabins that travel on a continuously circulating cable, which allows for an overall higher system capacity and ability to move more people per hour in each direction than an aerial tram. Furthermore, the proposed Project would be a modern 3S system with the capacity to move approximately 5,000 people per hour per direction with a travel time from LAUS to Dodger Stadium of seven minutes, far greater than the 2,800 persons per hour capacity estimated in the 1990 Study for the two-car reversible tramway system. As such, the two systems are not comparable, and findings in the 1990 Study comparing the tramway system to other modes as analyzed in that 33-year-old study are not relevant to the current proposed Project.

Refer to Response GO14-84 for a discussion of the need for the proposed Project. In addition, although forms of aerial transit technology have been available and utilized for the last 100 years, modern applications have seen the evolution of the technology as a feasible mode of urban rapid transit. As discussed in Section 2.0, Project Description, of the Draft EIR, 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. As discussed in Appendix D of Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system. The proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation.

Comment GO14-87 Also entirely missing from the project description's statement on the proposed Project's alleged purpose and need is any discussion of future development at Dodger Stadium. As discussed at length above, public reporting on potential development of the Dodger Stadium parking lots has been in the public realm for well over a decade, and was noted repeatedly during the Project's scoping process, yet is entirely ignored in the project description's discussion of the Project's purpose. (See discussion, supra pp. 26-33.) The effort to remove vehicles from local roadways is not likely to be significant (see UCLA Mobility Lab study, infra fn. 46). But removal of a significant number of vehicles from Dodger Stadium parking lots is likely to free up space in those

[16] Gruen Associates. 1990. Dodger Stadium Transit Access Study. Available at: https://libraryarchives.metro.net/dpgtl/lactc/dodger_stadium_access_study.pdf. Accessed August 2023.

parking lots for the foreseeable development described in the many articles attached to this comment letter. (See Exhibit I, supra fn. 34.)

The Project Description's purpose and need section is misleading and incomplete. It omits the expected travel time between Union Station and Dodger Stadium, leaving out the very lengthy expected wait times for passengers who would use it to attend Dodger games and events, and assuming all passengers would both arrive and depart via the private gondola, as opposed to arriving via the gondola and departing by some other means. And it fails to acknowledge that the alleged goal of removing passenger vehicles from local roadways would also coincidentally remove them from the Dodger Stadium parking lot, freeing up some portion of those lots for long-planned development as earlier described.

Response GO14-87 Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts. Refer to Responses GO14-56 to GO14-66 for a discussion of how the Draft EIR considered all reasonably foreseeable potential impacts associated with the proposed Project, which solely proposes an aerial gondola system.

Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR, and does not appear to have been prepared for that purpose. On January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:

> **Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection**
>
> The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
> Jiaqi Ma
> Director, UCLA Mobility Lab
> Faculty Associate Director, UCLA Institute of Transportation Studies

Refer to Response GO14-85 for discussion of how the description of the proposed Project's purpose and need in Section 2.0, Project Description, of the Draft EIR, is in compliance with CEQA. Refer to Response GO14-86 for discussion of queuing at stations and pre-game and post-game transportation, and other modes of transportation. Refer to Topical Response B, Ridership Model; Queuing at Stations and Pre-game and Post-game Transportation, for discussion of how four post-game time periods during the 2023 season were observed to quantify the existing service time needed to transport Dodger Stadium Express riders. As noted therein, the service time from the first bus departure to the last bus departure was nearly 2 hours,

with the last bus departing up to 90 minutes after the end of the game. These observations indicate that riders are willing to wait for substantial periods of time after a game to board the Dodger Stadium Express, despite its much slower travel time and much longer wait time between buses compared with the proposed Project, supporting the concept that riders would also be willing to wait after a game to board the proposed Project with its improved level of service and substantially higher capacity.

Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Refer to Appendix N, Transportation Appendices, of the Draft EIR, which details ridership model inputs, including passenger transfer wait times.

Comment GO14-88 4. The Project Objectives are artificially constrained to favor the preferred project alternative.

An EIR's project description must contain a "statement of the objectives sought by the proposed project." (CEQA Guidelines, § 15124 subd. (b).) The purpose of providing a statement of objectives is to "help the lead agency develop a reasonable range of alternatives to evaluate in the EIR" and to "aid the decision makers in preparing findings or a statement of overriding considerations, if necessary." (Ibid.; see also CEQA Guidelines, § 15126.6(c): "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.") An EIR's alternatives section, informed by the statement of objectives, is part of the very "core of the EIR." (In re Bay-Delta etc. (2008) 43 Cal.4th 1143, 1162.)

Project objectives may not define a project so narrowly "as to preclude any alternative other than the Project." (We Advocate Thorough Environmental Review v. County of Siskiyou (hereafter WATER) (2022) 78 Cal.App.5th 683, 692.) "[I]f the principal project objective is simply pursuing the proposed project, then no alternative other than the proposed project would do. All competing reasonable alternatives would simply be defined out of consideration." (Ibid.) The statement of project objectives for the proposed Project charts just such an unlawful course.

The project objectives start with a recitation of the Project's overall purpose, which has at least three or four separate "overall" purposes embedded within it:

> The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property via an aerial gondola system and improve connectivity for the surrounding communities by linking to the Los Angeles State Historic Park, Elysian Park, and the neighborhoods along the proposed alignment and the region's rapidly growing regional transit system at LAUS.

(DEIR, p. 2-12.)

Here, a reasonable and sensible "overall" purpose could very well be providing a direct transit connection between LAUS and the Dodger Stadium property. That is but one overall purpose. Must that overall purpose limit feasible projects to those that are "an aerial gondola system?" Must it also "improve connectivity for the surrounding communities by linking to the Los Angeles State Historic Park," or is that merely a clever rationale to justify taking well over an acre of LA State Historic Park for a commercial, private transit system?

Response GO14-88 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. The proposed Project's objectives are not so narrow that they preclude consideration of reasonable alternatives – while alternatives for a project must be able to satisfy "most of the basic objectives of a project," alternatives should not be excluded simply because they would impede attainment of project objectives "to some degree." (CEQA Guidelines, §15126.6(a)–(b).) The proposed Project's objectives broadly contemplate improving neighborhood connectivity and the Dodger Stadium visitor experience, reducing vehicle congestion and associated emissions in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days, improving access to Elysian Park and the Los Angeles State Historic Park, and providing a sustainable form of transit. Aerial rapid transit technology has the ability to overcome grade and elevation issues between LAUS and Dodger Stadium in order to provide a direct transit connection between the two locations, and provide safe, zero emission, environmentally friendly, and high-capacity transit connectivity in the Project area that would reduce GHG emissions as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium. . Thus, because the proposed Project's fundamental purpose is to provide a permanent transit connection to Dodger Stadium, and because aerial rapid transit technology can achieve this fundamental purpose, the objectives for the proposed Project are in compliance with CEQA, which does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required

clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project.

Comment GO14-89 The list of bullet-pointed project objectives that follow the DEIR's initial "overall purpose" statement includes several impermissible objectives that are plainly intended to define out of consideration competing reasonable alternatives, limiting the number of reasonable alternatives considered. (See WATER, 78 Cal.App.5th at 692.) These include (objectionable wording is emphasized with italicization, with some parenthetical commentary):

Attract new transit riders to the Metro system through a *unique experience of an aerial transit system* connecting to Dodger Stadium. (Attracting new Metro riders through a Dodger Stadium connection need not be via aerial transit—this objective unnecessarily precludes feasible alternatives.)

Improve the Dodger Stadium visitor experience by providing *efficient, high-capacity, and faster alternative* access to Dodger Stadium. (Since the DEIR fails to include data on queueing times, it is unclear whether the preferred alternative meets this objective.)

Enhance safety of neighborhoods adjacent to Dodger Stadium by reducing the number of vehicles in the area. (Based on a report prepared for the Project proponent, many gondola users are likely to drive downtown to take the gondola, and others are likely to use rideshare services before and/or following the game.[45] It is thus unclear how well the preferred alternative meets this project objective, if at all.)

Reduce transportation related pollution and greenhouse gas (GHG) emissions as a result of reduced vehicular congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days. (See preceding comment—it is unclear how well the preferred alternative meets this project objective; foreseeable indirect physical changes due to the preferred alternative would also draw additional vehicles to the Project area not considered.)

Improve transit rider experience *by providing unique scenic views of the Los Angeles area to ART passengers and Dodger fans*. (This objective unnecessarily precludes feasible alternatives.)

Bring a world class aerial transit system to the Los Angeles area. (This objective unnecessarily precludes feasible alternatives.)

Enhance community connectivity by providing first/last mile transit and pedestrian access to areas that have historically been underserved, *including the Los Angeles State Historic Park* and Elysian Park. (This objective is an attempt to justify use of public parkland for the benefit of the Project, which is impermissible under California law. See discussion, supra pp. 12-26).)

Identify comparable, affordable, and accessible fare opportunities for community and *Los Angeles State Historic Park* and Elysian Park access. (See preceding comment. LA State Historic Park is already well-served by public transit.)

Minimize the Project's environmental footprint through the integration of sustainability and environmentally-friendly design features into the materials, construction, operations, and maintenance of the proposed Project. (Building a project out of sustainable materials does not minimize its aesthetic, cultural, historic, and other significant impacts. This project objective is far better met by the environmentally superior alternative, which requires little, if any, permanent infrastructure to be built along the Project's 1.2-mile-long corridor, and has no meaningful aesthetic, cultural, historic, or other impacts.)

Provide a sustainable form of transit by *operating the ART system* with the use of zero emission electricity with battery storage backup in order to reduce GHG emissions and improve air quality. (The objective assumes an aerial rapid transit (ART) system, which unnecessarily precludes feasible project alternatives.)

Maximize the Project's alignment along the public ROW and *publicly owned property and minimize aerial rights requirements* over private properties, taking into account existing and future adjacent land uses. (The objective assumes an aerial rapid transit system, which unnecessarily precludes feasible project alternatives, and fails to distinguish between publicly owned property that is and is not preserved as public parkland.)

The above parenthetical objections illustrate how a substantial number of project alternatives are unnecessarily precluded by the DEIR's artificially narrow project objectives, which were plainly crafted to favor the preferred alternative aerial rapid transit system over other feasible alternatives to transport Metro riders from LA Union Station to Dodger Stadium with a stop at (within) LA State Historic Park to attempt to justify use of public parkland for the benefit of the Project.[46] It is improper to take an artificially narrow approach in crafting project objectives to ensure that the results of an alternatives analysis is only "an empty formality." (WATER, 78 Cal.App.5th at 692.)

Footnote 45: See Fehr & Peers, Los Angeles Aerial Rapid Transit Project–Parking Study (Sept. 2022 Draft), pp. 8-9. This document is already part of the administrative record for the Project, and is available at: https://www.dropbox.com/sh/trfpt09to0kp4a8/AACpn7RaYP9KN2zG7ncfAYt6a/Documents/LA%20ART%20Parking%20Study?dl=0&subfolder_nav_tracking=1.

Footnote 46: If the fundamental Project goal were to remove passenger vehicles from local roadways, there would be no proposed intermediate Chinatown/State Park Station, which encourages parking on local streets in Chinatown and at and near LA State Historic Park. Instead, gondola passengers could take the Gold Line one stop to Union Station and queue for the gondola at its Union Station terminus. This

alternative is not studied in the DEIR, perhaps because with no justification for use of LA State Historic Park's airspace, the preferred alternative is actually not feasible.

Response GO14-89 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. Refer to Response G014-88 for discussion of how the proposed Project's objectives are consistent with CEQA and do not unnecessarily preclude feasible project alternatives.

The potential for other types of transit connections to attract new riders to the Metro system was studied in the Draft EIR and Final EIR, including the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express, and the Pedestrian Enhancement Alternative. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how, the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of how the Pedestrian Enhancement Alternative studied in the Final EIR would have a travel time of at least nine times greater than the three-minute travel time between the Metro L Line (Gold) Station and Dodger Stadium, and would thus be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and physical exertion up the hill.

Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how queues would be managed by efficient vertical circulation and by staff at the station and due to the nature of queue formation, the pre-game/event passenger queues at the Alameda Station in 2026 are estimated to be largely contained on the platform and only minimally extend out into the planned LAUS Forecourt. More active queue management would become more frequently needed at Alameda Station as ridership increases toward the 2042 ridership projection of 10,000 riders, but even with the maximum queue length, a person at the end of the line would wait for an estimated maximum of seven minutes before boarding the gondola cabin. Others would wait shorter durations.

Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in

traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.. In addition, refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Refer to Responses GO14-45 through GO14-50 for discussion of the proposed Project's compliance with the Public Park Preservation Act.

The proposed Project would improve community access to the Los Angeles State Historic Park by providing an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Refer to Responses GO14-158 and GO14-161 for discussion of public transit options for Los Angeles State Historic Park. Further, as discussed Section 2.0, Project Description, of the Draft EIR, the proposed Project could also provide pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge to improve access from North Broadway to the park. These features of the proposed Project would improve access to the Los Angeles State Historic Park.

As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, of the Draft EIR, the proposed Project would have less than significant operational impacts. As discussed in the Executive Summary to the Draft EIR, the proposed Project would result in significant and unavoidable impacts only with regard to Construction Noise and Vibration

(human annoyance). All other construction impacts identified as significant in the Draft EIR would be reduced to less than significant with implementation of mitigation measures. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The TSM Alternative would not meet this objective because it would have higher VMT and therefore air quality and GHG emissions in comparison.

Comment GO14-90 LA Parks Alliance notes that it is the lead agency, not the project proponent, that is responsible for a project's environmental document. (Pub. Res. Code, § 21067; CEQA Guidelines, § 15050.) The proposed project objectives provided here by Metro suggests a strong precommitment to the proponent's preferred aerial tram alternative. (See Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138-139: an agency must not commit itself to particular project features "so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered…"; see also CEQA Guidelines, 15126.6, subd. (e).)

Response GO14-90 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. Refer to Response G014-88 for discussion of how the proposed Project's objectives are consistent with CEQA and do not unnecessarily preclude feasible project alternatives. The case that this commenter cites is inapplicable to the proposed Project. The adoption of project objectives as required by CEQA does not constitute a pre-commitment to a project.

Comment GO14-91 The DEIR's project objectives have been artificially narrowed to favor an aerial tram alternative and should be re-crafted so as not to unnecessarily preclude other alternatives that feasibly attain most of the basic objectives of the project (focused on moving passengers from Union Station, and perhaps other locations, to Dodger Stadium) and avoid or substantially lessen the significant effects of the Project.

Response GO14-91 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. Refer to Response G014-88 for discussion of

how the proposed Project's objectives are consistent with CEQA and do not unnecessarily preclude feasible project alternatives. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Further, as discussed in Topical Response H, a system of buses from numerous remote locations throughout the Los Angeles region to and from Dodger Stadium events would require a substantial increase in the number of buses which, similar to expanding the fleet for an expanded Dodger Stadium Express service, would result in a fleet of buses that would either be underutilized most of the time or regular Metro bus service that utilizes these vehicles would be disrupted every time a Dodger game or event at the stadium is held. Such a service would also incur substantial costs in paid time and mileage for driving empty buses out to the remote locations before a game and back from the remote locations after a game and paid idle time during the game. Buses from a variety of remote locations would also need to travel in rush hour congestion to get to Dodger Stadium. With limited regional facilities that provide bus only lanes that these services could utilize, they would not materially improve transit travel time compared with driving. For example, the current Dodger Stadium Express service from South Bay serves a broad area of southern Los Angeles County at stations spread across eight miles, is free, and travels on a priority lane within the I-110 freeway median for most of its trip, but the South Bay Dodger Stadium Express carried an average of only 415 passengers per game in 2019, which is substantially lower than the ridership of 1,895 riders per game on the LAUS Dodger Stadium Express. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, of the Draft EIR, the proposed Project would have less than significant operational impacts. And, as discussed above, increased bus service from remote locations around Los Angeles County to and from Dodger Stadium would add to rush hour traffic and congestion.

Comment GO14-92 5. The Project alignment diagrams provide insufficient detail.

Illustrations of the proposed Project alignment found in the DEIR's project description are insufficient to allow interested members of the public to evaluate the alignment. Figure 2-7 (entitled "ANSI Requirements and Additional Separation Buffer") and Figure 2-8 (entitled "Proposed Alignment Over Public ROW/Publicly-Owned Property

and Private Property") each use one page to show the entire Project alignment. (DEIR, pp. 2-20 to 2-21.) While they provide a generalized view of the proposed Project location, zooming in does not provide interested community members (or decisionmakers) sufficient detail to understand the alignment's proximity to nearby buildings and other structures.

Response GO14-92 Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts. Section 2.5.1 of Section 2.0, Project Description, of the Draft EIR details the proposed Project's alignment, noting that the proposed Project alignment was chosen as it maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties, taking into account existing and future adjacent land uses. Figure 2-7 in Section 2.0, Project Description, shows the proposed Project's ANSI Requirements and Additional Separation Buffer. Section 3.4.6, Aerial Clearance, of Section 3.0, Project Description, and Appendix N, Additional Separation Buffer, of the Final EIR details the proposed Project's Additional Separation Buffer. Figure 2-8 in Section 2.0, Project Description, shows the portions of the proposed alignment over public ROW and publicly owned property and the portions of the proposed alignment over private property, which are described more specifically in Appendix Q, Proposed Alignment Plan and Profile. Refer to Figure 2-10: Proposed Alameda Station Location, Figure 2-12: Proposed Alameda Tower Location, Figure 2-14: Proposed Alpine Tower Location, Figure 2-17: Proposed Chinatown/State Park Station Location, Figure 2-19: Proposed Broadway Junction Location, Figure 2-21: Proposed Stadium Tower Location, and Figure 2-24: Proposed Dodger Stadium Station Location, of Section 2.0, Project Description, showing each proposed Project component's location and proximity to nearby buildings and other structures and land uses. The location of the proposed Project is also described in detail in Section 2.0, Project Description, of the Draft EIR, at pp. 2-19 to 2-41. Additional graphics for the proposed Project's alignment profiles is provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR.-In response to comments that the graphics included in Appendix Q, Proposed Alignment Plan and Profile, are not readable due to the scale of the graphics, Appendix Q has been updated to add larger insets of several graphics. Appendix O, Supplemental Graphics of Proposed Project Plan and Profile, of this Final EIR includes larger scale version of these graphics.

Comment GO14-93 Figure 2-8 does not distinguish between types of publicly owned property—showing all publicly owned property in one color, whether public right-of-way or public parkland.

Response GO14-93 Refer to Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR, page 5, for a graphic showing respective ownership of public property and private property, which depicts California State Parks Property as distinct from City ROW, City-owned property, Metro property, Caltrans property, and private property. Refer to Response

GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts.

Comment GO14-94 Referenced images found in Appendix Q are more detailed, but still provide insufficient information, and are also quite large file sizes. Metro should not presume that all members of the public have adequate computer technology at their disposal to enlarge the images by "zooming in" to study these images. Rather than providing one electronic image that may be zoomed in, the DEIR should instead (or in addition) provide an enlarged representation of both Figures 2-7 and 2-8, as well as each page found in Appendix Q, on a mapped series of images so that all interested members of the public, including those who need to view the document in hard copy as well as those who have computer access but cannot readily manipulate large files, have an opportunity to review and comment on concerns regarding the Project alignment after having reviewed adequately sized images.

Response GO14-94 As this commenter notes, additional graphics depicting the proposed Project alignment are provided in detail in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR. Further, as shown on the Notice of Availability for the Draft EIR, copies of the Draft EIR were available for public review at three separate public libraries and at the public library at Metro headquarters. As discussed in Appendix A, Public Outreach Report, of the Final EIR, hard copies of the Draft EIR were available at all in-person public meetings held by Metro during the public review period, and, at these in-person meetings, large, printed boards showing the proposed Project alignment were provided for attendees to view. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts. In response to comments that the graphics included in Appendix Q, Proposed Alignment Plan and Profile, are not readable due to the scale of the graphics, Appendix Q has been updated to add larger insets of several graphics. Appendix O, Supplemental Graphics of Proposed Project Plan and Profile, of this Final EIR includes larger scale version of these graphics.

Comment GO14-95 The Project alignment illustrations also do not provide adequate information about the so-called "Additional Separation Buffer." (See discussion, supra p. 12.)

Response GO14-95 Refer to Response GO14-33 for discussion of the Additional Separation Buffer. Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's requirement to contain sufficient information about the proposed Project to allow a complete evaluation and review of its potential environmental impacts. In response to comments that the graphics included in Appendix Q, Proposed Alignment Plan and Profile, are not readable due to the scale of the graphics, Appendix Q has been updated to add larger insets of several graphics. Appendix O, Supplemental Graphics of Proposed Project Plan and Profile, of this Final EIR includes larger scale version of these graphics.

Comment GO14-96 6. Project Ridership is based on speculation, not substantial evidence.

The project description describes ridership estimates for the Project. "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." (DEIR, p. 2-42.) As discussed above, the Project Description misleadingly focuses not on the total time it would take to be transported from Union Station to Dodger Stadium via the Project including the wait or queueing time, but only on the travel time. In addition, the project description's focus on alleged 2042 estimates of 5,000 people per hour per direction misleads a DEIR reviewer who may not delve further into the details. The 2026 estimated hourly users are only 3,000 per hour. (DEIR, pp. 3.17-34 to 3.17-35.)

The estimate of people allegedly moving through the system per hour also depends entirely on the configuration of gondola cabins. The DEIR discloses that gondola cabins can be configured to carry between 30 to 40 people. (DEIR, pp. ES-3, 2-2, 2-18.) A survey of the DEIR, including Appendix N (which includes discussion of the gondola ridership model), discloses that there is no discussion whether cabins will be configured to carry 30 people or 40 people, or some other number, or whether there would be a mix of cabin configurations. The number of passengers moved per hour if each cabin has 40 people is obviously significantly greater than the number that can be moved if each cabin only has 30 people.

For example, assuming the gondola system were able to operate perfectly with a 23-second headway that is never interrupted by any delay due a technical issue or passenger loading problem, the Project would move 156.5 cabins per hour. (60 minutes x 60 seconds ÷ 23 ≈ 156.5.) This number of cabins configured to hold 30 passengers can thus move 4,695 passengers per hour. (156.5 x 30 = 4,695.) Cabins configured to hold 40 passengers can move as many as 6,260, or 33% more passengers per hour. (156.5 x 40 = 6,260). The actual cabin configuration, which the DEIR does not explain, matters a lot. These are maximal projections, assuming there is never a breakdown, never a passenger loading or other problem, and all cabins are always full.

Response GO14-96 The commenter refers to Section 2.0, Project Description, of the Draft EIR, which states the proposed Project capacity of up to approximately 5,000 people per hour per direction (pphpd) and travel time from LAUS to Dodger Stadium of approximately seven minutes. Refer to Topical Response J, Gondola Design and Operations, for details regarding the proposed Project capacity of up to approximately 5,000 pphpd. Based on the current design, the calculated characteristics when operating at system capacity (e.g., during Dodger games or events at Dodger Stadium) would be approximately 53 cabins in service on the system. Under this scenario, the cabins would move at an approximate speed of 13.4 miles per hour with headways of approximately 23 seconds, which represents the time between cabins arriving at a station. As one hour consists of 3,600 seconds, approximately 156.5 cabins would arrive every hour (3,600 seconds / 23 seconds). The proposed Project's Tricable Detachable Gondola system ("3S") cabins typically carry between 30 to 40 passengers each, depending on the exact configuration of seating and cabin amenities selected. At a capacity of 35 passengers per cabin, at 156.5 cabins per hour, 5,478 passengers would arrive at each station per hour (35 passengers per cabin x 156.5 cabins per hour). Given that the same headway applies in each direction, the total, calculated system capacity is therefore 5,478 pphpd. To account for variations in the exact configuration of seating and cabin amenities, as well as operational considerations (including, for example, fewer than 35 people boarding a cabin or cabins being either slowed or stopped in the station for boarding purposes), the proposed Project has included an approximately 10 percent reduction in capacity from 5,478 pphpd to 5,000 pphpd. Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR for the proposed Project ridership model and analysis, which takes into account travel time, as well as wait and transfer time. Assumptions about wait/transfer time are included in the columns for the example zip codes of model data. Environmental documents for transit corridor projects typically include opening year and horizon year analyses consistent with Metro and Federal Transit Administration (FTA) requirements. The commenter refers to the table summarizing ridership estimates, which are included in Section 3.17, Transportation, of the Draft EIR, and include the estimate of 6,000 riders in the anticipated opening year of 2026 and 10,000 riders in the project horizon year of 2042. These data are presented clearly in Section 3.17, Transportation, of the Draft EIR as is customary.

Comment GO14-97 Moreover, the Dodger Game Project ridership estimates are based on an untested model created specifically for the Project. (DEIR, Appx. N, pdf p. 6 (Fehr & Peers, Ridershop Model Development report, Sept. 2022).) The model inexplicably seems to use data from only two zip codes for inputs, one very near Dodger Stadium (90012, 0.6 miles away) and one in South Los Angeles relatively far from Dodger Stadium (90044, 10 miles away) to model estimated Project ridership. (Ibid. pdf pp. 9-12 (Table 1: Model Inputs and Data Sources).) It is inappropriate to extrapolate from such a small amount of data to model Los Angeles's complex transportation system. (Moreover, for nearby 90012 patrons only 0.6 miles away, why would they ever wait

in line for up to two hours to return home when they could walk in ten to fifteen minutes?)

A far more reliable transportation analysis was performed by the UCLA Mobility Lab to assess claims made by the Project proponent that it would have up to 10,000 riders per Dodger Game, thereby removing up to 3,000 vehicles from Los Angeles streets:[47]

> 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.
>
> (UCLA Mobility Lab report, pp. 1-2 (emphasis added).)

Using the "discrete choice" model "based on real data," the UCLA Mobility Lab study concluded that the proposed gondola would have far fewer users, and the majority of those (2,500 of 4,690 gondola riders) would be drawn from regular users of the Dodger Stadium Express. (UCLA Mobility Lab report, p. 3.) The study concluded that only 608 vehicles would be removed from local roadways compared to current conditions, only a small fraction of the claimed vehicle reduction due to the project. (Ibid.)

Footnote 47: UCLA Mobility Lab, Study Finds Proposed Aerial Gondola to Dodger Stadium Will Do Little to Reduce Traffic and Emissions, Oct. 24, 2022, attached as Exhibit P.

Response GO14-97 Refer to Topical Response B: Ridership Model; Queuing at Stations and Pre-game and Post-game Transportation and Appendix N, Transportation Appendices, of the Draft EIR for a detailed analysis of the proposed Project's ridership model. The comment alleges that the ridership model's travel data were gathered from cell phone data for two zip codes. This is not accurate. As shown on Figure 1 and Table 1 on pages 3 and 4 of Appendix N-Ridership Model Development to the Draft EIR, the modeling used Dodger ticket purchases and GIS ESRI's "Routable Network" data by zip code for all zip codes in the Southern California region from which tickets were purchased. The comment's misperception that only two zip codes were used could possibly arise from two "examples" included in Appendix N to describe how the model produces different transit mode share results for different zip codes based on the travel time and cost characteristics associated with each individual zip code. As examples, the two sample zip codes were not intended to represent the full set of calculations from the model. The model produced custom mode share results for each of hundreds of zip codes in

the ticket purchase database. Furthermore, as discussed on page 3.17-28, in Section 3.17, Transportation of the Draft EIR, existing mobile source data collected and aggregated by Teralytics and consisting of approximately 2.1 million trip samples was used to calculate average trip length for vehicles traveling to and from Dodger Stadium on game days for zip codes within a 50-mile radius of Dodger Stadium. The sample sizes used in the analysis were robust.

Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, noted as Exhibit P to this comment. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR, and does not appear to have been prepared for that purpose. On January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:

> **Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection**
>
> The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
> Jiaqi Ma
> Director, UCLA Mobility Lab
> Faculty Associate Director, UCLA Institute of Transportation Studies

Nothing in the review of the preliminary Mobility Lab Study suggests that the ridership modeling and results in the Draft EIR are unreasonable or in appropriate for use.

Moreover, Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Ridership Model Development Memorandum of the Draft EIR.[17] Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR.

Comment GO14-98 More important, only a fraction of those who would use the gondola on the way to a game would use it afterwards. "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." (Ibid., p. 4.) UCLA's study is corroborated by LACTC's 1990 Dodger Transit Access study, which showed that an aerial tram was the worst choice of the options then studied, because it had the longest wait times. "Any transit technology must accommodate a peak loading phenomenon where up to 56,000 persons enter

[17] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

or leave [Dodger] Stadium within a brief period of time before or after events." (LACTC Study, supra fn. 43, p. iii.)

Response GO14-98 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of post-game transportation management, including the potential for proposed Project riders to leave Dodger Stadium via other modes such as rideshare. Refer to Response GO14-97 and Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

As described in Section 2.0, Project Description, of the Draft EIR, the two primary types of aerial transit used in urban environments are tramways and detachable gondolas. As shown in Table 1 of the 1990 Dodger Stadium Transit Access Study (1990 study) referenced in the comment[18], the gondola technology evaluated in that study was a reversible tramway system consisting of two 125-passenger cars, similar to the Portland Aerial Tram in Portland, Oregon and the Roosevelt Island Aerial Tramway in New York, New York. An aerial tram system typically has two cabins that shuttle back and forth between two end terminals. The proposed Project is a detachable gondola system. An aerial gondola system includes multiple cabins that travel on a continuously circulating cable, which allows for an overall higher system capacity and ability to move more people per hour in in each direction than an aerial tram. Furthermore, the proposed Project would be a modern 3S system with the capacity to move 5,000 people per hour per direction with a travel time from Los Angeles Union Station (LAUS) to Dodger Stadium of seven minutes, far greater than the 2,800 persons per hour capacity estimated in the 1990 Study for the two-car reversible tramway system. As such, the two systems are not comparable, and findings in the 1990 Study comparing the tramway system to other modes as analyzed in that 33-year-old study are not relevant to the current proposed Project.

Comment GO14-99 The project description ridership estimate focuses the reader on future conditions unlikely to ever occur, based on an unreliably speculative and untested model that inappropriately extrapolates a tiny amount of data from only two zip codes to model the entire Los Angeles transportation network. (DEIR, Appx. N, pdf pp. 9-12.) The unbiased UCLA Mobility Study uses real-world, multi-modal transportation data to reliably predict actual Project ridership.

[18] Gruen Associates. 1990. Dodger Stadium Transit Access Study. Available at: https://libraryarchives.metro.net/dpgtl/lactc/dodger_stadium_access_study.pdf. Accessed August 2023.

The DEIR fails as an informational document because the project description estimate of Project ridership is not based on reliable, substantial evidence, but rather on speculative assumptions.

Response GO14-99 Refer to Responses GO14-97 and GO14-98 for discussion of the proposed Project's ridership model.

Comment GO14-100

GO14-100A 7. The DEIR's description of Project queueing is incomplete.

The DEIR project description describes that "[q]ueueing areas would be built into and as necessary, adjacent to, each of the stations to provide a gathering place for passengers waiting to enter the stations, thereby preventing crowding of sidewalks and walkways by passengers around stations." (DEIR, p. 2-44 (emphasis added).) This project description is not sufficiently precise to inform the public where the additional queueing areas, proposed to be built on an as-needed basis, would be located. It also does not allow commenters to examine whether the spaces proposed for queueing will be of sufficient size. These failures are particularly important because the Project plans to utilize existing public parklands to accommodate its land use needs including, apparently, for queueing.

GO14-100B For example, discussion of queueing for the Alameda Station explains some queueing for will be located "to the west north of the Placita de Dolores of El Pueblo de Los Angeles. (DEIR, p. 2-52; see also, DEIR, p. 3.2-2, providing additional description explaining that queueing would be located "in a proposed new pedestrian plaza in an area currently containing a parking and loading area for El Pueblo.") There is no basis for the Project to simply take public parklands for its own needs. (See also discussion of El Pueblo land use conflicts, infra pp. 73-75.)

Response GO14-100

GO14-100A Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of for a discussion of queueing, including at the Alameda Station and the Chinatown/State Park Station. Refer to Topical Response J, Gondola Design and Operations, for additional discussion of how the boarding platforms at the Alameda Station, Chinatown/State Park Station, and Dodger Stadium Station have been sized to accommodate the capacity of the proposed Project. Queues at the Chinatown/State Park Station would be within the Station, given the lesser boarding demand and the larger queuing capacity at the Station.

GO14-100B As discussed in Section 2.0, Project Description, of the Draft EIR, vertical circulation elements (i.e. elevators, escalators, stairs) for pedestrian access to the Alameda Station, which would also serve as queuing areas to the station, would be introduced at-grade north of the Placita de Dolores in a proposed new pedestrian plaza at El Pueblo on the west in an area currently used as a parking and loading area for

El Pueblo. On the east, vertical circulation elements would be introduced at-grade from the planned LAUS Forecourt. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how due to the nature of queue formation, the pre-game/event passenger queues at the Alameda Station in 2026 are estimated to be largely contained on the platform and only minimally extend out into the planned LAUS Forecourt. Queueing is not expected to occur into the new pedestrian plaza at El Pueblo since the majority of riders are expected to board from the planned LAUS Forecourt. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project, and Section 2.3.8, Project Objectives, for an overview of the proposed Project's objectives. The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property via an aerial gondola system and improve connectivity for the surrounding communities by linking to the Los Angeles State Historic Park, Elysian Park, and the neighborhoods along the proposed alignment and the region's rapidly growing regional transit system at LAUS. ART is a proven, zero emission, safe, sustainable, high-capacity, and highly efficient form of transportation that would function as both a reliable rapid transit system and first/last mile connector. The proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Refer to Section 2.5, Proposed Project Alignment and Components, with supporting data provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. Refer to Responses GO14-152 and GO14-153 for further discussion of the proposed Project's siting near El Pueblo.

Comment GO14-101 The Alameda Station queueing plan also states: "Queueing for Alameda Station would occur in the planned LAUS Forecourt area on the east side of Alameda Street." (DEIR, p. 2-44.) But while the DEIR briefly mentions the LAUS Master Plan and LAUS Forecourt and Esplanade Improvements Project, nowhere does it discuss potential conflicts with either the Master Plan or original plans for the Forecourt. (See DEIR, pp. 2-7 to 2-8.) This is especially puzzling because the Final EIR for the Forecourt and Esplanades Improvements Project from March 2018 is cited in the DEIR. (DEIR, p. 2-8, fn. 8.)

Response GO14-101 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's coordination with Metro on the planned LAUS Forecourt. As discussed in

Section 2.0, Project Description, and on pages 3.17-39 and 3.17-43 in Section 3.17, Transportation, of the Draft EIR, the Alameda Station location, including the station location and queueing, is compatible with Metro's existing plans at LAUS, including the Forecourt and Esplanade Project. The LAUS Forecourt and Esplanade Project was originally conceptualized in the LAUS Master Plan, and the proposed Project would not preclude their implementation. The LAUS Master Plan was a visioning document and does not include any designed or funded improvements.

Comment GO14-102 LA Parks Alliance also notes that the uniform resource locator (url) provided for the Los Angeles Union Station Master Plan (https://www.metro.net/projects/la-union-station/) now autoloads the web page for Metro's LA Union Station Forecourt and Esplanades Improvement Project (https://www.metro.net/projects/la-union-station-forecourt-and-esplanadeimprovements/). (DEIR, p. 2-8, fn. 7.) Review of Metro's list of project web pages (https://www.metro.net/projects/) discloses no website url for the LAUS Master Plan. The DEIR thus provides public commenters with no easy access to the Master Plan so they may review it for consideration of potential Project conflicts with the LAUS Master Plan.

Response GO14-102 Refer to Response GO14-101 regarding the LAUS Master Plan.[19]

Comment GO14-103 Further, the DEIR does not provide sufficient information as to the typical number of people expected to be queueing at any of the Project's proposed stations. For a Project that proposes to push up to 10,000 people through a private transit system 30 to 40 people at a time for two hours, the failure to include this information is incomprehensible. Because the information is missing, there is no evidence, let alone substantial evidence, to support the DEIR's conclusion that queueing at the proposed Chinatown/State Historic Park station can be accommodated entirely within the station structure. (DEIR, p. 3.1-42.) Review of the entire DEIR shows discussion of queueing locations. Queueing times and volume are nowhere found.

Response GO14-103 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for a discussion of queueing, including at the Chinatown/State Park Station. As described in Section 3.17, Transportation, of the Draft EIR, for purposes of the Draft EIR, the transportation analysis included the analyses required by Appendix G of the CEQA Guidelines and the City of Los Angeles Transportation Assessment Guidelines (TAG). Pedestrian queues are not required to be analyzed under CEQA or the TAG. As such, Topical Response B is provided only for informational purposes. While not required for transportation, as discussed in Section 3.13, Noise, of the Draft EIR, estimates of passengers at stations were used for data input to evaluate operational noise. Refer to Response GO14-100A for discussion of queueing. Queues at the Chinatown/State Park Station would be accommodated within the station, given that the boarding demand would be less

[19] Los Angeles County Metropolitan Transportation Authority, Los Angles Union Station master Plan. This document is no longer available online. The Transforming Los Angeles Union Station summary is available at: http://libraryarchives.metro.net/DPGTL/unionstation/2015-transforming-los-angeles-union-station-summary-report.pdf. Accessed November 2023.

than at the Alameda Station (15 percent of total ridership at the Chinatown/State Park Station versus 85 percent at the Alameda Station) and the larger queueing capacity at the Chinatown/State Park Station due to the ability to accommodate a mezzanine level in the station's design, the queue is expected to be fully accommodated within the Chinatown/State Park Station and is not anticipated to extend outside of the station.

Comment GO14-104 The DEIR fails as an informational document because the project description and DEIR do not provide the Project queueing information necessary to analyze and consider potentially significant conflicts between queueing locations and activities that would impact parklands used by and adjacent to the Project, and also because the DEIR does not discuss potential conflicts between the Project and the existing LAUS Master Plan and LAUS Forecourt and Esplanade Improvements project, the latter of which has already undergone environmental review.

Response GO14-104 Refer to Responses GO14-101 and GO14-103 for discussion of queueing at the proposed Project's stations. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation. As described in Section 3.17, Transportation, of the Draft EIR, for purposes of the Draft EIR, the transportation analysis included the analyses required by Appendix G of the CEQA Guidelines and the City of Los Angeles Transportation Assessment Guidelines (TAG). Pedestrian queues are not required to be analyzed under CEQA or the TAG. As such, the queuing discussion in Topical Response B is provided only for informational purposes. While not required for transportation, as discussed in Section 3.13, Noise, of the Draft EIR, estimates of passengers at stations were used for data input to evaluate operational noise. Refer to Response GO14-82 for a discussion of how the Project Description complied with CEQA's content requirements. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO14-105 8. The DEIR's project description regarding signage raises potentially significant environmental impacts that are never discussed or mitigated.

The DEIR project description notes that the "proposed Project would include signage" which "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… Signage would be architecturally integrated into the design of the ART system including its stations, the junction, towers, and cabins." (DEIR, p. 2-45 (emphasis

added).) DEIR Appendix C does not provide any additional information with details of the Project's signage program. (See DEIR, Appx. C, pdf pp. 15, 363.)

The DEIR states: "Signage would be in conformance with all applicable requirements of the Los Angeles Municipal Code (LAMC)." (Ibid.) That signage would conform to the Los Angeles Municipal Code (which is, of course, always subject to change) is not sufficient to limit its potentially significant environmental impacts along the proposed Project alignment. For example, it is not uncommon to find electronic digital displays attached to the top of ride share vehicles, notwithstanding that California law allegedly prohibits them.[48] If such signage were attached to the exterior of moving gondola cabins the aesthetic and other impacts at visually sensitive locations along the Project alignment, for example, within Los Angeles State Historic Park, would be potentially significant.

The DEIR's aesthetic impact analysis acknowledges that views of the Los Angeles skyline, considered a protected aesthetic resource in the LA State Historic Park General Plan and Final EIR (see discussion, supra p. 39), "would be partially interrupted due to the Project" without even considering impacts from possible cabin-mounted electronic digital displays. In addition, the DEIR's discussion of light and glare impacts is incomplete with no discussion of such displays, which invalidates the DEIR's conclusion that operational impacts would be less than significant. (DEIR, p. 3.1-52 to 3.1-53.) The DEIR also seems to have neglected inclusion of depictions of nighttime lighting or signage to assist the public or decision makers in assessing nighttime aesthetic or other impacts.

Footnote 48: See Cal. Vehicle Code, §§ 25400, 25950. But see, Uber dot com, Uber Out-of-Home (OOH) cartop advertising program, showing a typical cartop digital advertising display frequently seen on Los Angeles streets, available at https://www.uber.com/us/en/about/car-advertising/ (last checked Jan. 11, 2023). A screen capture of the page depicting the cartop digital advertising display is attached as Exhibit Q.

Response GO14-105 This response takes into consideration the content of Exhibit Q, referenced in this comment. Refer to Topical Response K, Signage and Lighting, for discussion of the proposed Project's signage and lighting, with additional technical detail and information provided in the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. The proposed Project's Sign Concept Plan included at Appendix B of the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR, provides that across the entire proposed Project, including stations, the junction, towers, and cabins, the proposed Project is proposing static signage and digital signage. The digital signage would be limited to the Alameda Station and the Dodger Stadium Station. No digital signage is proposed on the exterior of the cabins. Signage proposed for the exterior of the cabins is static non-illuminated naming rights signage. In addition to the naming rights signage, the proposed Project is proposing that two cabins be designated for

the display of community programming graphics and that one cabin be designated for the display of artwork by local arts collaborators. Signage would be designed to complement the proposed Project design and use and would be consistent with the existing urban condition, as illustrated in Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, which includes KOPs updated in part to incorporate the proposed Project's signage program, as depicted in the signage package included in the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Section 3.01, Aesthetics, and the Lighting Study, of the Draft EIR, and Section 5.0, Corrections and Additions, of the Final EIR, which includes an Analysis of Supplemental KOPs, for discussion of how the proposed Project's signage would result in less than significant impacts, including as to the Los Angeles State Historic Park. Refer to Section 3.04, Biological Resources, of the Draft EIR and Appendix G, Supplemental Biological Resources Report, of the Final EIR, for discussion of lighting with respect to biological resources, including in the Los Angeles State Historic Park. As discussed therein, lighting would be low-level and primarily integrated into the architectural features. Exterior lighting would be shielded and/or directed toward the areas to be lit, limiting spillover into adjacent habitats potentially suitable for birds and bats.

Comment GO14-106 Because the project description includes the possibility that gondola cabins, among other Project elements, may have electronic digital displays but describes virtually no details and provides no limitations on their implementation, it is impossible to assess the potentially significant adverse environmental effects of the Project to Los Angeles State Historic Park or other locations along the Project corridor. The DEIR thus fails as an informational document for failing to include information necessary to allow the public and decisionmakers to consider the Project's environmental effects and whether a mitigation measure is necessary to eliminate or limit adverse impacts.

Response GO14-106 Refer to Topical Response K, Signage and Lighting, for discussion of the proposed Project's signage and lighting, with additional technical detail and information provided in the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Response GO14-105 for discussion of how no digital signage is proposed on the exterior of the cabins.

Comment GO14-107 9. The Emergency Operations Plan must not be deferred.

The project description explains that an "Emergency Operations Plan would be prepared as part of the proposed Project…" (DEIR, p. 2-47.) Given that the DEIR and Project proponents repeatedly refer to the aerial tram "[a]s a breakthrough and innovative technology for the region" (DEIR, p. 1-7) it is critical that the Emergency Operations Plan not be deferred but be presented as part of the DEIR to allow for public review and comment. With not even the outline of an Emergency Operations Plan found in the DEIR, it is not possible for members of the public or decisionmakers to assess potentially significant environmental effects on public

services (police and fire) or potentially significant planning conflicts with City of Los Angeles Emergency Operations Plan. (See DEIR, p. 3.9-10 to 3.9-11.) The DEIR provides no discussion or analysis of these issues, and states only that the Project would comply with the City's Emergency Operations Plan and Los Angeles Fire Code. (DEIR, pp. 3.15-19 to 3.15-20.) The project description is inadequate for failing to provide any further information on the Project's Emergency Operations Plan.

Response GO14-107 Refer to Section 2.0, Project Description of the Draft EIR and Topical Response J, Safety and Gondola Operations, for a discussion of the Emergency Operations Plan. CEQA Guidelines section 15126.4 only requires mitigation for significant impacts. The proposed Project's Emergency Operations Plan is not intended or required to mitigate a significant environmental impact. Accordingly, the development of the Emergency Operations Plan is not impermissibly "deferred" under CEQA, contrary to this comment's suggestion. Refer to Response GO14-82 for a discussion of how the Draft EIR's Project Description complied with all of CEQA's content requirements. Refer to Section 3.15, Public Services, for a discussion of how the proposed Project results in less than significant operational impacts to public services, including police and fire.

Comment GO14-108 10. The project description includes the proposed Project's improper use of public parkland as part of its "sustainability features."

The DEIR project description of sustainability features makes numerous unsupported claims. For example, it suggests the Project will "[r]educe vehicle trips to…Elysian Park, and the Los Angeles State Historic Park." (DEIR, p. 2-48.) As already discussed, these claims are illusory and unsupported by substantial evidence. (See discussion, supra p. 9 (potential mobility hub at Dodger Stadium) and pp. 16, 23 (LA State Historic Park ridership is assumed, not supported by substantial evidence).)

Most surprising (and tone-deaf and offensive) the project description lists the Project's unprecedented and unlawful use of LA State Historic Park (see discussion, supra pp. 12-26) at the very top of its list of sustainable site features, lumping LA State Historic Park into the category of "publicly owned property" as if it had no special protections as a historical unit of the California State Park system. (DEIR, p. 2-49.) The sustainable site feature list also suggests, with no trace of irony, that the project is sited and designed "to minimize impacts to historic and archaeological resources, and to preserve viewsheds and local character." (Ibid.) The sustainable site feature list also claims it will provide an "opportunity to enhance open space and green space at the Los Angeles State Historic Park."

These Orwellian claims are audacious and unsupported. The sustainability claims disregard that the Project is in direct conflict with LA State Historic Park's General Plan and mitigation measures of the park General Plan's Final EIR, as well as with

state law that protects our state parks, especially historic units, from incursion by commercial interests. None of these obvious conflicts are adequately discussed or analyzed in the DEIR.

The DEIR project description misleadingly minimizes impacts to LA State Historic Park and insults the public's intelligence by referencing the devastating impacts as project benefits.

Response GO14-108 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Section 5.5.4, Location of Chinatown/State Park Station, of Section 5.0, Other CEQA Considerations, of the Draft EIR for a discussion of the siting considerations for Chinatown/State Park Station. As discussed therein, several locations were not carried forward for further examination because they required either a larger footprint within the Los Angeles State Historic Park, or would eliminate transit access to the Park. Ultimately, the proposed Project's Chinatown/ State Park Station location was chosen over the other potential locations because it minimized the proposed Project's potential footprint within the Los Angeles State Historic Park and impacts to neighboring properties while maintaining transit access to the Park and surrounding communities. As discussed in Section 2.7.8, Sustainability Features, of the Draft EIR, the list of the proposed Project's sustainability features was compiled from features included in the 2019 California Green Building Standards Code, United States Green Building Council Leadership in Energy and Environmental Design (LEED) for New Construction, and The Institute for Sustainable Infrastructure's Envision Rating System, and was categorized by sustainable sites, location/transportation/quality of life, among other categories of sustainable features. Accordingly, the list of the proposed Project's sustainability features is based on best sustainability standards and codes, and properly takes into account siting and the ability to reduce vehicle trips to the Los Angeles State Historic Park.

Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of the proposed Project's sustainability features. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding community, including but not limited to sustainability features and open space enhancement. Refer to Responses GO14-39 through GO14-43, and GO14-52, for discussion of how park ridership is supported by substantial evidence in the Draft EIR. Refer to Response GO14-22 for discussion of how the proposed Project will include a mobility hub at Dodger Stadium.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park

Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment.

Refer to Section 3.05, Cultural Resources, and Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, of the Draft EIR for a discussion of archaeological resources at the Los Angeles State Historic Park. As discussed in Section 3.05, the Chinatown/State Park Station footprint is entirely located within the boundary of Resource 19-003120 (consisting of the remains of the Southern Pacific Railroad's River Station). Extensive archaeological work has been conducted at the site, and when the Chinatown/State Park Station (including the construction staging area) is overlaid on an archaeological sensitivity map developed by California State Parks, it appears that the Chinatown/ State Park Station is located in an area not identified as low sensitivity for archaeological resources by State Parks. Nevertheless, with the implementation of mitigation, construction of the proposed Chinatown/State Park Station would result in a less than significant impact related to a substantial adverse change in the significance of archaeological Resource 19-003120.

The Draft EIR provided objective facts and analysis from experts in their respective fields in order for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO14-109 D. The DEIR's Analysis of Aesthetic Impacts is Grossly Inadequate.

This letter focuses its primary objection to the DEIR's inadequate aesthetics impact analysis on the DEIR's minimization of adverse aesthetic impacts to Los Angeles State Historic Park. LA Parks Alliance notes, however, its strong objection to the DEIR's inadequate analysis of impacts to LA Union Station, El Pueblo de Los Angeles State Historic Park, and other parkland and public areas along the proposed Project corridor, for similar reasoning as included below in subsections D(1) and D(3), as well as for the reasons other commenters will undoubtedly provide in response to the grossly inadequate DEIR.

"A project will normally have a significant effect on the environment if it will…[h]ave a substantial, demonstrable negative aesthetic effect[.]" (Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (1994) 29 Cal.App.4th 1597, 1604, quoting CEQA Guidelines, Appx. G.) "[I]t is inherent in the meaning of the word 'aesthetic' that any substantial, negative effect of a project on view and other features of beauty could constitute a 'significant' environmental impact under CEQA." (Ibid.)

The DEIR fails to adequately analyze aesthetic impacts, including visual impacts along the entire Project corridor, but especially on views of and from Los Angeles State Historic Park. As the DEIR notes, "analysis of existing visual or aesthetic resources and potential visual or aesthetic impacts can be highly subjective, dependent upon the background of the assessor and the opinions of viewers." (DEIR, p. 3.1-29.) California courts generally agree, finding that analysis of potentially significant aesthetic impacts is not the sole province of experts. The opinion of lay persons with respect to aesthetic and certain other impacts, particularly when presented by more than just a few persons, often constitutes substantial evidence of a significant environmental impact. (See, e.g., Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396, 402-403.)

Response GO14-109 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. The methodology utilized to examine potential aesthetic impacts follows the guidance outlined in the Federal Highway Administration's *Guidelines for the Visual Impact Assessment of Highway Projects* (2015). As a result of this guidance, a group of Landscape Units (LU) and Key Observation Points (KOPs) were delineated and identified based on known significant views and locations with proposed changes to the setting and subjected to review and analysis identified within the aforementioned framework. Further, views and potential impacts were all analyzed using the same thresholds of significance identified by the State CEQA Guidelines and the Los Angeles CEQA Thresholds Guide. In this case, the analysis and conclusions of the Draft EIR are supported by the substantial evidence of the visual simulations, use of Federal Highway Administration (FHWA) methodology, application of clear thresholds of significance, and recognition that this urban location would be regulated by existing zoning and other regulations governing scenic quality, including proposed design standards. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area.

As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof

design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

As discussed in Section 3.01, Aesthetics, of the Draft EIR, certain southwest-facing views of the downtown Los Angeles skyline from Los Angeles State Historic Park, particularly views close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the view from most locations in the park would remain where the view would be uninterrupted by the proposed Project. These views include looking towards downtown from the southwestern corner and from the Roundhouse platform and walkway within the park. In addition, existing views of downtown from other areas within the Park are already interrupted under existing conditions by trees and intervening development. Also, the location of the proposed cables and cabins would be adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The cabins would be constantly moving in and out of view, and the cables have similar characteristics to the overhead power lines that are prevalent in views in this area. As such, the proposed cables and cabins would not significantly impact views in this area.

The Draft EIR's analysis of impacts to aesthetics was prepared by an expert in the field, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO14-110 1. The DEIR's use of images is misleading and incomplete.

The DEIR minimizes the Project's aesthetic impacts through its use of misleading images sprinkled throughout the DEIR and by failing to provide necessary simulated depictions of the Project to assist the public and decision makers to fully understand its visual impacts. For example, Figure 2-5, depicting the "Illustrative Design of a Station" (DEIR, p. 2-15), shows a view of Alameda Station as seen from the LA Union Station property looking approximately northwest. Later, the DEIR shows a depiction of existing LA Union Station from an angle that appears to be the approximate reverse angle. (DEIR, p. 3.1-19, Figure 3.1-3; see also DEIR, Appx. C, pdf p. 46, Figure 4-6.) But where is the simulated view depicting the Alameda Station in front of LA Union Station?

Every simulated view of Alameda Station appears to have been selected to avoid depicting the station as obscuring views of LA Union Station in any way. (DEIR, Appx. C, Figures 5-1 through 5-11, pdf pp. 109-119.) But clearly there are views that would obstruct Union Station, or the depiction of Alameda Station in the bottom image of Appx. C, Figure 5-4, would not be possible.

Similarly, Figure 2-6 depicts the "Illustrative Design of a Tower." (DEIR, p. 2-16.) This simulated view shows the Project's Alameda Tower (described in the image caption as being "in the foreground") and Alpine Tower (described as being "in the middle ground"). (Ibid.) But whether intentional or inadvertent, the simulated image's use of "foreshortening" obscures the apparent height of the towers, making them appear far smaller than they really are. The "foreground" Alameda Tower appears shorter than an even nearer telephone poll, even though it is likely four or five times taller. The more distant Alpine Tower appears only half as tall as the Alameda Tower. When used to create whimsical photographs, foreshortening can provide an entertaining, comical effect.[49] But it can also be used to minimize the visual impact of a large structure, even if perhaps inadvertently, as it does in the DEIR.

Footnote 49: Most people are familiar with photographs depicting persons interacting in some way with a distant object, often a building. For example, a photo at the following web page depicts the leaning tower of Pisa as if it were part of a large ice cream cone being enjoyed by a visiting tourist: https://huebliss.com/foreshortening-photography/ (last viewed Jan. 12, 2023).

Response GO14-110 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Key Observation Points (KOPs) critical or representative of the visual character of the area were identified within each Landscape Unit (LU) and utilized for before and after photorealistic and true to scale visual simulations and locations of sensitive viewers that potentially would be visually impacted by the proposed Project. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies. The Draft EIR and Visual Impact Assessment specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds of or from LAUS. The Draft EIR studied thirty KOPs, including 8 that simulated views of the Alameda Station location from or near LAUS:

- KOP 1: Looking East from Los Angeles Street
- KOP 2: Looking North on Alameda Street
- KOP 3: Looking Northeast from El Pueblo
- KOP 4: Looking Northwest from LAUS
- KOP 5: Looking Northeast from New Pedestrian Plaza West of Alameda Station

- KOP 6: Looking East from Avila Adobe
- KOP 7a: Looking Southeast from Olvera Street
- KOP 7b: Looking North from Cesar Chavez Avenue

The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of LAUS.

Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, in response to comments received on the Draft EIR during the public review period. Refer to Appendix H.1, Memo Regarding Preparation of View Simulations, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. KOPs selected for simulation will appear larger and more distinct than visual elements further in the distance even though the foreground element may be of a smaller dimension, consistent with how pedestrians experience their surrounding environment. As such, visual elements in the foreground can sometimes block the full view of visual elements at a distance even though the foreground element may be of a smaller dimension. Further, visual simulations were created to reflect the proposed project components within the existing landscape and, as such, include the existing landscape planting, buildings, and other visual elements such as open space resources, trees, and building frontages as they existed at the time the photos were taken.

Comment GO14-111 The selection of simulated views of the Project appears calculated to minimize visual impacts of the Project. For example, a depiction of the proposed pedestrian plaza at El Pueblo is at an angle showing the plaza at a great distance while depicting only a small portion of the massive station (see Figure 2-9), which the DEIR describes as "173 feet long, 109 feet wide, and 78 feet high." (DEIR, p. 2-23.) A depiction of pedestrian improvements at the proposed Chinatown/State Park Station shows one of the few somewhat close views of the station, but from a vantage point that is almost entirely obscured by plants, pedestrians, and Project hardscape shelter elements. (Figure 2-9, DEIR, p. 2-31.) There is no other simulated view depicting the Chinatown/State Park Station in the main DEIR document. The top image of Figure 6-18 (DEIR, p. 6-33) depicts the proposed Project from the "roundhouse" area of LA State Historic Park, approximately 1,300 feet away (measured using Google maps "measure distance" feature). (See also DEIR, p. 6-30 (textual description of the simulated image).)

The only close image of Chinatown/State Park Station within Appendix C appears to be Figure 5-17. (DEIR, Appx. C, pdf p. 125.) Chinatown/State Park Station completely dominates and obscures the existing park entrance. Figure 5-18 depicts

a simulated view of Chinatown/State Park Station masked by a large tree in the foreground. (DEIR, Appx. C, pdf p. 126.) Figure 5-19 includes a depiction of the Project looking southeast from the southwestern portion of LA State Historic Park, directly beneath the eastern-most gondola cables. (DEIR, Appx. C, pdf. p. 127.) In this depiction the station can be seen, presumably because trees that would have obscured it had to be removed to avoid being too close to hanging gondola cabins. (See upper "existing" image.)

Response GO14-111 Refer to Response GO14-110 for discussion of the analysis of aesthetic impacts from the proposed Project in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, including selection of KOPs and the methodology used to prepare the KOPs described in greater detail in Appendix H.1, Memo Regarding Preparation of View Simulations, of the Final EIR. Refer to Figure 2-16 on page 2-31 of Section 2.0, Project Description, of the Draft EIR, for an illustrative design of pedestrian improvements at Chinatown/State Park Station, which depicts the Chinatown/State Park Station. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. The Draft EIR included thirty Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project.

Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

With respect to views from within the park, the Draft EIR concluded that certain southwest-facing views of the downtown Los Angeles skyline, particularly close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the Draft EIR noted that these views are already

partially interrupted by trees and intervening development, and the nature of the proposed Project (i.e., cables with similar characteristics to prevalent existing powerlines and cabins that are constantly moving in and out of view) means that the proposed Project would not significantly impact views from the park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. The Final EIR includes additional KOPs to further analyze viewshed impacts to Los Angeles State Historic Park in Appendix H.2. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. In addition, refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the park and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the park.

Comment GO14-112 But this depiction is taken at an angle that shows the Los Angeles skyline to the right of the station. Almost the entirety of LA State Historic Park would experience the station as being between the viewer and the Los Angeles skyline. Figure 5-20a depicts the station partially obscuring the Los Angeles skyline. (DEIR, Appx. C, pdf p. 128.) But this image is taken from an elevated angle, and therefore depicts the station as appearing lower on the horizon than it would if taken from the location of people on the lawn below. Figure 5-20b corrects this problem as it depicts a simulated image from a lower elevation. (DEIR, Appx. C, pdf. p. 129.) Curiously, however, even though this is described as from the same location as the previous depiction (from the roundhouse within LA State Historic Park), the entire City of Los Angeles skyline has somehow shifted several degrees to the right and is no longer partially obscured by the Chinatown/State Park Station.

Response GO14-112 As described in the KOP Figure Mapbook included in Appendix C, Visual Impact Assessment, of the Draft EIR, Figure 20a, which is KOP 17, depicts the existing viewpoint from the perspective of a pedestrian or recreationalist looking southwest towards Chinatown and downtown Los Angeles from the interior of the Los Angeles State Historic Park. Figure 20-b, which is also KOP 17, depicts the view looking southwest from the roundhouse within the park and this view is "provided at a larger scale for informational purposes only." Refer to Response GO14-110 for discussion of the analysis of aesthetic impacts from the proposed Project in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, including selection of KOPs and the methodology used to prepare the KOPs described in greater detail in Appendix H.1, Memo Regarding Preparation of View

Simulations, of the Final EIR. Refer to Response GO14-111 for discussion of how impacts to scenic or panoramic views would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the park, and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the park.

Comment GO14-113 It is also appropriate to note that the simulated images do not always accurately portray gondola cables. The DEIR's cover image clearly shows six cables (two sets of three). (DEIR, cover page.) This is consistent with a textual description of the cable system. (DEIR, p. ES-3). But numerous simulated images show only four cables (two sets of two). (See, e.g., from the DEIR: Figure 2-6, Figure 4-10, Figure 6-14 (top image), and Figure 6-16 (bottom image); from DEIR, Appx. C: Figure 5-5, Figure 5-9, Figure 5-10, Figure 5-11, Figure 5-15, Figure 5-18, and Figure 5-19). These conflicting images, some with four gondola cables and some with six, make assessment of the visual impacts of the Project difficult to understand and assess.

Response GO14-113 Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, including simulations provided for additional clarity regarding certain design elements of the proposed Project. Refer to Appendix H.1, Memorandum Regarding Preparation of Key Observation Points, of this Final EIR, for a discussion of how the view simulations were prepared, noting that while the ropes would be 1.75 to 2.5 inches in diameter, this size is too small to be visually detectable in many of the view simulation renderings, and accordingly the ropes were modeled with a 6-inch diameter so that they would be visible. Additionally, renderings include 3 cables, though some imagery may show only 2 visible cables due to perspective.

Comment GO14-114 Finally, Figures 5-21 and 5-22 simulate additional distant views of Chinatown/State Park Station, the first from the sidewalk in front of the LA State Historic Park, the second from the Park itself. (DEIR, Appx. C, pdf pp. 130-131.) Using the Google maps measuring tool and the image key (Figure 4-4, DEIR, Appx. C, pdf p. 44) the depicted views appear to be from approximately 1,600 feet (Figure 5-21) and 2,200 feet (Figure 5-22) distant.[50]

The DEIR's use of misleading images and failure to provide images that adequately convey the full scope of visual impacts along the entire Project corridor, but especially impacts associated with LA Union Station, El Pueblo de Los Angeles, and Los Angeles State Historic Park, cause it to fail as an informational document.

Footnote 50: DEIR Figure 5-23 depicts a simulated view from the "North Broadway historic bridge" at a distance of approximately 3,400 feet using the Google maps measuring tool. (DEIR, Appx. C, pdf p. 132.) The utility of depicting the Project from the No. Broadway bridge is unclear, however the massive structure of the

Chinatown/State Park Station can be easily seen even from this great distance, though it does not obscure the Los Angeles skyline from this simulated camera position.

Response GO14-114 This comment provides a general recitation and characterization of the Draft EIR. Refer to Responses GO14-110 through GO14-113 for discussion of the aesthetics analysis in the Draft EIR and aesthetics impacts of the proposed Project, which would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, additional visual simulations of the park to further analyze viewshed impacts to the Park, in response to comments received on the Draft EIR during the public review period. The EIR has accordingly provided sufficient information for the public and decisionmakers to meaningfully evaluate the proposed Project's potential environmental impacts, and does not "fail as an informational document."

Comment GO14-115 2. The DEIR ignores protections and mitigation measures imposed by the certified Final EIR for Los Angeles State Historic Park's General Plan.

The DEIR acknowledges that the Project would have a "significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." (DEIR, ES-58.) The DEIR asserts, however, that the essential conflict between the Project's proposed use of land at Los Angeles State Historic Park is technical, and correctable by adoption of Mitigation Measure LUP-A which merely requires "[o]btain[ing] a Los Angeles State Historic Park General Plan Amendment." (Ibid.) This assumption is grossly in error. Under California law, LA State Historic Park is plainly not available for the benefit of the Project. (See discussion, supra pp. 12-26.)

Response GO14-115 Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to

inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO14-116 More important, even if a Park General Plan amendment were available to benefit the Project, and it is not, the DEIR fails as an informational document for making little effort to describe the nature of the environmental impacts intended to be addressed by the mitigation measure. Before a mitigation measure may be proposed to address a significant environmental effect, the environmental effect must be adequately identified. (Pub. Res. Code, § 21002.1.)[51] Without first understanding the complete nature of the significant effect it is not possible to assess whether a mitigation measure would reduce impacts to a level less than significant, or if another feasible mitigation measure would be superior. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B): "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified.")

But the DEIR does not clearly identify the Project's significant environmental effect(s)—it only identifies the mitigation. The DEIR assumes that whatever the significant effect is, papering over it with a revised General Plan will suffice. There is thus no way to assess whether the mitigation is sufficient to reduce the significant environmental effect(s) to a level less than significant, because the nature of the impact is not adequately described.

Footnote 51: When a lead agency determines that a mitigation measure cannot be legally imposed, as Metro should have determined here, the mitigation measure need not be proposed or analyzed. (CEQA Guidelines, § 15126.4, subd. (a)(5); see discussion, supra pp. 11-25.)

Response GO14-116 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, of the Draft EIR, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Response GO14-115 for a discussion of Mitigation Measure LUP-A. The comment suggests, without explanation, that Metro should have determined that Mitigation Measure LUP-A cannot be "legally imposed." Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of Metro's consultation with CEQA responsible agencies, including State Parks.

Consultation with State Parks as Draft EIR preparers occurred as part of this process, and comments from State Parks on the Draft EIR were reviewed and incorporated into the Draft EIR. As discussed in Section 3.11, Land Use and Planning, of the Draft EIR, State Parks, as a responsible agency, considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and requested Mitigation Measure LUP-A be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Accordingly, it would be improper for Metro, the lead agency, to determine that State Parks, the responsible agency, could not request a mitigation measure that is solely within the State Parks' jurisdiction. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, and Table 7-1, Mitigation Monitoring and Reporting Program (MMRP), of the Final EIR. The Mitigation Monitoring and Reporting Program prescribes for agency enforcement of mitigation measures for the proposed Project. Refer to Responses GO14-32 through GO14-54 for responses to comments contained on pages 11 to 25 of this letter, as identified in footnote 54 of this comment GO14-116.

Comment GO14-117 The DEIR's aesthetics analysis summarizes the goals and guidelines of LA State Historic Park's General Plan. (DEIR, pp. 3.1-2 to 3.1-3.) While this recitation is accurate, the DEIR's analysis falls far short. As in its project description of LA State Historic Park, the DEIR's description of the park within Landscape Unit 4 fails to convey the importance of protected views of and from the Park. Lumping LA State Historic Park in with the other community visual features found in Landscape Unit 4, the DEIR concludes that the visual quality of LU-4 is "moderately low." (DEIR, p. 3.1-30.) Moreover, and as will be discussed further, LA State Historic Park's goals and guidelines are intended for use by Park facilities, and are simply not applicable to non-park structures, which have no place and are not permitted in the Park.

For its thresholds of significance, the DEIR chooses the State CEQA Guidelines Appendix G questions and employs guidance from the City of Los Angeles CEQA Threshold Guide in the analysis. (DEIR, p. 3.1-32.) While the Appendix G questions are usually considered adequate for review of a typical development project, they are not adequately responsive to the needs of a historic state park that has aesthetic resource protections already imposed by the Park General Plan and certified Final EIR, including mitigation measures put in place to protect the aesthetic and other resources identified in the Park's EIR.

Response GO14-117 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response S2-5 discussing how the proposed Project would not adversely

impact or interfere with key viewpoints or the visual character of the Park. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, including on the Los Angeles State Historic Park, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project in response to comments on the Draft EIR, including at Los Angeles State Historic Park.

Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics. The Draft EIR's analysis of impacts to aesthetics and cultural resources was prepared by experts in their respective fields, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of Metro's consultation with CEQA responsible agencies, including State Parks. Consultation with State Parks as Draft EIR preparers occurred as part of this process, and comments from State Parks on the Draft EIR were reviewed and incorporated into the Draft EIR. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. As discussed on page 3.1-32, of Section 3.01, Aesthetics, of the Draft EIR, the City of Los Angeles CEQA Thresholds Guide was used to provide context to the questions in Appendix G of the CEQA Guidelines. State Parks did not object to the use of this Guide to

provide context for the aesthetics and visual resources analysis, and the Draft EIR in turn provides justification for their use. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan mitigation measure Aes-1 which requires State Parks to review potential aesthetic quality impacts associated with new facilities and implement design practices that reduce those facilities' overall negative aesthetic effect. The proposed Project does not modify this mitigation measure, which applies to State Parks' actions and does not apply to the proposed Project. In any event, the Project Sponsor has been working cooperatively with State Parks to avoid or minimize impacts, including aesthetic impacts to LASHP, thus helping State Parks meet its obligations pursuant to this mitigation measure.

Comment GO14-118 The primary mode of visual analysis undertaken by the DEIR to assess operational aesthetic impacts is use of existing and simulated views of the Project taken from a series of Key Observation Points ("KOPs"). (DEIR, p. 3.1-35; see also Figure 4-1 (KOP Locations Overview), DEIR, Appx. C, pdf p. 41.) As already discussed, the locations selected for these photos seem to have been selected in a manner calculated to minimize the Project's visual impacts. (See discussion, supra pp. 53-55.) The DEIR also does an inadequate job explaining the selection process for KOP locations.

Response GO14-118 Refer to Response GO14-110 for discussion of the methodology used to identify KOPs for the Draft EIR's analysis of aesthetic impacts, which would be less than significant.

Comment GO14-119 The first Appendix G question asks if the Project would "have a substantial view on a scenic vista." (DEIR, p. 3.1-33.) The protected views of the Los Angeles skyline as seen from LA State Historic Park (along with numerous other important visual resources such as views of designated cultural and historic landmarks within the Project area) are largely swept aside as not technically comprising a scenic vista: "There are no designated scenic vistas present in the [Area of Potential Impact]."[52] (DEIR, p. 3,1-33 (emphasis added).) Construction impacts are determined to be less than significant because viewers are either deemed to generally have low sensitivity "and do not necessarily have a personal investment in these views" or because views are "only minimally noticeable because of the distant aspect of that view and the presence of vegetation" or because views of mountain ranges and the Los Angeles skyline would "continue to be available to pedestrians and recreationalists through street corridors." (DEIR, p. 3.1-34.)

Footnote 52: The DEIR does at least acknowledge that some viewers might view things differently: "[V]iews of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains…could be considered scenic to certain viewers although not officially designated as such." (DEIR, p. 3.1-34.)

Response GO14-119 This comment provides a general recitation and characterization of the Draft EIR. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Topical Response M, Comparable Urban Aerial Transit Systems for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Comment GO14-120 Operational impacts are likewise minimized: "no designated scenic vistas are present in the API." (DEIR, p. 3.1-35.) The protected views from LA State Historic Park, and views of other cultural and historic landmarks in the Project are not individually analyzed. Lumping the entirety of the aesthetic views together allows the DEIR to dismiss them with sweeping generalizations:

> While the Project would include tall visual elements, views of other scenic or panoramic views would continue to be visible from more prominent view locations, such as park areas, or other sections along local streets. In addition, the Project would comprise a very small portion of the broad urban view field. As such, the Project as viewed from public areas in each LU would not block prominent views of notable visual features.
>
> (DEIR, p. 3.1-35.)

The DEIR continues:

> Overall, the proposed Project would not significantly block scenic or panoramic views, such as views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains." (Ibid. (emphasis added).)

The word "overall" does an awful lot of work in the above sentence. Simply put, any "analysis" that lumps a set of individual visually important views together, including

views of designated cultural and historic sites (at least one specifically protected by mitigation measures in a certified EIR, see below) instead of analyzing them for their own unique individual values, must be considered inadequate.

Response GO14-120 This comment provides a general recitation and characterization of the Draft EIR. Refer to Responses GO14-117 and GO14-119 for discussion of how the analysis of aesthetic impacts in the Draft EIR complied with CEQA, and for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Response S2-5 discussing how the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. Refer to Responses GO14-109 and GO14-110 for discussion of the preparation of the aesthetics analysis for the Draft EIR, in compliance with CEQA. This commenter's reference to analysis of "protected views" is noted but CEQA does not require an analysis of this type of view. Further, the commenter takes issue with the conclusion of the analysis of scenic views in Section 3.01, Aesthetics, of the Draft EIR, on pages 3.1-33 to 3.1-35, which includes a detailed analysis is of each individual scenic vista before reaching the conclusion that is quoted. Refer also to Appendix C, Visual Impact Assessment, of the Draft EIR, which discusses individual scenic vistas in the analysis of individual KOPs.

Comment GO14-121 With respect to only LA State Historic Park, the DEIR states: "[V]iews from the Los Angeles State Historic Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views." But as discussed above, the simulated views are entirely inadequate to convey the substantial visual impact of the Project on LA State Historic Park, as the views seem to have been selected in a manner calculated to downplay visual aesthetic impacts. Consequently, they do not provide a basis to completely evaluate aesthetic impacts.

Response GO14-121 Refer to Responses GO14-117 and GO14-119 for discussion of aesthetic impacts of the proposed Project, which would be less than significant, including to scenic vistas. Refer to Response S2-5 discussing how the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park.

Comment GO14-122 Of course, it is also true that courts are generally deferential to an agency's determinations with respect to aesthetic impacts. (See, e.g., North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd. of Directors (2013) 216 Cal.App.4th 614, 627.) Here that cuts against Metro's determination for the Project, because the agency responsible for determining the aesthetic resources of Los Angeles State Historic Park, the Department of Parks and Recreation, has already well defined the park's aesthetic resources and certified an EIR with a mitigation measure intended to protect them:

Viewsheds

As viewed from the north, especially from the northern two-thirds of the property, 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.

Views of Elysian Park present a welcoming view of green hills and trees. The more distant views of the Verdugo Hills and the occasionally snow-covered San Gabriel Mountains provide vistas of natural landscapes.

In the immediate vicinity of the Park are structures with distinct architectural styles, including a variety of buildings in the Chinatown area, the Chinatown Transit Station, the Capitol Milling Company building, and the Broadway Bridge. (LASHP General Plan, pdf. pp 52-53 (emphasis added).)[53]

The Park's Final EIR acknowledges that it is located "in a dense urban environment," but that fact is an additional justification to protect visual resources, including views seen from the Park, and also views seen of the Park as seen from outside its boundaries:

This Park is situated in a dense urban environment. It does, however, provide a spectacular view of the downtown Los Angeles skyline, as well as views to the nearby Elysian Park and the Verdugo Hills, open space elements that can be rare in an urban landscape. **Any changes that substantially degrade the visual experience *for park visitors and others viewing the Park from adjacent property* have the potential to cause significant impacts**.

(Ibid., pdf p. 121 (discussing the purpose of Mitigation Measure Aes-1) (emphasis added).)

Footnote 53: The Los Angeles State Historic Park General Plan and Final EIR was approved/certified by the State Park and Recreation Commission on June 10, 2005. (LASHP General Plan, pdf p. 125.)

Response GO14-122 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations and the Los Angeles State Historic Park General Plan and Final EIR. Refer to Responses GO14-117 and GO14-119 for a discussion of the Draft EIR's aesthetic analysis. Refer to Response S2-5 discussing how the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Mitigation Measure Aes-1.

Comment GO14-123 The certified Environmental Impact Report for LA State Historic Park protects these important visual resources by restricting the type, location, screening, and materials of structures permitted in the park:

Mitigation Measure Aes-1. Visual impacts can be avoided or reduced by appropriate siting, design, and selection of materials. Specific project designs will define aesthetically appropriate design features, identify visual resources, and identify optimum methods for protecting existing resources. Potential aesthetic quality impacts associated with the development of new facilities shall be reviewed at the project-level for specific facilities or management plans proposed. Mitigation measures include, but are not limited to:

- Implement design practices that reduce the overall negative aesthetic effect of new facilities, including, but not limited to:
    - Include vegetation to screen negative views, or soften the visual effect of parking areas, visitor facilities, roads, trails, or transit corridors, where appropriate;
    - Incorporate architectural site/design elements that support and are consistent with the plan vision;
    - Where night lighting is necessary, direct the lighting downward and locate new exterior lighting such that it is not highly obtrusive;
    - Evaluate the location of structures and activity areas to enhance positive views within and outside of the Park site;
    - Design and site new roads and trails to minimize grading and the visibility of cut banks and fill slopes; utilities should be placed underground where feasible;
    - Schedule construction and maintenance activities to decrease any negative impacts to visitors and adjacent property owners.

(LASHP General Plan, pdf pp. 121-122.)

Response GO14-123 This comment provides a general recitation and characterization of the Los Angeles State Historic Park General Plan and Final EIR. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Mitigation Measure Aes-1.

Comment GO14-124 Moreover, the LA State Historic Park General Plan and Final EIR created the above mitigation for application to Park structures permitted by its General Plan: "Potential installation of facilities allowed by the Plan may constitute a potentially significant aesthetic change…" (Ibid., pdf. p. 115 (emphasis added).) The General Plan and Final EIR do not contemplate mitigations for structures that are not permitted by the Park's General Plan. "[P]otential facilities" evaluated in the General Plan and Final EIR do not provide for non-Park facilities (see ibid., pdf pp. 132-133) which are not permitted in a historical unit of the state park system. (Pub. Res. Code, § 5019.59.) There is no appropriate siting or screening possible for an intruding nonpark, commercial structure in LA State Historic Park. The DEIR lists

the Park's General Plan goals and guidelines (DEIR, pp. 3.1-2 to 3.1-3.) as if they can be applied to any structure, including non-park structures, but the General Plan goals and guidelines are intended only for permissible structures. Other structures are simply not permitted.

Response GO14-124 This comment provides a general recitation and characterization of the Los Angeles State Historic Park General Plan and Final EIR. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment and a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO14-125 As discussed above, the State Parks Commission, in approving the General Plan and certifying its Environmental Impact Report, also protected views of the Park. The DEIR's use of City of Los Angeles CEQA Thresholds to disregard the Park's Mitigation Measure Aes-1, which protects views of the Park from both public and private locations, thus improperly modifies an adopted mitigation measure. (See DEIR, p. 3.1-47 (analysis of LU-4 including LA State historic Park): "the operation of the proposed Project within LU-4, would not substantially degrade the existing visual character or quality of public views of the site and its surroundings, and the impact would be less than significant."; see also DEIR, p. 3.1-47: "[V]isual impacts under the L.A. CEQA Thresholds Guide are assessed based on changes to public views.")

This is improper. A lead agency may not cancel or modify a previously adopted mitigation measure without reviewing its continued need, explaining the change, and supporting its determination with substantial evidence. (See Katseff v. Dept. of

Forestry & Fire Protection (2010) 181 Cal.App. 4th 601, 614.) The appropriate lead agency to modify mitigation Aes-1 is the Department of Recreation and Parks, not Metro. But the Project EIR must explain why Aes-1 is no longer needed and appropriate to change, and support this determination with substantial evidence. Here Metro has not acknowledged the existence of the mitigation measure, let alone explained why it is no longer needed or supported its conclusion with substantial evidence.[54]

Footnote 54: The DEIR notes the existence of the Park's Final EIR (see DEIR, p. 3.1-1, fn. 1), but does not mention, discuss, or analyze modifications to mitigation measures that would be necessary due to the Project. With respect to CEQA's ability to protect private views, see Ocean View Estates Homeowners Assn., Inc. v. Montecito Water Dist. (2004) 116 Cal.App.4th 396, 402-403

Response GO14-125 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Section 3.01, Aesthetics, with supporting information in Appendix C, Visual Impact Assessment, of the Draft EIR, for analysis of the proposed Project's potential aesthetics impacts, which would be less than significant. The comment's referenced mitigation measure (Aes-1) requires State Parks to review potential aesthetic quality impacts associated with new facilities and implement design practices that reduce those facilities' overall negative aesthetic effect. The use of a City of Los Angeles CEQA Threshold does not "disregard" or "modify" this mitigation measure, which applies to State Parks' actions and does not apply to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Mitigation Measure Aes-1.

Comment GO14-126 The DEIR's description of gondola movement with respect to protected views of the Los Angeles skyline also minimizes the Project's aesthetic impacts. "The cabins would be constantly moving in and out of view, and the cables have similar characteristics to the overhead powerlines that are prevalent in views in this area. As such, the proposed cables and cabins would not significantly impact views in this area." (DEIR, pp. 3.1-45 to 3.1-46 (emphasis added).) First, no powerlines are located directly over the top of LA State Historic Park, and gondola cables are larger than powerlines. (DEIR, p. 3.4-19). If gondola cables are both physically closer and also larger, it is logical that they will have a much greater visual impact than distant, smaller powerlines. Second, and more obviously, if gondola cabins are "constantly moving in and out of view" they will have a greater distracting visual impact, especially in the evening and at night when they are lit or display signage (particularly potential electronic digital display signage). The DEIR fails to evaluate and minimizes the visual impacts of gondola cables and cabins.

Response GO14-126 Refer to Response GO14-117 for discussion of the how the Draft EIR assessed potential visual impacts to scenic vistas in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, and the proposed Project would not

block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Section 3.01 for discussion of how the location of the proposed cables and cabins would be adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The cabins would be constantly moving in and out of view, and the cables have similar characteristics to the overhead power lines that are prevalent in views in this area. As such, the proposed cables and cabins would not significantly impact views in this area.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, including simulations provided for additional clarity regarding certain design elements of the proposed Project, in response to comments received on the Draft EIR during the public review period. Refer to Appendix H.1, Memorandum Regarding Preparation of Key Observation Points, of this Final EIR, for a discussion of how the view simulations were prepared, noting that while the ropes would be 1.75 to 2.5 inches in diameter, this size is too small to be visually detectable in many of the view simulation renderings, and accordingly the ropes were modeled with a 6-inch diameter so that they would be visible. Refer to Topical Response K, Signage and Lighting, for discussion of how no digital signage is proposed on the exterior of the cabins. Signage proposed for the exterior of the cabins is static non-illuminated naming rights signage. In addition to the naming rights signage, the proposed Project is proposing that two cabins be designated for the display of community programming graphics and that one cabin be designated for the display of artwork by local arts collaborators. Signage would be designed to complement the proposed Project design and use and would be consistent with the existing urban condition, as illustrated in Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, which includes KOPs updated in part to incorporate the proposed Project's signage program, as depicted in the signage package included in the Lighting Study.

Comment GO14-127 The DEIR concludes not only that the Project would not have significant aesthetic impacts, but also that it would provide significant visual benefits to LA State Historic Park. (DEIR, p. 3.1-46.) This is absurd. Compare, for example, the before and after images shown in Figure 5-17 of the existing entrance at the Park's southwest corner (DEIR, Appx. C, pdf p. 125):



The proposed siting of the Project's Chinatown/State Park Station within LA State Historic Park at the Park's southwest corner (where many visitors first experience views of the park as they arrive) belies the notion that "visual changes of the proposed Project are minimized somewhat" by its southwest corner location.

Response GO14-127 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO14-117 for discussion of the how the Draft EIR assessed potential visual impacts to scenic vistas in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, and the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. The Draft EIR discusses how the proposed Project would provide a visual benefit being near the Park by providing park amenities, a mobility hub, pedestrian improvements, and installation of hardscaping and landscaping near the southern entrance to the park, which currently just includes hardscaping. Further, the Draft EIR discusses how visual quality and character is minimized for LU-4 because the visual changes of the proposed Project are minimized somewhat by the location of the Chinatown/State Park Station, which is south of the majority of the approximately 32-acre park space. For a project in an urban area, a significant impact to visual character or quality would occur if the project would conflict with applicable zoning and other regulations governing scenic quality. The proposed Project within LU-4 would be consistent with Los Angeles State Historic Park General Plan aesthetic resources goals to protect and enhance scenic viewsheds and features, and preserve the visitor's experience of the surrounding landscape by minimizing impacts to aesthetic resources because of the siting of the Chinatown/State Park Station within the southernmost portion of the park away from the open passive park areas. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are

integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO14-128 As the DEIR documents, the massive Chinatown Station (DEIR, p. ES-8: "200 feet long, 80 feet wide, and 98 feet tall at its tallest point") can be easily seen from adjacent views, which the Park's Final EIR protects. (See, e.g., Figure 5-23, DEIR, Appx. C, pdf p. 132 (depicting a simulated view from the "North Broadway historic bridge" approximately 3,400 feet distant.) Protected views of the Park may also be visible from Elysian Park and other distant elevated locations, but the DEIR provides no simulated views. At ninety-eight feet tall, it is a certainty that Chinatown/State Park Station cannot be screened with vegetation to minimize its impact.[55]

Nor does the DEIR suggest screening is needed. (But see LASHP General Plan and Final EIR, mitigation measure Aes-1, describing a general need for screening of structures within the Park.)



Close up – Chinatown/State Park Station (DEIR Appendix C Figure 5-23)

Footnote 55: LA Parks Alliance notes that Design Option C, which would be 35 feet taller than the preferred Project, would have an obviously greater impact on protected views of and from LA State Historic Park.

Response GO14-128 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO14-117 for discussion of the how the Draft EIR assessed potential visual impacts to scenic vistas in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, and the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

Refer to Response GO14-127 for discussion of the aesthetic impacts of the proposed Project to the Los Angeles State Park, which would be less than significant, including to scenic vistas. The Draft EIR recognized the potential visual impact that could occur as a result of the addition of Chinatown/State Park Station, noting that its 98-foot height could alter changes to views as compared to the existing landscape. However, the analysis conducted for LU-4 explained that the design of Chinatown/State Park Station would include architectural styles, colors, and materials that are comparable and similar to the aesthetic make-up of the surrounding urban environment. The design also includes the addition Park amenities including approximately 740 square feet of concessions, 770 square feet of restrooms, and a 220 square foot covered breezeway connecting the concessions and restrooms. Pedestrian access enhancements included in the proposed Project would include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station, including hardscape and landscape improvements, shade structures, and potential seating. The Chinatown/State Park Station would also include the installation of landscaping and hardscaping at the southern entrance to the park along Spring Street which currently just includes hardscaping. Overall, the design would ensure the addition of Chinatown/State Park Station would not substantially degrade the existing visual quality or public views of the site and its surroundings, and the impact would be less than significant. As detailed in Section 3.01 and Appendix C, the LUs along the proposed Project alignment encompassed the location of the proposed Project alignment and the adjacent area. The existing visual character and quality, as well as the primary viewers, were determined for each LU. Locations of sensitive viewers are identified on Figures 4-2 through 4-4 of Appendix C. As noted in Appendix C, not all sensitive viewers would have views of the proposed Project or be visually impacted by the Project. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies. Recreationalists in Elysian Park are not identified as sensitive viewers of the proposed Project. Moreover, as discussed in Section 3.01, there are no designated scenic vistas present in the API. However, the Project area provides views that are considered scenic to certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. To the extent a recreationalist in Elysian Park could experience minor changes in views based on the Chinatown/State Park Station, this would be only minimally notable because of the distance aspect of that view and intervening development and the presence of vegetation. As discussed in Section 3.01, Aesthetics, of the Draft EIR, views from recreationalists within Elysian Park may experience minor changes to views of Dodger Stadium but this would be only minimally noticeable because of the distance aspect of that view and the presence of vegetation.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Mitigation Measure Aes-1.

Refer to Section 6.0, Design and Use Options, of the Draft EIR, for discussion of Design Option C, Chinatown/State Park Station with Increased Height, which would include a 35 foot increase of the Chinatown/State Park Station for a 133 foot-tall station, included in the Draft EIR in response to stakeholder feedback who asked the Project Sponsor to consider a taller Chinatown/State Park Station to increase the height of cabins entering and exiting the station along Spring Street. Refer to Figures 6-16 through 6-18 for simulations of Design Option C compared to the proposed Project, and accompanying discussion of the aesthetic impacts of this design option, which would be less than significant.

Comment GO14-129 The discussion above does not include consideration that to install the massive Chinatown/State Park Station removal of a substantial number of trees will be necessary. The DEIR describes that the Park includes "mature trees" (DEIR, p. 3.1-24), but the only significant discussion of trees in the aesthetic impact analysis of LA State Historic Park describes how "existing views of downtown from other areas within the park are already interrupted under existing conditions by trees…," ignoring that the trees in the Park are themselves an aesthetic resource, and entirely neglecting that 24 trees on the State Historic Park property and six street trees adjacent to the Park would be removed to allow construction of the Chinatown/State Park Station, and an additional 51 trees would be removed to accommodate the gondola alignment over the Park. (DEIR, p. 3.4-23.)

The aesthetic analysis does not consider the function of trees within the Park landscape that would be removed. For example, are they part of the Park General Plan and Final EIR mitigation that screens and softens the visual impact of adjacent urban areas using vegetation? The aesthetic analysis, in fact, entirely ignores the removal of these 81 trees. They are in the way of the Project component and alignment, so they will be removed without respect to their age, purpose, or aesthetic or habitat value. No trees can be planted in their place within the gondola alignment—they would interfere with the Project.

In a letter to the editor recently published in the Los Angeles Times, Kathleen Johnson, executive director of Los Angeles River State Parks Partners, a "cooperating association" for LA State Historic Park, justifiably refers to the gondola Project's removal of trees and taking of parkland as an "environmental injustice."[56] LA Parks Alliance agrees.

Footnote 56: Kathleen Johnson, Damaging a hard-won park (LA Times letter to the editor), published Jan. 11, 2023, attached as Exhibit R. (More information on LA

River State Parks Partners, including its "cooperating association" status with state parks, is available at its website: https://www.larsppartners.org.)

Response GO14-129 This comment provides a general recitation and characterization of the Draft EIR. Refer to Response GO14-117 for discussion of the how the Draft EIR assessed potential visual impacts to scenic vistas in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR. The Draft EIR addressed aesthetic impacts in Section 3.01, Aesthetics, with supporting data provided in Appendix C, Visual Impact Assessment of the Draft EIR, and determined that impacts would be less than significant. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. Section 3.01 includes detail regarding existing trees as part of the Local Setting and discusses tree removal and replacement. The Draft EIR includes thirty Key Observation Points (KOPs), including nine that simulate views of or from Los Angeles State Historic Park. In addition, refer to Appendix H.1, Memo Regarding Preparation of View Simulations, of the Final EIR, for a discussion of how the KOPs analyzed in the Draft EIR include the removal of landscape planting elements, including trees. Additionally, refer to Appendix H.2, Supplemental KOPs in Response to Comments, which includes additional KOPs 31 through 35 that provide additional visual simulations of Los Angeles State Historic park, including views from a cabin over the park, views of the Chinatown/State Park Station, and proposed amenities for the Park. Moreover, as discussed on page 20 of the Tree Report, which is included in Appendix E, Biological Resources Assessment, of the Draft EIR, and in Appendix K.1, Updated Tree Report, of the Final EIR, the trees within the Los Angeles State Historic Park were installed in 2016 during construction of the Park as part of a tree planting program and are not naturally occurring. Further, as described in BIO-PDF-F, the proposed Project would comply with applicable tree replacement requirements, based on the jurisdiction of the property where each tree is located, which require tree replacement at least at a 1:1 ratio.

Section 3.11, Land Use and Planning, of the Draft EIR also analyzed the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics (see pages 3.11-39 to 3.11-41). As detailed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, consistent with the General Plan's Aesthetic Goal, the proposed Project would protect and enhance scenic viewsheds and features and preserve the visitor's experience of the surrounding landscape by minimizing impacts to aesthetic resources. The proposed Project's design would incorporate appropriate urban design elements at the neighborhood level, preserve natural viewsheds of hillside areas, as well as protect additional open space and aesthetics resources consistent with policies from the Los Angeles State Historic Park General Plan.

The proposed Project's design and building materials would complement the architectural themes of the neighborhood and would complement the visual character of the existing buildings in the area. The Chinatown/State Parks Station's location would not block any designated scenic vistas, alter scenic resources, or block panoramic views. Additionally, potential impacts to visual quality and character are minimized by the location of the Chinatown/State Park Station, which is in the southernmost portion of the park, away from the open passive park areas.

The proposed Project components would consist of a modern architectural design, which would complement the existing modern style buildings in this area. In addition, the neutral light-tone gray of the proposed Project components would be consistent with modern structures in the surrounding urban environment. The new amenity building intended for use by proposed Project riders and park visitors alike are designed to reflect the scale and materiality of the existing visitor amenity buildings located within the Los Angeles State Historic Park.

Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Further, consistent with Los Angeles State Historic Park General Plan Aesthetic Guideline 1, the Project Sponsor has taken steps to further minimize the effects of the proposed Project on the park's visual resources and high-value open space. This has included collaboration with State Parks resulting in selecting a primary alignment along the western edge of Los Angeles State Historic Park, rather than through the middle of the park, in order to reduce visual and other Park impacts. Additionally, the Project Sponsor worked with State Parks to determine the new location of the Chinatown/State Park Station to improve pedestrian flow into the park and what other improvements would further enhance the experience of visitors (e.g., increased landscaping and hardscaping, new restrooms and concession areas, etc.). This resulted in moving the station to the southernmost edge of the park.

As discussed in more detail in Topical Response F, Los Angeles State Historic Park, in response to Los Angeles State Historic Park stakeholders' comments on the proposed Project's Notice of Preparation and discussions with State Parks, numerous design considerations have been incorporated into the proposed Project to minimize the aesthetic effect of the proposed Project on Los Angeles State Historic Park, including reducing the size and scale of the station, integrating the existing historic granite pavers, and carefully considering the optimal location for the station.

The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page

3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. As discussed in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of certain trees for the proposed Project would result in a small reduction of habitat for wildlife species that depend on trees for cover, nesting, roosting, foraging, and other reasons. In the short-term, the removal of trees would result in a marginal reduction of suitable tree habitat for nesting birds, roosting bats, and other wildlife in the vicinity of the proposed Project. Common wildlife species would be expected to utilize adjacent habitats, and substantial population level impacts to common species would not be expected due to the small amount of habitat loss relatively to the amount of habitat available in surrounding areas.

This response takes into account the content of Exhibit R, referenced in this comment. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Refer to Topical Response N, Environmental Justice, for discussion of how the proposed Project is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, providing connections to Metro's growing regional public transit system.

Comment GO14-130 3. The DEIR's analysis of Project lighting impacts is incomplete.

The DEIR includes a Lighting Study. (DEIR, Appx. C). The study is incomplete for failure to consider the totality of the Project's proposed signage program, which "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… Signage would be architecturally integrated into the design of the ART system including its stations, the junction, towers, and cabins." (DEIR, p. 2-45.) The Lighting Study

neither discusses this nor provides additional information regarding the signage program.

Response GO14-130 Refer to Topical Response K, Signage and Lighting, for discussion of the proposed Project's signage and lighting, with additional technical detail and information provided in the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. No digital signage is proposed on the exterior of the cabins. Signage would be designed to complement the proposed Project design and use and would be consistent with the existing urban condition, as illustrated in Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, which includes KOPs updated in part to incorporate the proposed Project's signage program, as depicted in the signage package included in the Lighting Study.

Comment GO14-131 The DEIR fails to consider the specific impacts of lighting and glare on views from and of LA State Historic Park protected aesthetic resources. As the Park's General Plan Final EIR states: "Inappropriate lighting throughout the Park may create visual impacts. Obstructing an existing viewshed (such as the Los Angeles downtown skyline) may be considered an adverse impact."

Thus, lighting or glare created or made worse by any Project component, including its gondola cabins, which the signage program acknowledges may include electronic digital displays integrated into the design of stations, towers, and cabins, must be considered in the DEIR. But the DEIR relies only on the City of Los Angeles municipal code, which is subject to change, to protect LA State Historic Park, even though the Park is also (and better) protected by the Park's General Plan and Final EIR, which requires minimizing or eliminating inappropriate lighting. As Project cabins traverse the airspace of the Park lighting from within the gondola cabins, lighting from digital displays, lighting of traditional advertising, reflection of light from other sources, even unlit cabins traveling across the nighttime backlit skyline, could constitute potentially significant environmental effects of the Project. The DEIR studies none of them.

The DEIR's lighting analysis is incomplete and therefore inadequate. The Final EIR must include a mitigation to ensure gondolas are not vehicles for electronic digital display advertising that would cause a significant light/glare impact at LA State Historic Park. (Additional criticism of the DEIR's inadequate lighting analysis is found in Exhibit S (LPP letter), supra p. 64 fn. 59, pp. 6-7. LA Parks Alliance adopts these concerns as if fully set forth herein.)

Response GO14-131 Refer to Section 3.01, Aesthetics, and the Lighting Study included in Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the impacts to light and glare of the proposed Project, which would be less than significant. Refer to Response P708 for responses to the comments raised in Exhibit S, referenced in this comment. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for discussion of the proposed Project's consistency with applicable Los Angeles State

Historic Park General Plan policies, including aesthetic goals to protect existing viewsheds. The Draft EIR addressed aesthetic impacts in Section 3.1 Aesthetics, with supporting data provided in Appendix C, Visual Impact Assessment, of the Draft EIR. Project lighting would include low-level lighting for security and wayfinding purposes. Exterior lighting would be shielded or directed toward the areas to be lit to limit spillover onto adjacent properties and off-site uses, and would meet all applicable Los Angeles Municipal Code lighting standards. Refer to Topical Response K, Signage and Lighting, for discussion of how there is existing signage in the Project area, and the proposed Project signage would not substantially degrade the existing visual character or quality of public views. Instead, the proposed Project's design ensures that signage would enhance the public realm. Specifically, signage for the proposed Project would be architecturally integrated into the design of the ART system, including its stations, the junction, towers, and cabins, and would be designed consistent with applicable Metro, City, and State approval requirements. No digital signage is proposed on the exterior of the cabins.

Comment GO14-132 4. The Shading Impact analysis discloses a significant but unmitigated impact at LA State Historic Park.

The DEIR describes that the LA CEQA Thresholds Guide considers shading impacts of more than three hours between the hours of 9:00 am and 3:00 pm Pacific Standard Time between late October and early April, or for more than four hours between the hours of 9:00 am and 5:00 pm Pacific Daylight Time between early April and late October, to be a significant impact. (DEIR, Appx. C, pdf p. 94.) It goes on to describe shading impacts of shade-sensitive uses during winter months at LA State Historic Park as being significant under the DEIR's threshold:

> Fall shadow diagrams for the proposed Chinatown/State Park Station are depicted on Figure 72 through Figure 76 of Appendix B. A small segment of the western walkway in and near the southern entrance of Los Angeles State Historic Park would be shaded for four hours from 9:00 a.m. to 1:00 p.m. A small segment of walkways in the eastern side of the park would be shaded for four hours from 12:00 p.m. to 4:00 p.m. …[57]
>
> [T]he proposed Chinatown/State Park Station would result in the shading of shade-sensitive uses for more than three hours between the hours of 9:00 a.m. and 4:00 p.m. Pacific Standard Time (between late October and early April) in the Winter. Small portions of the eastern and western walkways and park green space near the southern entrance of the park would be shaded by the proposed Chinatown/State Park Station in the Winter."
>
> (Ibid., pdf p. 98.)

Despite fitting within the DEIR's chosen threshold to find a significant shading impact, the DEIR nonetheless concludes that the shadow impacts due to construction of Chinatown/State Park Station would be less than significant even

though it provides no mitigation measures to lessen the significant impact. (Ibid., pdf pp. 98-99.) The aesthetic analysis is therefore inadequate for identifying a significant impact under the threshold but determining it not to be significant, as well as for failing to propose a mitigation measure to reduce or eliminate the adverse impact.

Footnote 57: LA Parks Alliance notes that the main DEIR document neglects to mention the four-hour shading impact between 9:00 am to 1:00 pm detailed in Appendix C. (DEIR, p. 3.1-55.)

Response GO14-132 This comment provides a general recitation and characterization of the Draft EIR. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Shading is not a required analysis area under Appendix G of the CEQA Guidelines; however, a shadow analysis was conducted as part of the Visual Impact Assessment per recommendations in the L.A. CEQA Thresholds Guide, which provides that a determination of significance shall be made on a case-by-case basis, considering the factors provided in Section 3.2.2, L.A. CEQA Thresholds Guide, of the Draft EIR, including shading. As described in Section 3.01, the proposed Chinatown/State Park Station would result in the shading of shade-sensitive uses for more than three hours between the hours of 9:00 a.m. and 4:00 p.m. Pacific Standard Time (between late October and early April) in the Winter. Small portions of the eastern and western walkways and park green space near the southern entrance of the park would be shaded by the proposed Chinatown/State Park Station in the Winter. These park-related areas would be directly adjacent to the proposed station and are also considered to be a part of the proposed Project site. The Los Angeles State Historic Park is an urban park in a highly developed area and includes a total of approximately 32 acres of passive recreation including expansive additional areas of walkways and open green space for patrons to use. The relatively small areas of park walkways and green spaces that would receive shading from the proposed station are considered to be elements of the southern entrance to the park, but not routinely useable outdoor spaces. In addition, the outdoor seating area associated with the Cargo Snack Shack, which would receive shading for only two hours, currently includes an overhead shade canopy, so the proposed Project would not shade an uncovered outdoor seating area. As such, these impacts are not considered to be significant for these reasons. Also, the proposed Chinatown/State Park Station would not result in the shading of shade-sensitive uses for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between early April and late October). As such, shadow impacts from the Chinatown/State Park Station would be less than significant. Because there is no significant environmental impact from shading, no mitigation is required.

Comment GO14-133 E. The DEIR's analysis of the Project's potentially significant impacts to biological resources is incomplete and inadequate.

The DEIR provides the essential background on the regulatory setting for protection of biological resources (DEIR, pp. 3.4-1 to 3.4-4) but nonetheless fails to perform an adequate analysis of potentially significant impacts in the Project area.

The DEIR's wildlife survey concludes that only a limited number of bird species are found in the biological survey area, including ten common species and three non-native species. (DEIR, pp. 3.4-10 to 3.4-11.) But the DEIR limited the survey area to only "the proposed aerial alignment, stations, junctions, towers, cabins, and cables, and a 500-foot survey buffer around the alignment." (DEIR, p. 3.4-13.) Because the Project will cause direct physical changes and also foreseeable indirect physical changes in the environment beyond the 500-foot survey buffer area, in particular in Los Angeles State Historic Park, this survey area was too small to capture the full extent of potentially significant biological resource impacts.[58]

The DEIR describes two field surveys having been performed. The first survey was conducted April 1, 2020, "to document and photograph existing biological resources" and included a survey of "tall structures such as mature trees, power poles and towers, billboards, and buildings" searching for the "presence of nests." (DEIR, p. 3.4-14.) A second "follow-up" survey was conducted on April 24, 2021, an entire year later, "to verify and record tree species occurring in the Project component footprints," though apparently not to survey for the presence of additional wildlife species that may not have been present during the 2020 survey. (Ibid.)

The DEIR notes: "Raptor species such as red-tailed hawk, Cooper's hawk, great horned owl, American crow, and common raven are known to use tall structures as nesting sites in urban environments." It continues: "Red-tailed hawk were observed flying in the vicinity of Dodger Stadium during the 2021 survey." (Ibid., p. 3.4-11 (latin species names omitted.)) The DEIR found no raptor nests but noted "[i]ndications of songbird nesting activities were detected during the 2021 survey in the Los Angeles State Historic Park." The DEIR also stated that while "[n]o active tests were detected," "ornamental landscaping, including mature trees throughout the [biological survey area], provide potentially suitable nesting habitat for songbirds and raptors." (Id.) The DEIR's summary is consistent with the full biological resource assessment found in DEIR, Appendix E. (See DEIR, Appx. E, pdf p. 44.)

A comment letter from Land Protection Partners explains why the biological survey area used by the DEIR is inadequate.[59] LA Parks Alliance adopts the Land Protection Partners letter as its own position, and requests that Metro respond to the entire letter as if fully set forth herein.

The biological survey area should have extended "up to 200 feet upward from the alignment" and included sufficient range to include birds within a reasonable distance of the alignment, since typical songbirds fly at a rate of 30 miles per hour (meaning they would cross the entire study area in "less than 23 seconds"). (LPP letter, p. 2.) It should also have not been completed in a single daytime session. The LPP letter explains that "a single daytime survey in April cannot describe the volume and diversity of migratory birds that traverse the project location at night…during spring and fall migrations," and such a limited survey is inadequate and cannot be considered substantial evidence to support the DEIR's conclusions. (Ibid.)

Footnote 58: See Figure 4, DEIR, Appx. E, pdf p. 26, showing the area of the biological survey area, leaving out more than half of Los Angeles State Historic Park from the survey area.

Footnote 59: Travis Longcore, Ph.D & Catherine Rich, J.D., M.A., letter to Cory Zelmer re LA Aerial Rapid Transit Project ("LPP letter"), Jan. 16, 2023, attached as Exhibit S.

Response GO14-133 Refer to Response P708 for responses to the comments raised in Exhibit S, referenced in this comment. Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR and Appendix G, Supplemental Biological Resources Report, of this Final EIR for discussion of impacts from the proposed Project to biological resources. As stated on pages 3.4-12 and 3.4-13 of Section 3.04 Biological Resources, of the Draft EIR, 39 special-status wildlife species were identified by the CNDDB database to have historically been recorded from the Los Angeles and surrounding eight quadrangles. Nine of those species were historically recorded within the biological study area (BSA) for the project. However, of the nine species with observations from within the BSA, the most recent are for bat species from 25 to 30 years ago. All other observations are 50 years old or older. Based on this publicly available data, the Draft EIR found that impacts to special status species would be less than significant with incorporation of mitigation measures BIO-A and BIO-B to reduce potential impacts to bats and nesting birds especially since the habitat in the area has been drastically modified so as not to be useful to special status species since the species were recorded.

As stated on page 3.4-13, the 500-foot buffer was determined to be suitable for biological surveys as it is anticipated that indirect impacts beyond 500 feet in the existing environment would be diffuse and insignificant. As stated on page 3.4-14, a field survey was conducted on April 1, 2020, with a follow-up survey focused on tree species occurring on April 24, 2021. As discussed in Section 3.04, Biological Resources, of the Draft EIR, during the April 1, 2020, field survey, tall structures such as mature trees, power poles and towers, billboards, and buildings were scrutinized for the presence of nests and scans for wildlife activity, and potential bird nest sites were conducted using binoculars.

Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR, and Appendix G, Supplemental Biological Resources Report, of the Final EIR, for further discussion of the survey efforts in the BSA and the appropriate size of the BSA. As discussed in Appendix G, although the Draft EIR lists the species detected during the surveys, and states that these are common species, it does not conclude that the observed species are the only ones assumed to use the BSA, nor that sensitive species never occur in the BSA. Although additional surveys could increase the number of species detected, even exhaustive surveys may not result in detections of sensitive species that occur on site only occasionally. Nonetheless, a third field survey was performed March 23, 2023, to provide an updated habitat assessment for sensitive species and supplementary wildlife survey effort. During this visit, two biologists surveyed the BSA over a 4.5-hour period (11:00 AM to 3:30 PM) and observed 17 bird species and 2 mammal species. The BSA encompasses a 500-foot buffer around the proposed Project alignment. Habitats and wildlife occurring outside of this 500-foot buffer were considered to be a sufficient distance away to not be affected by construction or operation of the proposed Project.

Comment GO14-134 1. The DEIR's analysis of potentially significant biological impacts due to bird collisions is inadequate and not supported by substantial evidence.

The DEIR minimizes the risk of operational impacts in the form of bird collisions with the proposed stations, junctions, towers, cabins, and ropeway cables, finding that "[s]ignificant impacts typically occur when towers or wires are constructed in migratory corridors and obstruct the flight paths of migrant birds." (DEIR, p. 3.4-18.) The DEIR asserts that because the proposed Project is "not in or near a known avian migratory corridor and lacks habitat and topographic features that would promote concentrated avian migratory activity" impacts to migratory birds would be less than significant. (DEIR, pp. 3.4-18 to 3.4-19.)

The DEIR explains that collisions with resident or migrant birds using habitat areas found in the biological resource area would be able to detect and avoid collisions with larger physical components of the Project (e.g., stations, towers, and cabins). (DEIR, p. 3.4-19.) The DEIR asserts that bird strikes with gondola cable systems would be unlikely, because compared to power transmission lines, gondola cables are much larger ("1.75 to 2.5 inches in diameter" compared to only "1 to 2 inches in diameter" for transmission lines, and only "0.4 to 0.5 inches in diameter" for shield wires). (Id.)

There are two problems with this analysis. First, it appears to be unsupported by substantial evidence. Appendix E of the DEIR does cite a paper by Bernardino, et al., explaining that "[p]owerline-specific factors" such as wire diameter and the number of vertical wire levels are factors that "may provide insights about the potential for birds to collide with ropeway cables." (DEIR, Appx. E, pdf p. 52 (emphasis added).)[60] That such factors may be relevant does not justify evading an

actual analysis of the potentially significant environmental impact of deadly bird collisions. In fact, the cited paper notes "there is comparatively little scientific evidence for power line-specific factors, namely what is the impact of the number of vertical levels, or wire height and diameter." (Bernardino, supra fn. 59 (emphasis added).) This is precisely the opposite of the meaning imputed to the paper by the DEIR.

"[T]here is evidence that power line collision mortality can even lead to changes in migratory patterns and flyways." (Bernadino, citing Palacín et al., 2017). This may explain, in part, the DEIR comment that the Project area is not on a known migratory route. The cited paper also notes "collision as the most widespread interaction" between birds and infrastructure such as the Project. The Bernardino paper explains that "virtually any aerial wire can pose an obstacle to flying birds." (Ibid. (emphasis added).)[61]

Footnote 60: Citing J. Bernardino, et al., Bird collisions with power lines: State of the art and priority areas for research (hereafter "Bernadino"), Biological Conservation, 222: 1-13 (2018), available at: https://www.sciencedirect.com/science/article/abs/pii/S0006320717317925.

Footnote 61: The DEIR's "state of the art" article (section 3.4, footnote 17) dates to 2012. The 2018 Bernardino article's purpose is to update the state of the art on bird collisions with power lines based on much newer studies and to "identify major knowledge gaps that should be the subject of subsequent research." (Id.)

Response GO14-134 Refer to Section 3.04 Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR. As stated on page 3.4-14, a field survey was conducted on April 1, 2020, with a follow up survey focused on tree species occurring on April 24, 2021. During the April 1, 2020, field survey, tall structures such as mature trees, power poles and towers, billboards, and buildings were scrutinized for the presence of nests and scans for wildlife activity and potential bird nest sites were conducted using binoculars. Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR, and Appendix G, Supplemental Biological Resources Report, of the Final EIR, for discussion of additional survey efforts and how the risk of avian collisions with the cables or components of the proposed Project is less than significant. Design features of the proposed Project are likely to present a lower risk of avian collisions in comparison to transmission lines. First, the proposed Project's ropeway cables would not include a shield wire, unlike transmission lines, which would be expected to reduce collision risk. As discussed in Appendix G, shield wires are placed on transmission lines to protect the lines from lightning strikes, but in effect add an additional plane that can contribute to bird strikes. Second, the tight clustering of the three ropeway cables, in conjunction with the fact that the cables would be thicker than transmission lines, would make them more visible to birds in comparison to transmission lines. Third, the proposed Project would include devices that support

and maintain proper separation between the cables of 3S systems known as slack carriers, which would increase the visibility of the cables to birds. Fourth, the proposed Project would implement BIO-PDF-C. The cabin windows would be designed to be non-transparent (tinted) and/or partially covered with a vinyl window film to be made visible to birds in flight. Reflective surfaces would be reduced as much as possible with opaque or translucent surfaces. Fifth, the gondola cabins travel along the cables at frequent intervals during the periods of operation, further increasing the visibility of the cables along which they are moving. Finally, the proposed Project would implement BIO-PDF-B. The Project Sponsor would develop an Avian Collision Mitigation, Monitoring, and Adaptive Management Plan to address the potential for bird collisions. The Plan would include monitoring, training, adaptive management, and reporting requirements related to avian and bat injuries or mortalities. All of these aspects would make the gondola cables less likely to result in avian collisions, compared to transmission lines.

Birds and bats flying in the vicinity of the proposed Project are already exposed to obstacles that present the potential for collision at heights similar to or greater than the highest-reaching proposed Project components. Such objects include buildings in downtown Los Angeles, transmission lines, the radio tower located on Radio Hill, and the eight sets of stadium lights atop Dodger Stadium. In addition, the proposed Project towers and cables are below the heights where most nocturnal avian collision impacts occur. Most avian flight during migration occurs at thousands of feet agl, whereas the proposed Project component heights are all below 200 feet agl. Section 3.04, Biological Resources, of the Draft EIR—as further supported in Appendix G, of the Final EIR—states that migrant birds would pass over the alignment, and there is potential for birds to interact with ropeway cables when flying below 175 feet agl and towers when flying below 200 feet agl.

As discussed in Appendix G, there are limited empirical data available on avian collision with gondola cables, particularly in urban environments. A review of the literature since the publication of the Draft EIR provided no new information on this topic. However, as discussed in Appendix B to Appendix G, Memorandum from Doppelmayr Regarding Comparable System Bird Strikes, Doppelmayr USA, one of two manufacturers of 3S gondola systems in the world, noted that a similar 3S gondola project measuring about 0.5-mile long and spanning the Rhine River in an urban environment in Koblenz, Germany was recently approved for an extension of their operating permit after the first 3 years of operation, noting that no bird strikes were detected during that period.

Comment GO14-135 Second, the gondola cables are viewed by the DEIR as very large for purposes of considering their risk to bird strikes. (DEIR, p. 3.4-19.) But these very same cables are considered insignificant in the Project's aesthetic analysis, because "they have similar characteristics to the overhead powerlines that are prevalent in views in this area. As such, the proposed cables would not significantly impact views in this

area." (DEIR, p. 3.1-37.) The gondola cables seem to have the perfect goldilocks size: they are deemed to be small (like powerlines) when it comes to assessing their visual impact (notwithstanding that they are not in the distance, but directly overhead within LA State Historic Park), but so large (unlike powerlines) that birds will have no difficulty in seeing them.

Response GO14-135 Refer to Response GO14-134 for a discussion of the proposed Project's design features that are likely to reduce the risk of avian collisions. Refer to Response GO14-126 for discussion of the aesthetic impacts of the cables for the proposed Project, which would be less than significant. As discussed in Appendix G, Supplemental Biological Resources Report, of the Final EIR, most birds have far higher levels of visual acuity than humans, and can resolve movement much faster than humans. Most diurnal birds have a much higher concentration of rods and cones in their eyes than humans, and their retinal structure allows for resolution of movement above 100 hertz, compared to 60 hertz for humans. Birds are therefore capable of detecting objects from much farther away than humans and can react to objects appearing in their visual field much more rapidly than humans. In addition, the cables will be approximately between 46 and 175 feet above ground level (agl), relatively far from the perspective of most humans in the vicinity of the proposed Project. For these reasons, the visual disturbance posed to humans from cables of a given diameter is not directly comparable with the detectability of the same cables to birds flying near the cables. In addition, most nocturnal avian flight occurs during migration, when birds usually fly thousands of feet above ground level, whereas the proposed Project component heights are all below 200 feet at ground level.

Comment GO14-136 In addition, it is well-known that bright lights such as those at a sports stadium like Dodger Stadium frequently attract birds.[62] The proposed Project would be constructed between Dodger Stadium and the Los Angeles River, home to an ever-expanding presence of waterfowl and other birds. In addition, LA State Historic Park's easternmost area very near the river provides additional habitat for birds and wildlife. As discussed above, these areas should have been included in the biological survey area but were not.

Footnote 62: See, e.g., Valerie Fellows, Dim the Lights for Birds at Night!, US Fish & Wildlife Service, Apr. 28, 2022, available at: https://www.fws.gov/story/2022-04/dim-lights-birds-night.

Response GO14-136 Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR for discussion of potential impacts to migratory birds during both construction and operation of the proposed Project. As stated on page 3.4-19 in Section 3.04, Biological Resources, of the Draft EIR, proposed Project lighting would be low-level and primarily integrated into the architectural features. Additionally, exterior lighting would be shielded and/or directed toward the areas to be lit, limiting spillover into adjacent habitats potentially suitable for birds and

bats. Due to the high level of exterior lighting currently present in the urbanized BSA, lighting proposed by the proposed Project is not anticipated to have an indirect impact on bird and bat species. Refer to Appendix G, Supplemental Biological Resources Report, of this Final EIR for discussion of how light in the vicinity of the proposed Project is not anticipated to attract nocturnal migrant birds any more than existing light pollution over the Los Angeles Basin. Furthermore, lighting from Dodger Stadium field lights is not expected to attract nocturnal migrant birds. If lighting at stadiums were a major attractant to birds during migration, there should be many more examples of this phenomenon, given the large number of professional sports (e.g., baseball, football, soccer), and concert events that occur at such venues at night during spring and fall migratory periods.

Comment GO14-137 The Land Protection Partners letter addresses the above points and others in far greater detail than the DEIR. The LPP letter notes that the DEIR arguments and conclusions regarding cable size, cable spacing, alleged increased visibility of three cables, relative risk compared to transmission lines, concentration of avian movement, and artificial light in the Project area, among other things, are incorrect and unsupported by substantial evidence. The letter details specific species that are particularly susceptible to collision that are found in the Project area. The letter finds that the DEIR misrepresents the scientific literature and that the Project will result in a significant number of bird kills, an impact that cannot be mitigated. (LPP letter, pp. 2-5.) Unlike the DEIR, the letter is supported by substantial evidence throughout.

Response GO14-137 Refer to Responses P708-1 through P708-19 for responses to the comment letter from Land Protection Partners referenced in this comment.

Comment GO14-138 As one example of the kind of species that might be impacted by the gondola cables, drawn towards Dodger Stadium by its bright stadium lights, last fall during the 2022 MLB playoffs between the Los Angeles Dodgers and San Diego Padres, a large goose flew onto the field, interrupting the game for a time before it was eventually captured, removed from the field, and ultimately released to an undisclosed location.

Travis Longcore, president of the Los Angeles Audubon Society and an adjunct professor at UCLA, identified the bird as a greater white-fronted goose. An article in the Los Angeles Times explained the occurrence:[63]

[Greater white-fronted geese] are known to migrate from the Arctic tundra in Alaska, where they breed in the summer, and fly south in the fall along the Pacific, settling in the wetlands in the Central Valley of California or even farther south into Mexico, a flight pattern the birds have carried out for thousands of years, Longcore said.

The bird on Wednesday was probably following this migration pattern when it became distracted by the stadium lights that tower above Chavez Ravine, a

common obstacle for migrating birds, said Longcore, whose research includes the effects of light pollution on migratory birds.



Greater white-fronted goose from article, Wally Skalij / Los Angeles Times

The article later continues:

Most white-fronted geese are spotted along bodies of water, such as lakes at MacArthur and Echo parks, at the L.A. River, or in the wetlands of Playa del Rey or the South Bay, Longcore said. The goose Wednesday would have been accustomed to landing in water, which would explain its hard landing on the field, he said.

Bird enthusiasts have been buzzing online in recent weeks about large flocks of greater white-fronted geese spotted throughout coastal Southern California, said Kimball Garrett, a researcher at the Natural History Museum of Los Angeles County.

The failure of the DEIR to fully evaluate the risk to migratory and other birds or to support its conclusions with substantial evidence must be corrected, and the DEIR revised and recirculated for additional public comment.

Footnote 63: See Jonah Valdez, What happened to the goose that stole all the attention at Dodgers playoff game?, LA Times, Oct. 13, 2022, available at: https://www.latimes.com/sports/dodgers/story/2022-10-13/whathappened-to-the-goose-at-dodger-stadium-experts-say-its-a-rare-species-from-alaska.

Response GO14-138 Refer to Response GO14-136 for discussion of how lighting from Dodger Stadium field lights is not expected to attract nocturnal migrant birds. The occurrence of the greater white-fronted goose that landed at Dodger Stadium in October 2022 is not an indication of a widespread phenomenon.

Comment GO14-139 2. The Project design is likely to result in large Rock Pigeon roosts.

As discussed in the Land Protection Partners letter, the DEIR includes depictions that show station structures with large open canopies with exposed structural beams and girders. (See, e.g., Figure 2-5, DEIR p. 2-15; cover image, DEIR, Appx. C; Figure 5-4, DEIR, Appx. C, p. A-4.) This design is "likely to result in large Rock Pigeon roosts" which is likely to necessitate "chemical and/or physical methods that would be used to exclude pigeons from roosting within these structures," a potentially significant environmental effect of the Project that is not disclosed in the DEIR. (LPP letter, pp. 7-8.)

Response GO14-139 Refer to Appendix G, Supplemental Biological Resources Report, of this Final EIR, for discussion of methods to prevent roosting or nesting opportunities for pigeons. There are numerous non-chemical and non-lethal anti-perching devices (e.g., Nixalite® bird spikes) that can be installed to prevent birds from becoming established. Chemical methods of pigeon removal or control would be avoided. It is also worth noting that the surrounding area contains numerous potential roosting and nesting opportunities (e.g., in the nearby buildings and billboard signs), and that the stations and junction themselves would not be drawing pigeons into the area and concentrating them above current levels. Refer to Section 5.0, Corrections and Additions, as in response to comments, the proposed Project has committed to implementing BIO-PDF-D and avoid using any rodenticides and second generation anticoagulant rodenticides during Project activities. Any agreement between the proposed Project and a pest control service provider would include restrictions on the use of rodenticides and second generation anticoagulant rodenticides.

Comment GO14-140 3. The Least Bell's Vireo, an endangered species, has been sighted in LA State Historic Park; the DEIR must re-evaluate its faulty conclusion of no Project impacts to protected wildlife species.

The DEIR states: "Because the BSA [biological survey area] has been completely disturbed during urban development and consists of roadways, sidewalks, buildings, and rail tracks, habitats preferred by regional special-status wildlife species are not present (refer to Appendix A, Table B)." (DEIR, Appx. E, pdf p. 47.) The "least Bell's vireo" is specifically called out in the DEIR as one of 39 special-status species identified in the California Natural Diversity Database (CNDDB) "to have historically been recorded from the Los Angeles surrounding eight quadrangles, and from a search of IPaC for the Project area." (Ibid., pdf pp. 45-46.) The DEIR notes that "[t]here are no CNDDB records of any federal or State-listed wildlife species from the BSA in over 100 years" and concludes: "The BSA does not provide habitat potentially suitable for any of the regional special-status wildlife species identified during the literature review. The Project area has been completely disturbed and the native habitats these species are known from have long been removed from the BSA." (Ibid., pdf. p. 46.)

Notwithstanding the DEIR's conclusions, a male least Bell's vireo was recently surveyed in LA State Historic Park on May 24, 2022, by UCLA Institute of the Environment and Sustainability doctoral student, Jenny Aleman-Zometa.[64] Ms. Aleman-Zometa's doctoral work includes researching the way birds use local parkland, particularly parks sited on former brownfields such as LA State Historic Park, to learn the beneficial impact of these parks on species diversity. Ms. Aleman-Zometa took several images and a short video of the least Bell's vireo during her survey.

The images and video of the least Bell's vireo have been reviewed by leading ornithologists, who confirmed the species' identification and noted that its birdsong is evidence of a "pioneering male" beginning to use LA State Historic Park as habitat. Given this clear evidence of a protected special-status endangered species surveyed recently at LA State Historic Park, the question is what impact the proposed Project might have on this protected species listed as endangered under both state and federal law. The DEIR has not considered this question.



Least Bell's Vireo in LA State Historic Park, May 24, 2022 / courtesy Jenny Aleman-Zometa[65]

Footnote 64: Telephone interview with Jenny Aleman-Zometa, doctoral student, UCLA Institute of the Environment and Sustainability, Jan. 13, 2023. See also https://www.ioes.ucla.edu/person/jenny-aleman-zometa/.

Footnote 65: Full format images and video are available on request and will be temporarily available at: https://www.dropbox.com/sh/m1wzhkbvf9md5g5/AADgRm_LqbvwA0imlevui3KNa?dl=0.

Response GO14-140 The Draft EIR addressed impacts to biological resources, including special status species like least Bell's vireo, in Section 3.04, Biological Resources with supporting data provided in Appendix E, Biological Resources Assessment, of the Draft EIR. No least Bell's Vireo were detected during the two initial surveys for the Biological Resources Assessment in the Draft EIR. As indicated on page 3.4-13 of Section 3.04, Biological Resources of the Draft EIR, an observation of least Bell's vireo was recorded in the proposed Project area from more than 50 years ago. Based on this publicly available data, the Draft EIR found that impacts to special status species,

including least Bell's Vireo, would be less than significant with the incorporation of Mitigation Measure BIO-B to reduce potential impacts to bats and nesting birds. Further, refer to Appendix G, Supplemental Biological Resources Report, of this Final EIR for discussion of how the BSA was surveyed again on March 23, 2023 in response to this comment, and no suitable least Bell's vireo habitat was present. There is a small managed area at the eastern end of the Los Angeles State Historic Park that includes some riparian plants and a depression where water collects during wet periods. These are features consistent with least Bell's vireo breeding habitat. However, at best, this habitat would be considered marginally suitable breeding habitat for least Bell's vireos, due to the small patch size and distance to the nearest perennial water source (approximately 1,000 feet from the Los Angeles River). The patch of habitat at the eastern end of the Los Angeles State Historic Park is more than 500 feet outside of the BSA, and more than 1,000 feet away from the proposed Project alignment, where Project construction would occur. It is well beyond the distance of any expected direct or indirect impacts associated with the proposed Project. Both the CDFW (2022) and U.S. Fish and Wildlife Service ([USFWS] 2014) recommend 500-foot disturbance buffers for least Bell's vireos, with protocol surveys in suitable habitat within 500 feet of proposed construction areas. This is, in part, why the 500-foot distance was selected for the BSA. The habitat in question is more than 1,000 feet from proposed Project construction areas, and therefore no impacts to wildlife in that area are expected. Due to the absence of suitable least Bell's vireo breeding habitat in the BSA, least Bell's vireos are not expected to be present in the BSA.

Comment GO14-141 Ms. Aleman-Zometa's May 2022 survey at LA State Historic Park included observation of 35 native bird species. Within the Project alignment and 500-foot buffer she surveyed 16 species, including in the southwest part of the Park. Her survey included common species but also included migrating, wintering, and breeding bird species.

Response GO14-141 The Draft EIR addressed impacts to biological resources, including special-status wildlife species, in Section 3.04, Biological Resources, with supporting data provided in Appendix E, Biological Resources Assessment, of the Draft EIR. As stated on pages 3.4-12 and 3.4-13 of Section 3.04, Biological Resources, of the Draft EIR, a total of 39 special-status wildlife species were identified by the CNDDB database to have historically been recorded from the Los Angeles and surrounding eight quadrangles. Nine of those species were historically recorded within the biological study area (BSA) for the proposed Project. However, of the nine species with observations from within the BSA, the most recent are for bat species from 25 to 30 years ago. All other observations are 50 years old or older. Based on this publicly available data, the Draft EIR found that impacts to special-status species would be less than significant with incorporation of Mitigation Measures BIO-A and BIO-B to reduce potential impacts to bats and nesting birds.

Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR and Appendix G, Supplemental Biological Resources Report, of the Final EIR for additional discussion of why the Project would not result in significant effects to migrating, wintering, or breeding bird species. As discussed in Appendix G, it is unclear from the information presented in this comment where the observations took place, and whether they were within or even near the proposed Project's BSA, and accordingly does not contradict the information provided in the Draft EIR.

Comment GO14-142 Even if the DEIR's biological survey area with a 500-foot buffer from the Project alignment were sufficient elsewhere, and it was not (see LPP letter, p. 2), it did not consider the need to expand in the area of LA State Historic Park due to direct and indirect physical changes in the environment at the Park due to the Project. Activities at LA State Historic Park that currently occur at the western side of the park in the vicinity of the proposed gondola alignment would be moved significantly eastward as a result of the Project, towards Park areas featuring significantly more wildlife habitat including, when there is sufficient rain as now, an intermittent riparian wetland area with willows and mulefat.[66] For example, the DEIR suggests that special event stages, currently located at the western edge of the Park, be moved toward the location of the Park's "Roundhouse" feature. (See DEIR, p. 5-62.) This particular suggestion is not feasible—the Roundhouse is a significant archaeological site at the Park and is inappropriate as stage location. Another location would have to be found for staging, likely further east where it is more likely to have an adverse impact on wildlife, including the endangered least Bell's vireo.

Footnote 66: That there is additional wildlife habitat at the Park's eastern side does not diminish the significant loss of habitat, including removal of 81 trees necessary for the Project as well as operation of the gondola, at the Park's western side. As Ms. Aleman-Zometa explained, "there is still a lot of diversity present at the western side of the Park where the gondola would be sited, and that will be adversely impacted."

Response GO14-142 As discussed in Appendix G, Supplemental Biological Resources Report, of the Final EIR, the area containing better quality wildlife habitat than the grassy lawns covering much of the rest of the Park are located more than 1,000 feet from the proposed Project alignment and more than 500 feet outside of the current BSA, and is accordingly located too far away from the proposed Project for construction or operation of the proposed Project to have an impact on potential habitat in this area. Moreover, the park and surrounding area is subject to high levels of disturbance on a regular basis, including concerts, music festivals, outdoor movies, and other events that regularly include high-amplitude speakers, food trucks, and large numbers of people. The habitat in the eastern end of the park is near streets with vehicular traffic, parking lots, and a walking path with regular human foot

traffic, in addition to the disturbances noted above. Therefore, birds and other wildlife using the habitat at the eastern end of the State Park should already be accustomed to high levels of disturbance. Further, Section 5.5.2, Special Events at the Los Angeles State Historic Park, of Section 5.0, Other CEQA Considerations, of the Draft EIR indicates that most events could still be held underneath or adjacent to the alignment, and that the proposed Project would not interfere with typical existing event stage locations (Figure 5-3). Therefore, it is unlikely that the proposed Project would result in a shift in park event activity towards the eastern end of the park, as the comment suggests.

Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR and Appendix G, Supplemental Biological Resources Report, of this Final EIR for additional discussion of why 500 feet was an appropriate buffer for the EIR to consider, for discussion of the proposed Project's potential affects impacts to least Bell's vireos, and for applicable tree replacement requirements in the City of Los Angeles.

The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. As discussed in Section 4.1.3, Impacts to Wildlife from Tree Removal, of Appendix G, the quality of wildlife habitat provided by the trees proposed for removal is relatively low, given that the trees are primarily non-native tree species. In addition, the total area of wooded habitat that would be removed at the Los Angeles State Historic Park is 0.24 acres. This area of wooded habitat is relatively small compared to the amounts available in the immediately surrounding areas, such as Elysian Park (approximately 600 acres alone, much of which is wooded), Radio Hill Gardens, Victory Memorial Grove, and Point Grand View Park. Accordingly, while the removal of trees will result in a marginal reduction of suitable tree habitat in the short-term, such habitat loss would not result in substantial population level impacts. Moreover, in the long-term, the replacement of trees proposed for removal would more than offset any realized impacts associated with the proposed Project.

Comment GO14-143 4. The DEIR fails to consider habitat and wildlife corridor impacts due to brush clearance activities at the Project's proposed Stadium Tower.

"If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed…" (CEQA Guidelines, § 15126.4, subd. (a)(1)(D), citing Stevens v. City of Glendale (1981) 125 Cal.App.3d 986.) The DEIR describes tree removal and brush clearance activities necessary in the area surrounding the Project's proposed Stadium Tower site. (DEIR, pp. ES-80 to ES-83 (describing Mitigation Measures WFR-1 and WFR-2).) The DEIR notes that at least 31 "significant" pursuant to City of Los Angeles regulations will be removed at the Stadium Tower site (10 significant trees for the Stadium Tower, and 21 additional significant trees for the Stadium Tower Fire Buffer Zone for Construction). (DEIR, Table 3.4-1, p. 3.4-23.)

The DEIR fails to consider whether removal of the significant trees or other brush clearance requirements may cause a potentially significant environmental effect on wildlife corridors or habitat in the Stadium Tower area. LA Parks Alliance recommends that Metro consult with the Santa Monica Mountains Conservancy as the appropriate Trustee agency with relevant expertise for wildlife corridors and habitat in the Santa Monica Mountains Zone for its advice with respect to determining whether the impact is significant, and if it is considered a significant impact, for appropriate mitigations to reduce the environmental impact to a level less than significant.[67]

Footnote 67: "[T]he Conservancy should be considered a trustee agency for any CEQA project which affects natural resources within the [Santa Monica Mountains] Zone." (Exhibit F, supra fn. 7 p. 3.)

Response GO14-143 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. Refer to pages 3.4-16 to 3.4-17, of Section 3.04, Biological Resources, of the Draft EIR, for discussion of potential habitat impacts related to tree removal and brush clearance. Refer to Table 4-1 of Appendix G, Supplemental Biological Resources Report, of the Final EIR for discussion of applicable tree replacement requirements in the City of Los Angeles. As shown in this table, protected trees require a replacement ratio of 4:1, while significant trees require a mitigation ratio of 1:1. Removed "street trees" that occur in the public right-of-way (ROW) are to be replaced at a ratio specified by the Urban Forestry Division; typically, at a 2:1 ratio. As discussed on page 3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, it is anticipated that mitigation ratios for trees on land administered or managed by responsible agencies would be agreed to as part of the approvals required for implementation of the proposed Project. The proposed

Project would provide a minimum replacement ratio of 1:1 for all trees removed in the Los Angeles State Historic Park and a replacement ratio of 1:1 for all large trees removed in the State Route (SR) 110 California Department of Transportation (Caltrans) ROW. As discussed in Section 4.1.3, Impacts to Wildlife from Tree Removal and Brush Clearance, of Supplemental Biological Resources Report, the quality of wildlife habitat provided by the trees proposed for removal is relatively low, given that the trees are primarily non-native tree species. Brush cleared from the fire buffer area surrounding the Stadium Tower location would be allowed to regenerate naturally after construction, subject to applicable defensible space requirements. In addition, the total area of wooded habitat that would be removed at the Stadium Tower Site is 1.02 acres. This area of wooded habitat is relatively small compared to the amounts available in the immediately surrounding areas, such as Elysian Park (approximately 600 acres alone, much of which is wooded), Radio Hill Gardens, Victory Memorial Grove, and Point Grand View Park. Accordingly, while the removal of trees or brush will result in a marginal reduction of suitable tree habitat in the short-term, such habitat loss would not result in substantial population level impacts. Moreover, in the long-term, the replacement of trees proposed for removal would more than offset any realized impacts associated with the proposed Project. As discussed in Response GO14-16, Santa Monica Mountains Conservancy ("SMMC") has no discretionary approval authority related to the proposed Project, however, Metro notified SMMC as a trustee agency.[20]

Comment GO14-144 F. The Project's Significant Historic and Cultural Impacts Must Be Properly Mitigated or Avoided.

1. Mitigation measures for sensitive cultural and historic resources are improperly deferred.

The DEIR describes many historic and cultural resources within the Project corridor that would be significantly impacted by the Project. These include Los Angeles Union Station, El Pueblo de Los Angeles Historic State Park, and Los Angeles State Historic Park, among other important resources. (DEIR, pp. 3.5-10 to 3.5-33.) The DEIR also identifies numerous important archaeological resources, which is unsurprising given the proposed Project's location within and near areas of first human settlement in the Los Angeles region, dating back as much as 10,000 years. (LASHP General Plan, pdf. p. 29.)

As described above, the Project has obvious aesthetic impacts at many of these sites. In addition, the DEIR describes significant impacts requiring mitigations at many other sites. Mitigations are necessary to protect specific cultural and archaeological resources at El Pueblo, including the Winery, the El Grito mural, and Avila Adobe (MM-VIB-A and MM-VIB-B, DEIR, pp. ES-33, ES-36, ES-67),

[20] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2023. Los Angeles Aerial Rapid Transit Project Email from Cory Zelmer to info@smmc.ca.gov.

archaeological resources generally (MM-CUL-A, DEIR, pp. ES-41 to ES-42, a mitigation measure relating to "all ground disturbance activities extending into native soils within known archaeological sites and other areas of high sensitivity") and to create an "Archaeological Resource Worker Training Program" (MM-CUL-B, DEIR, p. ES-44) and "Archaeological Testing Plans" (MM-CUL-C, for Alameda Station, DEIR, p. ES-45; MM-CULD, for LA Union Station; MM-CUL-E, for Los Angeles State Historic Park, DEIR, p. ES-48). If significant resources are found pursuant to MM-CUL-E, an additional mitigation would reconfigure planned improvements at LA State Historic Park. (MM-CUL-F, DEIR, p. ES-49.)

Response GO14-144 This comment provides a general recitation and characterization of the Draft EIR. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Section 3.5.4, Environmental Impacts, of Section 3.05, Cultural Resources, of the Draft EIR, for a discussion outlining the proposed Project's potential construction and operational impacts to historic resources within the vicinity of the proposed Alameda Station, including the Los Angeles Union Station Passenger Terminal and Grounds and the Los Angeles Plaza Historic District (referred to as El Pueblo, and comprised of 29 resources within its boundaries, including the Avila Adobe and The Winery), the El Grito mural, and the Los Angeles Terminal Annex Post Office. As discussed in Section 3.5.4, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Section 3.05, Cultural Resources, and Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, of the Draft EIR for a discussion of archaeological resources at the Los Angeles State Historic Park. As discussed in Section 3.05, the Chinatown/State Park Station footprint is entirely located within the boundary of Resource 19-003120 (consisting of the remains of the Southern Pacific Railroad's River Station). Extensive archaeological work has been conducted at the site, and when the Chinatown/State Park Station (including the construction staging area) is overlaid on an archaeological sensitivity map developed by California State Parks, it appears that the Chinatown/ State Park Station is located in an area not identified as low sensitivity for archaeological resources by State Parks. Nevertheless, with the implementation of mitigation, construction of the proposed Chinatown/State Park Station would result in a less than significant

impact related to a substantial adverse change in the significance of archaeological Resource 19-003120. Refer to Responses GO14-110 through GO14-127 for a discussion of the proposed Project's aesthetic impacts.

Comment GO14-145 LA Parks Alliance objects that all these mitigations are improperly deferred. Deferring mitigations is generally impermissible under CEQA. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) Particularly where, as here, known sensitive cultural and archaeological resources are within the impact area of the Project and could (indeed, are likely to be) harmed by construction activities, it is appropriate for mitigation measures to be fully formulated and subject to public review in advance of certification of the environmental document. To the extent that mitigation measures may require some additional study to be fully formulated, that study must occur now, before environmental review is completed and certified, and in advance of the commencement of any construction activities.

Response GO14-145 Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. With respect to Mitigation Measures CUL-A and CUL-C through CUL-E, as acknowledged on page 3.5-2, Section 3.5, Cultural Resources, of the Draft EIR, "an archaeological resource may not be recognizable or even observable without ground-disturbing activities." Mitigation Measures CUL-A and CUL-C through E accordingly outline the specific actions that would be taken under the guidance of a qualified archaeologist in accordance applicable regulatory standards and/or in consultation with the applicable authorities in the unlikely event that archaeological resources are discovered once excavation begins on-site. Excavation or other such ground disturbance prior to approval of the proposed Project to discover any potential additional resources is impracticable at this juncture.

Comment GO14-146 Given the existence of at least one feasible alternative that eliminates or lessens virtually all the Project's potentially significant and significant and unavoidable impacts (DEIR, pp. ES- 19), it would be irresponsible to construct anything within archaeologically sensitive areas until the full extent of those resources are known, and if appropriate excavated or otherwise preserved and protected on site.

Response GO14-146 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR).

As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. Topical Response H additionally outlines how environmental benefits of the proposed Project would not be realized through the "No Project Alternative", and how the Transportation Systems Management Alternative, noted as the "environmentally superior" alternative, for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment GO14-147 2. The DEIR ignored numerous NOP scoping comments urging protection of the "Monument to Sharing" artwork at LA State Historic Park

The Spring Street Alternative described in DEIR Chapter 4.0 "Alternatives" should not have been presented as a project alternative. As a project alternative that would have even greater impacts than the preferred alternative due to its location running directly through the center of Los Angeles State Historic Park, it is not an appropriate alternative, since it does not reduce environmental impacts. (Watsonville Pilots Assn. v. City of Watsonville (2010) 183 Cal.App.4th 1059, 1087, citing CEQA Guidelines, § 15126.6, subd. (a).)

Numerous scoping comments discussed grave concern about a public artwork known as "Monument to Sharing" located at one of the entrances to LA State Historic Park that would be damaged by the Spring Street Alternative, presented as one of two alignment alternatives during the Project's scoping process. (See, e.g., DEIR, Appx. A, pp. 130-133, 140, 226, and 278, among others.) Despite the scoping comments, the discussion of the Spring Street Alternative does not mention aesthetic or cultural impacts to the "Monument to Sharing" artwork.

Response GO14-147 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives pursuant to CEQA. As discussed therein, the Spring Street Alignment Alternative would provide an ART option for visitors to Dodger Stadium, while also providing access between Dodger Stadium, the surrounding communities, and the regional transit system

accessible at LAUS. The Spring Street Alignment Alternative was included in the Draft EIR because it provides an aerial rapid transit option that would cross over the Los Angeles State Historic Park, and that maintained transit access to the Park and surrounding communities. Although the Spring Street Alignment Alternative would be consistent with the Project Objectives, it would require a larger footprint within the Los Angeles State Historic Park. As such, the Spring Street Alignment Alternative would not meet the following objective to the same extent as the proposed Project, and therefore, is considered to be only partially consistent with Objective 11 to "Minimize the Project's environmental footprint through the integration of sustainability and environmentally-friendly design features into the materials, construction, operations, and maintenance of the proposed Project." Consideration of the Spring Street Alignment Alternative complied with CEQA, which does not prohibit consideration of alternatives that would impede, to some degree, the attainment of the project objectives, or would be more costly. (CEQA Guidelines § 15126.6(a).) The proposed Project would not impact the Monument to Sharing, which is a grove of 32 orange trees in planters located near the Ann Street Entrance of Los Angeles State Historic Park on the south border along North Spring Street between Ann Street and Sotello Street. As discussed in Section 4.0, Alternatives, of the Draft EIR, if Metro elects to adopt the Spring Street Alternative rather than the proposed Project, and to the extent this Alternative would require relocation of the Monument to Sharing, the Project Sponsor would coordinate with State Parks and other stakeholders as to the potential relocation of the Monument to Sharing. Refer to Responses GO14-6 through GO14-12 for discussion of the comments on the NOP.

Comment GO14-148 G. Potential Dewatering May be Toxic and Require Mitigation.

The DEIR discusses groundwater conditions in the Project area as known to be toxic in the vicinity of construction activities proposed at Los Angeles State Historic Park. (DEIR, p. 3.10-26). Groundwater toxicity at other locations is "not specifically known." (Id.) The DEIR proposes Mitigation Measure HAZ-1 ("Prepare a Soil and Groundwater Management Plan") to address construction impacts:

> The Soil and Groundwater Management Plan shall provide a summary of 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 nonhazardous; 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. (DEIR, pp. ES-53 to ES-54.)

Response GO14-148 This comment provides a general recitation and characterization of the Draft EIR,. . Refer to Section 3.10, Hydrology and Water Quality, of the Draft EIR, for discussion of how, 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. Refer to Section 3.10, Hydrology and Water Quality, of the Draft EIR, at pages 3.10-26 and 3.10-27 for discussion of how detections of total petroleum hydrocarbons and volatile organic compounds, including BTEX, are known to be present in groundwater at the Los Angeles State Historic Park property, and, 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. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, for discussion regarding groundwater condition and requirements set forth in Mitigation Measure HAZ-A to complete a Soil and Groundwater Management Plan. Refer to Response GO14-149 for further discussion of Mitigation Measure HAZ-A.

Comment GO14-149 The DEIR describes construction activities as potentially requiring dewatering operations if "nuisance seepage from boreholes" or from excavation activities is encountered. (DEIR, pp. 3.10-26 to 3.10-27.) The Project will require deep piles at several Project component locations likely to be lower than the water table. (See Table 2-4, DEIR, p. 2-51, describing one drilled pile location of 80 feet and five drilled pile locations of 120 feet or greater; the Dodger Stadium Station drilled piles would be only 55 feet deep.)

LA Parks Alliance notes that in the EIR for Metro's Link Union Station, Metro proposed a series of mitigation measures to deal with dewatering operations, including dewatering for discharge of non-stormwater wastes.[68] While those proposed mitigations were also largely deferred, primarily requiring compliance with regulations and existing dewatering permits, it was Metro that would supervise and ensure that mitigations were properly enforced, not the Project's builder (whoever that turns out to be).[69]

Here, knowing of contaminated groundwater conditions very likely to exist in the Project area, Metro does not propose further groundwater testing of Project component areas to understand whether there will be a significant impact. Instead, Metro proposes deferring action until such time as hazardous conditions (i.e., significant impacts of the Project) are stumbled across during construction, long after the final EIR is certified. This is not permitted under CEQA. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) The Project's mitigation measures should include pre-certification groundwater testing to understand the scope of potential impact and if determined to be significant, a pre-construction mitigation that lessens the impact to a level less than significant must be imposed.

Footnote 68: See Link Union Station – Draft EIR, Executive Summary, pp. ES-xlviii to ES-xlix, available at:

http://libraryarchives.metro.net/DPGTL/eirs/Link%20Union%20Station/2019-link-union-station-drafteir-executive-summary-english.pdf.

Footnote 69: In public statements, both ARTT LLC and Climate Resolve claim the Project will be donated to a new nonprofit, Zero Emissions Transit, which similarly has no experience building anything. See https://www.laart.la/faq/ and https://www.climateresolve.org/climate-resolve-launches-new-nonprofitfocused-on-zero-emission-transit-dodger-stadium-aerial-gondola-to-be-first-project/ (both last viewed Jan. 14, 2023). But in a sworn declaration of October 5, 2022, Principal Deputy Counsel, Ronald W. Stamm, Metro's counsel of record in recent litigation asserted that "ARTT's rights and obligations under [its agreement with Metro] cannot be assigned unless and until Metro approves the assignment…" and "[n]o assignment has been proposed yet." (LA Sup. Ct. Case No. 22STCP01030, 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 Amended Petition, par. 10, filed Oct. 6, 2022.)

Response GO14-149 Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's mitigation measures, including Mitigation Measure HAZ-A, are consistent with the requirements of CEQA. CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. In addition, conditions requiring compliance with regulations are common and reasonable mitigation measures under CEQA. Mitigation Measure HAZ-A does not impermissibly defer mitigation. As discussed in Section 3.7, Geology and Soils, Appendix K, Phase I Environmental Site Assessment, and Appendix L, Hydrology Technical Report, of the Draft EIR, the Draft EIR conducted an extensive preliminary investigation of the proposed Project's sites to determine whether the site exhibited contamination from hazardous materials or would otherwise have impacts to groundwater. Based on this investigation, the Draft EIR concluded that additional investigation may be appropriate, although a full investigation is impracticable at this time because the Project Sponsor does not have access agreements for all the underlying properties and would have to obtain these agreements prior to testing. Moreover, it is appropriate for the Project Sponsor to test soils for contamination at the time the soil is disturbed and properly handle and remove any contaminated soil or groundwater at this time for off-site disposal and/or recycling, as outlined in Mitigation Measure HAZ-A. Mitigation Measure HAZ-A otherwise provides specific performance standards and actions required pursuant to Mitigation Measure HAZ-A, namely that that the preparation of the Soil and groundwater Management Plan would occur prior to any re-grading,

decommissioning, or construction activities and as a condition of the grading, construction, and/or demolition permit(s), and would specify methods for handling and disposal in the event contaminated groundwater or soils are encountered during project construction. Contract specifications shall mandate full compliance with all applicable local, state, and federal regulations. Nevertheless, in response to comments requesting additional clarification on the enforcement mechanisms and standards in Mitigation Measure HAZ-A, an addition to the Draft EIR has been provided to clarify that the Soil and Groundwater Management Plan shall be submitted to the LADBS for review prior to the commencement of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The addition also recognizes that Mitigation Measure HAZ-A requires full compliance with all applicable local, state, and federal regulations (including but not limited to, as applicable, OSHA Safety and Health Standards, Cal/OSHA requirements, federal, state and local waste disposal regulations, SCAQMD Rule 1166, as well as any other applicable requirements of the California Department of Toxic Substances, the Los Angeles Regional Water Quality Control Board, and the City of Los Angeles) related to the identification, excavation, transportation, and disposal of hazardous materials, including those encountered in excavated soil and dewatered groundwater. Refer to Section 5.0, Corrections and Additions, of the Final EIR. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, and Table 7-1, Mitigation Monitoring and Reporting Program (MMRP), of the Final EIR, discussing how the Mitigation Monitoring and Reporting Program prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project. Records in this litigation, including the declaration referenced in this comment, speak for themselves.

Comment GO14-150 H. Land Use and Planning Conflicts are Significant and Unavoidable.

In its land use and planning analysis the DEIR states the Project will have a significant environmental effect because it conflicts with the General Plan of the Los Angeles State Historic Park, but that this impact can be made less than significant with the imposition of mitigation measure LUP-A ("Obtain a Los Angeles

State Historic Park General Plan Amendment") to allow "transit uses" within the Park. (DEIR, pp. ES-58, 3.11-38.) But a General Plan amendment to permit this Project within LA State Historic Park is a legal impossibility. The proposed mitigation measure to obtain a General Plan amendment is for an activity that state law expressly prohibits in a California state park historic unit. (See discussion, supra pp. 12-26.) Here, Metro should have determined the proposed mitigation was legally infeasible. When a lead agency makes this determination, a mitigation measure need not be proposed or analyzed. (CEQA Guidelines, § 15126.4, subd. (a)(5).) There is no mitigation to lessen the impact, which is therefore significant and unavoidable.

The significant and unavoidable impact is fatal to the Project's hope to use any portion of LA State Historic Park for a Project component or part of its aerial alignment. But this is not the only significant environmental effect from land use and planning conflicts that the DEIR fails to properly identify and analyze.

Response GO14-150 Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO14-151 1. The Project conflicts with the General Plan of El Pueblo de Los Angeles, which the City of Los Angeles must follow.

El Pueblo de Los Angeles Historical Monument "is a national and state registered Historical Monument and City-designated Historic-Cultural Monument located in downtown Los Angeles directly west of LAUS. El Pueblo is historically significant as the birthplace of the City of Los Angeles, established in September 1781 by settlers from present day northern Mexico." (DEIR, p. 2-8.) El Pueblo includes a number of

important historical structures, including "the Avila Adobe, the City's oldest surviving residence; Pico House, built by the last governor of California under Mexican rule, and the City's first grand hotel; the Plaza Firehouse, the City's first firehouse; and Our Lady Queen of Angels Catholic Church, the City's oldest church and the only building at El Pueblo still used for its original purpose." (Id.)

As the DEIR notes, El Pueblo was originally El Pueblo State Historic Park, a historic unit of California's state park system created in 1953. (DEIR, p. 3.5-7.) It was transferred to the City of Los Angeles, and in 1992 a new City Department, El Pueblo de Los Angeles Historical Monument Authority Department ("El Pueblo Department"), was created to operate, manage, maintain, and control El Pueblo. (LA Admin. Code ("LAAC"), Ch. 25, art. 1, § 22.620.) The Department is overseen by the El Pueblo de Los Angeles Historical Monument Authority Commission (the "Board"). (LAAC, § 22.621.) The Board has the "power and authority to approve street lights, street and sidewalk surfaces, fixtures and other appliances and furnishings proposed to be located in or on the sidewalks, streets and ways immediately adjoining the Monument in order to maintain and enhance the ambiance and character of the Monument." (LAAC, § 22.626.) The Board may "enter into contracts for services and leases as it deems necessary for the operation, management, maintenance and control of the Monument" within certain express limitations, but neither the Board nor Department have any power to "to acquire or sell any real property for or on behalf of itself or of the City." (LAAC, §§ 22.627, 22.632.) The Board may not approve "master plans, development plans, and amendments thereto" without prior approval of the Los Angeles City Council and Mayor. (LAAC, § 22.634.)

Response GO14-151 This comment provides a recitation and characterization of text from the Draft EIR, but does not raise a substantive issue on the content of the Draft EIR. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Response GO14-153 for a discussion of how the proposed Project would be consistent with the El Pueblo General Plan.

Comment GO14-152 The DEIR also notes the existence of El Pueblo's General Plan and the El Pueblo Department's El Pueblo de Los Angeles Strategic Plan, which "has as one of its objectives 'historic and asset management'" with a goal to "continue to implement and adhere to El Pueblo's General Plan by restoring and renovating properties to their highest and best use." (DEIR, p. 3.5-8.)

The DEIR fails to mention, however, that the City's acquisition of El Pueblo from the State of California came with specific deed restrictions that limit the City's actions with respect to permissible uses of El Pueblo land it acquired and holds in public trust for the people of the City and California.[70] The Quitclaim Deed restrictions require El Pueblo's development and operation to conform to its April 11, 1980, General Plan. While the City may amend the El Pueblo general plan, in doing so the

City "shall consider the development criteria of Section 5019.59 of the Public Resources Code." (Quitclaim Deed, condition subsequent no. 1, pp. 1-2.) This statute explicitly limits what can be constructed in a state historic park: "The only facilities that may be provided [in a state park historic unit] are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking." (Pub. Res. Code, § 5019.59 (emphasis added).) Failure to follow the Quitclaim Deed's express restrictions allows a right of reversion to the State. (Quitclaim Deed, p. 2.) The DEIR fails even to mention these strict land use limitations.

Footnote 70: Quitclaim Deed between State of California and City of Los Angeles for El Pueblo de Los Angeles Historic Monument ("Quitclaim Deed"), executed Oct. 27. 1988, attached as Exhibit T.

Response GO14-152 As noted in in Section 3.05, Cultural Resources, of the Draft EIR, the City of Los Angeles signed an agreement in 1953 with the County of Los Angeles and State of California creating El Pueblo State Historic Park (El Pueblo). This agreement allowed the State to purchase most of the property comprising El Pueblo. In cooperation with the City and County, in 1980, the State prepared the El Pueblo General Plan to provide guidelines for the preservation, rehabilitation, and interpretation of the historic buildings as well as for new development within the Park. In 1992, the property within the Park was transferred to the City; in 1994, a separate department was created, and the name was changed to El Pueblo de Los Angeles Historical Monument. Page 3.5-6, in Section 3.05, Cultural Resources, of the Draft EIR, expressly discusses Public Resources Code section 5019.59. Section 3.11, Land Use and Planning, of the Draft EIR, also discusses Public Resources Code section 5019.59 on pages 3.11-1 to 3.11-2, recognizing that the "only facilities that may be provided are those required for the safety, comfort, and enjoyment of the visitors, such as access, parking, water, sanitation, interpretation, and picnicking." As discussed further on pages 3.11-38, 3.11-39, and 3.11-42, Public Resources Code section 5019.59 permits facilities for the comfort and enjoyment of the visitors, such as access. As an initial matter, no portion of the proposed Project would touch down on any of the parcels described in the Quitclaim Deed, referenced as Exhibit T to this comment.[21] As discussed in Section 3.11, the vertical circulation elements west of the Alameda Station would be introduced within the ROW north of the Placita de Dolores, on the west side of Alameda Street, in a proposed new pedestrian plaza in an area currently containing a parking and loading area for El Pueblo. This area was designated as City ROW prior to the execution of the Quitclaim Deed in 1990, and is not described within Exhibit A to the Quitclaim Deed, containing the legal descriptions of parcels subject to the deed. Accordingly, the provisions of the Quitclaim Deed may not apply to the proposed Project. Nevertheless, consistent with Public Resources Code section 5019.59, the proposed

[21] State of California and City of Los Angeles. 1988. Quitclaim Deed for El Pueblo de Los Angeles Historic Monument.

Project would provide for access to El Pueblo and the Los Angeles State Historic Park, and accordingly is an allowable use under Public Resources Code section 5019.59. Moreover, as noted in the comment above, the City is only required to "consider" the development criteria of Section 5019.59 under the referenced Quitclaim Deed, and is not bound to abide by its requirements. Refer to Topical Response F, Los Angeles State Historic Park, for further discussion of Public Resources Code section 5019.59 and considerations for approval of projects within the State parks system.

As discussed in detail in Response GO14-153, the proposed Project would be consistent with the El Pueblo General Plan. The proposed Project would provide connections to and from open spaces within El Pueblo, including Los Angeles Plaza Park, via Alameda Station. The proposed Alameda Station would include new pedestrian plaza at El Pueblo north of the Placita de Dolores in an area currently used as a parking and loading area for El Pueblo and installation of landscaping and hardscape. In addition, the proposed Project would connect the El Pueblo area with other open spaces uses along the Project alignment, including the Los Angeles State Historic Park and Elysian Park.

Comment GO14-153 The DEIR describes use of El Pueblo land necessary to construct Alameda Station:

Vertical circulation elements (i.e. elevators, escalators, stairs) for pedestrian access, which would also serve as queuing areas to the station, would be introduced at-grade north of the Placita de Dolores in a proposed new pedestrian plaza at El Pueblo on the west in an area currently used as a parking and loading area for El Pueblo.

(DEIR, p. 2-23.)

These "vertical circulation elements" would be located on land within El Pueblo's boundary that is subject to its General Plan. Since the City must follow the mandate of Public Resources Code Section 5019.59, which restricts permissible facilities at El Pueblo to only those "required for the safety, comfort, and enjoyment of the visitors" it may not construct any portion of the Project within the El Pueblo de Los Angeles Historical Monument boundary. The DEIR's failure even to provide basic background information regarding this significant environmental impact due to a clear conflict with the El Pueblo General Plan, let alone any proposed mitigation measure to lessen its significance requires the DEIR to be revised and recirculated.[71, 72]

Footnote 71: This assumes a mitigation is possible. As with the Project's similar conflict with LA State Historic Park's General Plan, the impact appears to be significant and unavoidable. (See discussion, supra p. 25.)

Footnote 72: For the record, LA Parks Alliance notes a discrepancy between an illustration of El Pueblo found in the 2016-2020 Strategic Plan and the actual El

Pueblo park boundary as the park was accepted by the City from the State of California. Page four of the Strategic Plan appears to show a small triangular cutout of El Pueblo's boundary along Alameda Street, adjacent to the Old Winery, Avila Adobe, and Placita de Dolores locations at the Historic Monument. The true park boundary as indicated on the 1980 General Plan applicable to the property and as accepted by the City has no such triangular cutout. See Quitclaim Deed, Exhibit "B" Sheet 1, pdf. p. 13; see also El Pueblo General Plan, pdf p. 6 (El Pueblo de Los Angeles State Historic Park, Drawing No. 17269, "Project Description & Vicinity"). The El Pueblo boundary along Alameda adjacent to the Project is a continuous straight line with no triangular cut out. Even if the City could provide this surplus land to the Project, SMMC has a right of first refusal under Public Resources Code section 33207(b).) (See discussion, supra pp. 6-8.)

Response GO14-153 Refer to Response GO14-152 for a discussion of the Quitclaim Deed and its applicability to the parcel where the proposed Project's Alameda Station vertical circulation elements would be located. As discussed in GO14-152, the legal descriptions for parcels governed by the Quitclaim Deed are contained in Exhibit A. The sheets provided in Exhibit B, referenced in Footnote 72, are provided for illustrative purposes and should not control over the legal descriptions provided in Exhibit A. As noted in Section 3.05, Cultural Resources, of the Draft EIR, the City of Los Angeles signed an agreement in 1953 with the County of Los Angeles and State of California creating El Pueblo State Historic Park. In cooperation with the City and County, in 1980, the State prepared the El Pueblo General Plan to provide guidelines for the preservation, rehabilitation, and interpretation of the historic buildings as well as for new development within the Park. While the proposed Project is located within the boundaries of the El Pueblo de Los Angeles General Plan, as discussed in Section 3.11, Land Use and Planning, of the Draft EIR, the vertical circulation elements west of the Alameda Station would be introduced within the ROW north of the Placita de Dolores, on the west side of Alameda Street, in a proposed new pedestrian plaza in an area currently containing a parking and loading area for El Pueblo. Although the portions of the proposed Project within the El Pueblo General Plan area would be located entirely within the public ROW, the proposed Project would still be consistent with the El Pueblo General Plan. Refer to Section 3.05 for further discussion of the El Pueblo General Plan, including policies related to the Placita de Dolores and integration with LAUS. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for a discussion of the proposed Project's consistency with the applicable El Pueblo de Los Angeles General Plan goals and objectives. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park

Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment. Accordingly, no mitigation is required for the proposed Project in relation to the El Pueblo de Los Angeles General Plan, as CEQA Guidelines section 15126.4 only requires mitigation for significant impacts.

Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of the Surplus Land Act.

This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO14-154 2. The Project conflicts and is inconsistent with numerous land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects.

The DEIR asserts the proposed Project is subject to numerous land use plans, policies, and regulations, including, but not limited to (DEIR, pp. 3.11-37 to 3.11-38):

- Los Angeles State Historic Park General Plan
- Dodger Stadium Conditional Use Permit
- City of Los Angeles General Plan, including several community plans
- City of Los Angeles RIO District Ordinance
- Cornfield Arroyo Seco Specific Plan

The DEIR performs a conclusory analysis of the above and other land use plans, policies, and regulations (see Tables 3.11-1 through 3.11-6, DEIR, pp. 3.11-39 to 3.11-73) and concludes that the only land use conflict requiring mitigation is the Project's acknowledged conflict with the LA State Historic Park General Plan. (DEIR, p. 3.11-77.) As discussed above, the Project conflict with LA State Historic Park is significant and unavoidable, and the proposed mitigation to paper over the conflict is legally infeasible. (See discussion, supra pp. 12-26.) Likewise, the proposed mitigation for the Project's equally clear conflict with the El Pueblo General Plan is also legally infeasible. (See discussion, supra pp. 73-75.)

Response GO14-154 Refer to Section 3.11, Land Use and Planning, of the Draft EIR for a discussion of the proposed Project's consistency with various land use plans, policies, and documents, including the Los Angeles State Historic Park General Plan, the 1960 Dodger Stadium CUP, the City of Los Angeles General Plan, the City of Los Angeles'

River Implementation Overlay District Ordinance, and the Cornfield Arroyo Seco Specific Plan. Section 3.11 provides approximately 40 pages of analysis of the proposed Project's consistency with the various land use plans, policies, and documents affecting the land along the proposed Project's alignment. The EIR is intended to provide environmental review for the proposed Project outlined in Section 2.10, Required Permits and Approvals, of the Draft EIR, inclusive of the City of Los Angeles' approval of a Specific Plan. Refer to Section 3.11, for a discussion of the proposed Project's consistency with various land use planning documents, including the City of Los Angeles General Plan, City of Los Angeles Zoning Code, River Implementation Overlay District, and Cornfield Arroyo Specific Plan. As discussed in Section 3.11, the Project Sponsor is seeking to create a Specific Plan as part of the proposed Project to allow for the proposed Project to be fully consistent with the surrounding zoning and to otherwise provide for the consistent application of Project design standards, limitations and operational measures, as well as relief from the Cornfield Arroyo Specific Plan and River Implementation Overlay District. Accordingly, with these approvals, the proposed Project would not conflict with the applicable land use documents at the time of Project implementation, and the impact would be less than significant. CEQA Guidelines section 15126.4 only requires mitigation for significant impacts. Refer to Response GO14-154 for discussion regarding the LASHP General Plan Amendment and associated mitigation measure. As the agency having land use authority over the park will be the Responsible Agency implementing the General Plan Amendment, there is substantial evidence that any potential inconsistencies with the General Plan will be addressed through that General Plan Amendment process. Refer to Topical Response F, Los Angeles State Historic Park for a discussion of the LASHP General Plan Amendment. Refer to Responses GO14-152 and GO14-153 for a discussion of the proposed Project's consistency with the El Pueblo General Plan.

Comment GO14-155 Without more it is evident that the Project has significant and unavoidable environmental impacts within the land use and planning analysis category. Nonetheless, this letter will briefly touch on some of the more obvious conflicts between the Project and other plans, policies, and regulations discussed in the DEIR.

Response GO14-155 This comment provides a general introduction to the comments raised in this section of this letter related to significant and unavoidable environmental impacts within the land use and planning analysis category. As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents. Additionally, as determined in Section 3.11 impacts related to Land Use and Planning from the proposed Project would be less than significant.

Comment GO14-156

GO14-156A LA Park's Alliance notes that the land use consistency analysis includes many speculative and unsupported claims already mentioned above. For example, and as discussed above, the DEIR repeatedly describes the speculative use of Dodger Stadium Station as an access point for communities adjacent to Dodger Stadium as a Project feature even though that permissive use would require future consideration and is not guaranteed to occur or remain available, the DEIR's ridership study is entirely speculative and not based on actual data, and the Project itself is not guaranteed to operate every day (as discussed, it will run according to demand, perhaps not at all) and provides priority to Dodger Stadium event ticket holders.

GO14-156B The DEIR also repeats that the travel time from Union Station to Dodger Stadium with the Project is only seven minutes, neglecting to provide any estimate of the total time including queueing/waiting, which is the far more relevant consideration. Any consistency analysis relying on these speculative, unsupported, and incomplete claims is necessarily misleading and inadequate.

Response GO14-156

GO14-156A Refer to Responses GO14-150 through GO14-155 for a discussion of the proposed Project's consistency with various land use plans. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon. Refer to Response GO14-

143 for discussion of the proposed Project's ridership model and the proposed Project's operations. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data.

GO14-156B As described in Section 3.17, Transportation, of the Draft EIR, for purposes of the Draft EIR, the transportation analysis included the analyses required by Appendix G of the CEQA Guidelines and the City of Los Angeles Transportation Assessment Guidelines (TAG). Pedestrian queues are not required to be analyzed under CEQA or the TAG. Nevertheless, refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data, and the management of queuing at stations, which is provided for informational purposes, and pre-game and post-game transportation. Refer to Responses GO14-97 and GO14-98 for additional discussion of the proposed Project's ridership model.

Comment GO14-157 In addition, because the Project fails to consider the foreseeable development of parking lot areas around Dodger Stadium, any consistency analysis with respect to public services within the City of Los Angeles General Plan (especially its Framework and Land Use Elements) is incomplete and inadequate. These would include plans, goals, policies, and objectives related to police and fire service, parks, libraries, schools, and the like.

Response GO14-157 Refer to Responses GO14-150 through GO14-155 for a discussion of the proposed Project's consistency with various land use plans. Refer to Responses GO14-56 through GO14-69 for a discussion of how the how the proposed Project solely proposes an aerial gondola system and other uses of the Dodger Stadium property are not reasonably foreseeable requiring analysis in the Draft EIR. Refer to Section 3.15, Public Services, of the Draft EIR for a discussion of how the proposed Project would result in less than significant operational impacts with respect to public services.

Comment GO14-158 Los Angeles State Historic Park General Plan

The DEIR asserts that the "The proposed Project would provide recreation opportunities in coordination with the regional recreation network by providing a connection from the Los Angeles State Historic Park to other local transit lines along the Project alignment and the regional transit system accessible at LAUS…" (DEIR, p. 3.11-39.) The Project is not itself a recreational facility, it is a private transit facility, primarily intended to move people from LA Union Station to Dodger Stadium. Though if the Project were built users could theoretically take it to LA State Historic Park, there is no substantial evidence that people will do so, because a robust public transit system already serves the Park. Ridership studies for the

Project are speculative, as are Project features to allegedly transport persons to the Park, to Elysian Park, and elsewhere other than on game days, when Dodger Stadium ticket holders will have priority.

The DEIR asserts: "The proposed Project would not interfere with the passive uses currently enjoyed at the Los Angeles State Historic Park. The proposed Project's aerial clearance would allow the continued use of the park, with certain limitations." (Ibid.) The second sentence negates the first. If limitations are placed on the Park's use, the Project necessarily interferes with the Park. In fact, the Project would take well over an acre of the Park for private use, not including the remainder parcel created by the Project alignment's intrusion at the western side of the Park. Park activities in the area of the gondola will be changed, including for major events, when event stages will be forced to find a new location in the Park (causing foreseeable significant indirect physical changes that have not been analyzed in the DEIR).

Response GO14-158 This comment provides a general recitation and characterization of the Draft EIR. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed in Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. The majority of the area to the west of the proposed Project's alignment in Los Angeles State Historic Park is an access road whose use will not be impacted by the proposed Project. Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR and Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed project's ridership model which is based on extensive data sources and assumptions validated by data.

Comment GO14-159 The DEIR's assertions regarding consistency with the Park's aesthetic goals are adequately addressed elsewhere in this letter. The Project clearly does not "[p]rotect and enhance scenic viewsheds and features and preserve the visitor's experience of the surrounding landscape by minimizing adverse impacts to aesthetic resources." (DEIR, p. 3.11-39.) It does exactly the opposite, harming vital aesthetic, cultural, and historic resources that are protected by the Park's General Plan and Final EIR document.

Response GO14-159 This comment provides a general summary of the comments raised in this letter related to aesthetic, cultural, and historical resources. Responses to these comments contained in this letter are provided above in Responses GO14-83, GO14-105, and GO14-109 through GO14-147.

Comment GO14-160 The DEIR asserts that the Project's proposed park amenities would be a visitor benefit. (DEIR, p. 3.11-41.) The Park already has adequate concessions and other park amenities and the proposed amenities are not necessary, and would largely serve to replace existing facilities the Project would destroy. Thus, the DEIR's assertions regarding Park Facilities Goals are specious – but for the Park's destruction of existing facilities, development of replacement facilities would not be necessary. Project facilities are not Park facilities, they would merely be located within the Park. Under Public Resources Code section 5019.59, however, they are not permitted. Similarly, the Project is not consistent with the Park's Education and Interpretation Goal since the Park's goals do not relate to interpretation of non-Park structures and facilities. That the massive Chinatown/State Park Station might include an exhibit, display, public art, or interpretive display does not diminish the negative impact of its unlawful intrusion.

Response GO14-160 The proposed Project does not propose to demolish nor does it need to demolish the Cargo Snack Shack concession or restrooms. The Project Sponsor would coordinate with State Parks and the concessionaire on the potential to provide alternative seating locations during construction. Through continued collaboration with State Parks which has been ongoing and will continue through the General Plan Amendment process, the proposed Project would be fully integrated into the park such that it would add to, rather than take away from the park's purpose and objectives. For example, in addition to the concessions, restrooms, and breezeway, the Chinatown/State Park Station would also include a mobility hub where passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program. Pedestrian access enhancements could include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/ State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including

the Mission Junction neighborhood, which includes the William Mead Homes public housing complex. In addition, the station canopy would provide much needed shade. As discussed in Topical Response F, Los Angeles State Historic Park, the Project Sponsor would work with State Parks through the General Plan Amendment process to develop an "Interpretation Plan" to identify unique ways to use the proposed Project to provide interpretation for the park and its history. The Interpretation Plan would help ensure that the proposed Project is a benefit to Los Angeles State Historic Park by providing visitors with, consistent with the park's existing General Plan, an engaging and informative experience that deepens their understanding and appreciation of Los Angeles State Historic Park's culture and history as a former and current (should the Project be developed) transportation hub. Refer to Topical Response F, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the Project's use of Los Angeles State Historic Park.

Comment GO14-161 As already discussed, the Project does not assist the Park in meeting its Access and Circulation Goal. The Park's existing access is sufficient to welcome pedestrians, cyclists, and a small number of vehicles. Public transit access is readily available through Metro's nearby Gold Line station and on public bus lines. The Project would not "create a sense of entry and arrival at the Park" (DEIR, p. 3.11-42), it would completely obscure the Park's existing entry. (See discussion and images, supra p. 60.) Further, additional access is not required, and the DEIR provides no substantial evidence to support that a significant number of people would use the Project for the purpose of traveling to the Park. Per the DEIR's own study, at most 10% of visitors to special events might use the gondola to arrive, meaning 90% of visitors will not experience the "sense of entry" the Project would impose in achieving its true objective.

Response GO14-161 Refer to Response GO14-160 for a discussion of how the proposed Project will be integrated into the park and also the proposed Project's benefits to park access. Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR and Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less.

Comment GO14-162 Dodger Stadium Conditional Use Permit

The DEIR asserts that the Project is consistent with the Dodger Stadium Conditional Use Permit. (DEIR, 3.11-43.) But the DEIR provides analysis of exactly two of the CUP conditions (conditions 1 and 3). (Ibid.) Elsewhere, the DEIR describes that a Plan Approval for the Conditional Use Permit is necessary, while adding that

condition 4 of the CUP provides for "collaboration 'in devising mass transportation service to the Stadium site…'" (DEIR, 2-62.) The consistency analysis describes no conflict with the CUP. But there logically must be a conflict, or at least a potential conflict, or no Plan Approval would be necessary. The DEIR's consistency analysis is therefore incomplete and inadequate for failing to provide the necessary information to determine whether the Project is or is not consistent with the CUP.

Response GO14-162 Refer to Section 2.10, Required Permits and Approvals, and Section 3.11, Land Use, of the Draft EIR, noting that, pursuant to Los Angeles Municipal Code ("LAMC") section 12.24.M, the Project Sponsor may seek a Plan Approval for the existing 1960 Dodger Stadium Conditional Use Permit ("CUP") to implement the proposed Project. CUP Condition 4 provides for collaboration "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." Refer to pages 3.11-17 through 3.11-18, of Section 3.11, Land Use, of the Draft EIR, for a discussion of the CUP's requirements. An analysis of the proposed Project's consistency with the CUP and the CUP's requirements is provided on page 3.11-43, identifying the pertinent requirements of the CUP. Section 3.11 also recognizes that the Plan Approval could allow for an exception from the Stadium Tower and Dodger Stadium Station site's height district designation, as the Stadium Tower and Dodger Stadium Station would exceed these limits. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO14-163 City of Los Angeles – Framework Element

The consistency analysis with the City of Los Angeles Framework Element is notable more for what it leaves out of the analysis than what it includes. The DEIR asserts that the Project is consistent with Objective 6.2 of chapter of the Framework Element. (DEIR, p. 3.11-49.) While the Project theoretically would add an additional private transit option to transport persons from Union Station to LA State Historic Park (when it is running and not prioritizing Dodger Stadium event patrons), the DEIR provides little evidence a significant number of persons will use it instead of the existing and readily available Metro Gold Line, bus lines, or other options such as walking or riding a bicycle. The proposed Project's consistency with Objective 6.2 is therefore speculative. Consistency with the Framework Element's Transportation policy is similarly deficient.

Response GO14-163 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how the underlying factors that would influence pre-game/event and post-game/event travel conditions and

ridership are built into the ridership model developed for the proposed Project based on extensive data sources and assumptions validated by data.

As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the City of Los Angeles Framework Element. As discussed in Section 3.11, the proposed Project would expand mobility and accessibility for transit riders in the region by providing high-capacity aerial rapid transit connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and surrounding communities. Implementation of the proposed Project would create new and improve existing connections not only to communities along the Project alignment, but also to other area transit lines and stations, including the regional transit lines served by LAUS, and several regional and local bus lines serving the Project Study Area. As stated in Section 3.11, potential impacts related to Land Use and Planning from the proposed Project would be less than significant.

Comment GO14-164 The Framework Element consistency analysis omits Objective 3.17: "Maintain significant historic and architectural districts while allowing for the development of economically viable uses." (Framework Element, Chapter 3.)[73]

The Framework Element consistency analysis omits discussion of Goal 6A and Objective 6.1, which are particularly relevant to the numerous parks adversely impacted by the Project, particularly LA State Historic Park.

> Framework Element Goal 6A: "An integrated citywide/regional public and private open space system that serves and is accessible by the City's population and is unthreatened by encroachment from other land uses."
>
> Framework Element Objective 6.1: Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region. (Framework Element, Chapter 6.)

The DEIR's reliance on speculative and unsupported claims and omission of highly relevant goals and objectives causes the Framework Element consistency analysis to be invalid.

Footnote 73: The City of Los Angeles Framework Element is currently available at: https://planning.lacity.org/planspolicies/framework-element (last viewed Jan. 14, 2023).

Response GO14-164 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource

Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Section 3.05, Cultural Resources, of the Draft EIR, for discussion of City of Los Angeles General Plan objectives and policies related to the protection of archaeological, paleontological, cultural, and historic resources. As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents, including the City of Los Angeles Framework Element. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

In addition, the Chinatown/State Park Station would be located adjacent to Spring Street in the southernmost portion of the Los Angeles State Historic Park. Due to its densely developed and urbanized nature, the Project area provides little opportunity for wildlife species or other biological and other natural resources to exist. No natural habitats occur in the Biological Survey Area (BSA), and there are no Habitat Conservation Plans or Natural Community Conservation Plans that overlap with the (BSA). Due to the location of the proposed Project alignment, which crosses over a small portion of the park, the proposed Project does not significantly impact recreational area within the Los Angeles State Historic Park.

Further, as discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project

would have less than significant operational impacts, including to Los Angeles State Historic Park. Therefore, the proposed Project would be consistent with these Objectives, as the proposed Project is not a threat to encroachment upon open space, but provides an additional transit option between the region's transportation hub at LAUS and the Los Angeles State Historic Park and Elysian Park, consistent with the goal to provide an accessible and integrated open space system. The proposed Project's limited footprint in the Los Angeles State Historic Park still allows for the use of the vast majority of the Park. Further, as noted above, the proposed Project would have less than significant operational impacts with respect to Biological Resources and Parks and Recreational Facilities, and therefore would not encroach upon the City's natural resources.

Nevertheless, under CEQA Guidelines section 15125(d), an EIR must discuss "any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans," and does not require a discussion where the proposed project would be consistent with such plans. Accordingly, the Draft EIR was not required to discuss consistency with each and every plan or policy. Further, under the Planning and Zoning Law (Government Code §§ 65000-66499.58), strict conformity with all aspects of a general plan is not required. A proposed project should be considered consistent with the local general plan if it furthers one or more policies and does not obstruct other policies. As discussed in Section 3.11, Land Use and Planning, of the Draft EIR, the proposed Project would be consistent with the City of Los Angeles General Plan's applicable goals and policies, and would not otherwise obstruct the obtainment of other goals and policies.

Comment GO14-165 Central City Community Plan

Within the Project area, the Central City Community Plan touches only El Pueblo de Los Angeles Historical Monument, so it is only nominally relevant to the Project, and is largely superseded by land use regulations of the El Pueblo General Plan, with which the Project is clearly inconsistent. (See discussion, supra pp. 73-75.) As discussed above, the consistency analysis relies on speculative and unsupported claims regarding Project availability to community members and Project ridership and is therefore invalid. With respect to connections to LA State Historic Park, the Project allegedly provides a transit connection that is duplicative of existing robust public transit options, walking, and cycling.

Response GO14-165 Refer to pages 3.11-47 through 3.11-56 of Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with applicable City General Plan polices, including with the Central City Community Plan policies and guidelines. As discussed on page 3.11-7, the portion of the Alameda Station located over the west side of Alameda Street and the suspended above-grade cables and cabins from Alameda Station north to Cesar E. Chavez Avenue is within the boundaries of the Central City Community Plan. Refer to Responses GO14-152 and GO14-153 for a discussion of the proposed Project's consistency with the El

Pueblo de Los Angeles General Plan. Refer to Section 3.17, Transportation and Appendix N, Transportation Appendices, of the Draft EIR and Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. As discussed in Section 3.11, the proposed Project would expand mobility and accessibility for transit riders in the region by providing high-capacity aerial rapid transit connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and surrounding communities. Implementation of the proposed Project would create new and improve existing connections not only to communities along the Project alignment, but also to other area transit lines and stations, including the regional transit lines served by LAUS, and several regional and local bus lines serving the Project Study Area. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less.

Comment GO14-166 As in the Framework Element, the Central City Community Plan Element leaves out important objectives and policies. The analysis is incomplete without considering Objective 9.2: "To provide the requisite services, housing opportunities, and community environments to allow the homeless to rejoin the workforce and lead more productive lives." The Project seeks to utilize City surplus land that would be better used for development of affordable housing and job creation and is known to conflict with longstanding community development plans in the area of the Project's Alameda and Alpine Towers. The Project is not only inconsistent with but blocks the attainment of Objective 9.2.

The Central City Community Plan also includes Objective 11-7: "To provide sufficient parking to satisfy short-term retail/business users and visitors but still find ways to encourage long-term office commuters to use alternate modes of access." Objective 11-8: "To evaluate, study and monitor current parking policies to assess parking demand as a result of changes in development trends, the growing downtown residential community and the general intensification of land use in the Central City area as surface parking lots become developed with other uses." As discussed elsewhere, the claimed benefit of high rate of public transit use for the Project and removal of vehicles from Project area roadways is speculative and highly inflated.[74] Legitimate fears of gondola users driving downtown and inundating the neighborhoods around Union Station and the LA State Historic Park have been a concern of community members since the Project was first made public. The DEIR's failure to address these legitimate concerns, which are consistent with issues identified in the Central City Community Plan by providing even a cursory analysis of the Project's consistency with Objectives 11-7 and 11-8 is puzzling.

Footnote 74: See UCLA Mobility Study, supra p. 48 fn. 47 (Exhibit P).

Response GO14-166 Refer to pages 3.11-47 through 3.11-56 of Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with applicable City General Plan polices, including with the Central City Community Plan policies and guidelines. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not displace housing or prevent planned housing. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding community, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features.

Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR, and Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[22] Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR.

Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, attached to this letter as Exhibit P. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a

Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection

The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
Jiaqi Ma
Director, UCLA Mobility Lab
Faculty Associate Director, UCLA Institute of Transportation Studies

[22] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

comment on the proposed Project's Draft EIR, and does not appear to have been prepared for that purpose. On January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:

Under CEQA Guidelines section 15125(d), an EIR must discuss "any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans," and does not require a discussion where the proposed project would be consistent with such plans. No analysis is required if the proposed project is consistent with the plan. Accordingly, the Draft EIR was not required to discuss consistency with each and every plan or policy. As discussed in Section 3.11, the proposed Project would be consistent with the Central City Community Plan's applicable goals and policies, and would not otherwise obstruct the obtainment of other goals and policies.

Nevertheless, while Central City Community Plan Objective 9.2 is inapplicable to the proposed Project as an aerial rapid transit project, it would not obstruct the obtainment of this objective to provide homeless services and housing opportunities. As discussed in Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, the Alpine Tower's location considered and avoided the anticipated 903 North Main Street Homeboy housing project and the proposed Project's Alameda Tower would not impede The California Endowment's potential use of the Alameda Triangle for recreational spaces. Rather, implementation of the proposed Project would provide additional access and mobility by providing a transit option to/from LAUS and Chinatown and other employment areas in downtown Los Angeles that would avoid congested local roadways and provide a transit option to Dodger Stadium on game days and for special events that would bypass typical vehicle traffic. Therefore, the proposed Project would not displace housing, but would provide a benefit to existing residents in the area.

Regarding Central City Community Plan Objectives 11-7 and 11-8, refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles, thereby encouraging alternative modes of access. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park.

Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As

recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.

Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. The proposed Project is therefore consistent with Central City Community Plan Objectives 11-7 and 11-8.

Comment GO14-167 Central City North Community Plan

The Central City North Community Plan consistency analysis relies on the same speculative and unsupported claims regarding Project availability to community members and Project ridership as the Central City Community Plan and is likewise invalid. The Project's transit connection with LA State Historic Park is duplicative of existing options and there is no substantial evidence of a need for the service for that purpose.

The discussion of Goal 12 ("Encourage alternative modes of transportation to the use of single vehicle occupant trips…") is curious, since the primary purpose of the Project is transporting Dodger Stadium game and event patrons, and the average number of persons per vehicle to Dodger Stadium is 3.6.[75] The primary purpose of the Project would thus not reduce single vehicle occupant trips. (This point is equally applicable to Silver Lake-Echo Park-Elysian Valley Community Plan Goal 11, which is identical to Central City North's Goal 12.)

Footnote 75: See UCLA Mobility Study (Exhibit P), p. 3; accord, Dodger Stadium Conditional Use Permit (DEIR, p. 3.11-43).

Response GO14-167 As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the City of Los Angeles Central City North Community Plan. Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR and Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/ State Park Station would

be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. As discussed in Section 3.11, Land Use and Planning, of the Draft EIR, the proposed Project would expand mobility and accessibility for transit riders in the region by providing high-capacity aerial rapid transit connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and surrounding communities. Implementation of the proposed Project would create new and improve existing connections not only to communities along the Project alignment, but also to other area transit lines and stations, including the regional transit lines served by LAUS, and several regional and local bus lines serving the Project Study Area. Located within a short walk to many Chinatown businesses and Metro's L Line (Gold), this Chinatown/State Park Station also addresses the goal of creating a stronger connection with the Metro L Line and would also enhance transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, attached to this letter as Exhibit P. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR, and does not appear to have been prepared for that purpose.

Comment GO14-168 Relevant Objectives and supporting policies omitted from the Central City North Community Plan consistency analysis include Objective 1-4: "To promote and insure the provision of adequate housing for all persons regardless of income, age, or ethnic background." As in the consistency analysis of the Central City Community Plan with its Objective 9-2, the Project is not consistent with this objective since it seeks to take City surplus land in the Community Plan area very well suited to the development of affordable housing and conveniently located near existing public transit options. The Project is also not consistent with Goal 4 and Objective 4-1, which calls for the conservation of existing recreation and park facilities. The Project would reduce available park space at LA State Historic Park by well over an acre before considering the loss of the remainder parcel to the west of the proposed Project alignment. Similarly, the Project is not consistent with Goal 5 and Objective 5-1, "[t]o preserve existing open space resources…" (Emphasis added.)

Response GO14-168 Refer to Section 3.14, Population and Housing, of the Draft EIR for a discussion of applicable policies related to housing, including from the Central City North Community Plan. As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the City of Los Angeles Central City North Community Plan. Refer to Topical Response E, The Proposed Project Will

Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not displace housing or prevent planned housing. In addition, refer to Topical Response E for a discussion of the Surplus Land Act. Accordingly, the proposed Project would not prohibit the obtainment of Objective 1-4, and therefore is consistent with this Objective. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Therefore, the proposed Project would be consistent with Goals 4 and 5, and Objectives 4-1 and 5-1. Under CEQA Guidelines section 15125(d), an EIR must discuss "any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans," and does not require a discussion where the proposed project would be consistent with such plans. No analysis is required if the proposed project is consistent with the plan. Accordingly, the Draft EIR was not required to discuss consistency with each and every plan or policy. As discussed in Section 3.11, the proposed Project would be consistent with the Central City North Community Plan's applicable goals and policies, and would not otherwise obstruct the obtainment of other goals and policies.

Comment GO14-169 Finally, there can be no doubt that a consistency analysis with the Central City North Community Plan cannot be considered complete without a serious discussion of Goal 17 and its supporting Objective 17-1: "To ensure that the Community's historically significant resources are protected, preserved, and/or enhanced."

Response GO14-169 As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the Central City North Community Plan. As discussed in Section 3.05, Cultural Resources, of the Draft EIR, Goal 17 of the Central City North Community Plan states "Preservation and restoration of cultural resources, neighborhoods, and landmarks which have historical and/or cultural significance."

Objective 17-1 states, “To ensure that the Community’s historically significant resources are protected, preserved, and/or enhanced.”

The Draft EIR fully analyzed and addressed the proposed Project’s potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR’s analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation.

Under CEQA Guidelines section 15125(d), an EIR must discuss "any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans,” and does not require a discussion where the proposed project would be consistent with such plans. No analysis is required if the proposed project is consistent with the plan. Accordingly, the Draft EIR was not required to discuss consistency with each and every plan or policy. As discussed in Section 3.11, the proposed Project would be consistent with the Central City North Community Plan’s applicable goals and policies, and would not otherwise obstruct the obtainment of other goals and policies, including policies related to the preservation of cultural resources, as the proposed Project’s potential impacts to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation

Comment GO14-170 “RIO” River Improvement Overlay District

While LA Parks Alliance does not believe the Project is consistent with the RIO District, and the consistency analysis relies largely on speculative, unsupported, and incomplete information, the primary conflict with RIO that is not adequately discussed in the DEIR is with respect to the potential for light intrusion, particularly from potential electronic digital displays that are described as possible for gondola cabins. The consistency analysis should therefore be revised and recirculated for additional public review and comment.

Response GO14-170 As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the River Improvement Overlay District (RIO District). Specifically, the proposed Project’s consistency with the RIO District and its applicable goals and objectives is discussed on pages 3.11-68 through 3.11-73 in Section 3.11 of the Draft EIR. Project lighting would include low-level lighting for security and wayfinding purposes. Exterior lighting adjacent to stations and towers would be shielded or directed toward the areas to be lit to limit spillover onto

adjacent properties and off-site uses and would meet all applicable LAMC lighting standards. With respect to the existing RIO District guidance, and as discussed in Section 3.01, Aesthetics, the lighting of the proposed Project would exceed RIO requirements in certain locations along the alignment. However, these locations are in urban areas with existing lighting that exceeds RIO requirements, as they require higher illuminance for safety and security. Further, the proposed Project sites within the RIO are located more than 2,600 feet from the Los Angeles River, and therefore have no direct influence on the lighting within or adjacent to the Los Angeles River. In addition, the proposed Project includes a proposed Specific Plan to establish the land use regulations for the Project, including lighting standards, to ensure consistent implementation of development standards throughout the Project sites in recognition of the Project's unique characteristics, including unique opportunities for public benefits and unique constraints posed by the Project site's location which are not experienced by other sites. The RIO does not impose any limits on the size, use, height and/or setbacks of a building beyond what is restricted by the prevailing zoning and building codes. The proposed Project would not change the current uses of RIO District parcels on which the project is constructed or adjacent to. Table 3.11-6, Project Consistency with Applicable RIO District Objectives, in Section 3.11, Land Use and Planning, of the Draft EIR demonstrates how the proposed Project would be consistent with applicable objectives for the RIO District. As such, the proposed Project would not conflict with the implementation of the design guidelines under the RIO on adjacent properties. Therefore, impacts related to consistency with the RIO would be less than significant.

Comment GO14-171 Cornfield Arroyo Seco Specific Plan

The Project seeks an exception from the Cornfield Arroyo Seco Specific Plan ("CASP") and to create a Specific Plan to benefit the project and relieve it from otherwise applicable City of Los Angeles zoning regulations and to allow construction of the Chinatown/State Park Station. (DEIR, p. 3.11-63.) Though the DEIR asserts that "the provision of a station at this location would be consistent with the overall intent of the CASP…" (ibid.) that is a legal impossibility. If the Project were consistent with the CASP it would not need an exception to the CASP. (In the City of Los Angeles, a specific plan "exception" is essentially equivalent to a variance.)

Response GO14-171 As identified in Section 3.11, Land Use and Planning, of the Draft EIR, a consistency analysis of the proposed Project was conducted with state, regional and local plans and documents including the Cornfield Arroyo Seco Specific Plan (CASP). The Chinatown/State Park Station and portion of the suspended above-grade cables and cabins from West College Street to the northern boundary of the Los Angeles State Historic Park would be located within the boundaries of the CASP, which designates the park as Open Space. Although the northern portion of the

Chinatown/State Park Station would be integrated into existing State-owned park land, and, thus, is not subject to local requirements, permits, or approvals for development on this property, the Chinatown/State Park Station would still be consistent with the CASP, which allows for mobility hub amenity and transit hub amenity uses on land designated for Open Space. Additionally, the provision of a station at this location would be consistent with the overall intent of the CASP as a point of local and regional connectivity by alternative means of transportation including increased transit, pedestrian, and bicycle use, reducing vehicle trips through and within the area, all while providing an area of increasingly accessible open space. The Chinatown/State Park Station and portion of the suspended above-grade cables and cabins within the CASP would provide a new transit stop to bring residents and visitors to the existing open space and recreational opportunities within the park, keeping consistent with the plan's objectives. The Chinatown/State Park Station would include a mobility hub, where passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program, consistent with the CASP's zoning regulations.

As noted in Section 3.11, Land Use and Planning, of the Draft EIR, pursuant to Los Angeles Municipal Code (LAMC) section 11.5.7.F, the Project Sponsor is seeking an exception from the CASP to allow for the Chinatown/State Park Station. Approval of the amendment to LAMC would allow for the proposed Project to be fully consistent with the surrounding zoning, as the proposed Project is already generally consistent with the surrounding area, which includes Metro's L Line (Gold). With approval of the amendments to the zoning code, development of the Chinatown/ State Park Station would not conflict with the applicable LAMC requirements at the time of Project implementation, and the impact would be less than significant.

As the lead agency, Metro is required to assume that the proposed Project would be approved, constructed, and operational in drafting the EIR. Refer to Section 2.0, Project Description, of the Draft EIR, for a list of the land use approvals that may be required for implementation of the proposed Project, including a potential exception from the CASP. These approvals are included in the proposed Project Description, and therefore Metro properly analyzed the proposed Project's environmental impacts as if the proposed Project would be approved by all applicable agencies, inclusive of these approvals.

Comment GO14-172 I. The Failure to Mitigate Temporary Loss of Access to Substantial Portions of LA State Historic Park is Impermissible.

The DEIR notes 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 finds the closure is not significant, justifying its conclusion by comparing loss of this land to park patrons for more than a year and a half to the Park's occasional closure

for special events. The comparison is inapt. The DEIR's conclusion does not evince that the determination was made using "careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data." (CEQA Guidelines, § 15064, subd. (b)(1).)

Though not offered in mitigation, since the DEIR has determined the loss is not significant, Metro essentially suggests park visitors can just suck it up—go someplace else, use some other part of the Park, or perhaps just skip going to local parks until the Project is complete. This is unacceptable, especially in light of the identified significant and unavoidable noise impacts to the Park, for which no mitigation has been identified.

The DEIR is inadequate for failing to adequately analyze whether the temporary loss of 1.59 acres of LA State Historic Park near its southwest entrance is significant, and if it is significant, for failing any attempt to mitigate the significant impact.

Response GO14-172 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The Draft EIR addresses the temporary closure of a portion of Angeles State Historic Park in Section 3.16, Parks and Recreational Facilities. As discussed on page 3.16-16 of the Draft EIR, construction of the Chinatown/State Park Station would not require any closures of areas used for recreation. The Draft EIR analyzed all potential environmental impacts to the Los Angeles State Historic Park, including in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Consideration. Refer to Section 3.16, Parks and Recreational Facilities, for a discussion of how construction of the proposed Project would result in less than significant impacts to the Los Angeles State Historic Park.

As discussed on pages 3.16-16 to 3.16-17 and 3.16-22, in Section 3.16 of the Draft EIR, while construction of the proposed Project would require a brief and temporary closure of the southernmost corner and western edge of the Los Angeles State Historic Park beneath the cables for safety purposes, other options for pedestrian access, including the provision of pedestrian detours during construction, would allow for continued pedestrian access within the Project area. In addition, park patrons would still be able to access approximately 30 acres of the 32-acre Los Angeles State Historic Park, including all the recreational areas, during construction activities within the park. In addition, regular park patrons are familiar with temporary park closures as they often occur in conjunction with concerts, fairs, and festivals that take place within the park throughout the year. It is not anticipated that construction activities at the southernmost portion of the park would increase the use in other areas of the park or at other parks and recreation

facilities such that substantial physical deterioration of the facility would occur or be accelerated as the portion where construction activities are occurring is primarily landscape and hardscape. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project, including to the Los Angeles State Historic Park. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant.

Comment GO14-173 J. The Project Alternatives Section Must be Revised to Include Additional Feasible Alternatives, Including a Revised TSM Alternative.

The DEIR identifies the Transportation Systems Management (TSM) Alternative as the Environmentally Superior Alternative, but goes to great lengths to argue the alternative meets too few project objectives to be worthy of consideration.

But this is only because the project alternatives are constrained by artificially narrow project objectives. (See discussion, supra pp. 43-46; see also WATER, 78 Cal.App.5th at 692.) Of the objectives the DEIR asserts the TSM alternative does not meet, four are the result of project objectives plainly chosen to favor the aerial rapid transit system over other feasible alternatives, defining the feasible TSM alternatives out of consideration (these are objectives 2, 7, 8, and 12). The DEIR's support for its conclusion that the preferred alternative meets two others is largely speculative, not based on substantial evidence, and the result of ignoring reasonably foreseeable indirect changes in the environment due to the project (these are objectives 5 and 9). The remaining two objectives could easily be met by the TSM Alternative with only minor modifications (objectives 10 and 11). (In fact,

it is unclear why Metro would not attempt to meet objective 11 in all transportation projects it considers—why would it purposely design a project alternative in a way that doesn't attempt to minimize the alternative's environmental footprint?)

The TSM Alternative's design suffers from a conveniently terrible lack of imagination considering it is proposed by one of California's largest public transportation agencies, serving the largest county (by population) in the United States, for a project that was initially proposed to Metro's "Office of Extraordinary Innovation."

The TSM Alternative should be minimally revised:

- To travel not only from LA Union Station, but from other sites Metro identifies as appropriate collection points (noting that the current DSE already operates a line directly from the South Bay);
- To use electric buses, which would eliminate GHG emissions in the Project area, the same as the preferred alternative.

Additional benefits of the revised TSM Alternative would be an expanded fleet of electric buses, which would not be required to travel within only the Project area, but which could be readily available for other uses when not needed for transit to Dodger Stadium games and events. These uses have the potential to greatly reduce VMT and GHG not only within the Project area, but over the entire Metro service area.

Response GO14-173 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. Refer to Response G014-88 for discussion of how the proposed Project's objectives are consistent with CEQA and do not unnecessarily preclude feasible project alternatives. As discussed in Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Refer to Response G014-91 for discussion of a system of buses from numerous remote locations throughout the Los Angeles region to

and from Dodger Stadium events. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

Comment GO14-174 Other feasible alternatives to consider are included in the 1990 LACTC Study. (See discussion, supra p. 42 fn. 43 (Exhibit O).) Particularly worthy of consideration is the escalator/walkway option, which has a very large capacity (approaching half of the stadium capacity), relatively low cost, and low total travel time (including waiting and boarding). (Id., pdf. p. 7.)

Response GO14-174 Refer to Response GO14-86 for a detailed response to the 1990 Dodger Stadium Transit Access Study prepared by Gruen Associates for Los Angeles County Transportation Commission. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. While this alternative would provide improved pedestrian connections compared to existing conditions, the 25 minute plus travel time from the Metro L Line (Gold) Station to the location of the proposed Dodger Stadium Station would be at least nine times greater than the three minute travel time between those two locations with the proposed Project, and this alternative would be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and the physical exertion. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment GO14-175 CONCLUSION

Based on all of the above and on other comments and objections by others incorporated by reference herein, the Draft Environmental Impact Report must be revised and recirculated or the Project must be withdrawn from consideration and the environmental review terminated.

Thank you for your consideration of these comments.

Sincerely,

John Given

Response GO14-175 This comment provides a general conclusion regarding the comments raised in this letter. Responses to all comments contained in this letter are provided in Comments GO14-2 through GO14-175. This comment and the comments raised in

this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment Letter GO15 – Homeboy Industries

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO15

Comment GO15-1 Dear Mr. Zelmer:

I am writing on behalf of Homeboy Industries in response to the Draft Environmental Impact Report (DEIR) issued by your agency for the proposed gondola from Union Station to the Dodger Stadium parking lots.

Response GO15-1 This comment provides a general introduction to the comments raised in this letter. Responses to comments contained in this letter are provided below in Responses GO15-2 through GO15-16.

Comment GO15-2 Homeboy Industries stands to be one of the most heavily impacted community stakeholders if the gondola is allowed to proceed as proposed. We will be affected with significant unmitigated environmental impacts during construction and by permanent effects on our operations.

Response GO15-2 Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the construction of the proposed Project. As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable cumulative impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. Refer to Responses GO15-8 and GO15-9 for detailed discussion of construction noise impacts. Refer to Section 3.17, Transportation, of the Draft EIR, for discussion of the proposed Project's maintenance of local and emergency access during construction. Refer to Topical Response C, Project Features, for discussion of the Business and Community Support Program during construction of the proposed Project. The proposed Project would not result in any significant and unavoidable operational impacts.

Comment GO15-3 We refer you to our letter to Metro dated November 16, 2020 for a detailed enumeration of our original concerns. While we concur generally with other community stakeholders in their current comments on the DEIR, we would like to point out the following areas of specific concern to Homeboy.

First of all, the document refers to Homeboy Industries as an "office building." The DEIR assesses potential environmental impacts against standards applicable to commercial structures. Homeboy Industries is, in fact, much more than an office; it is a highly-venerated, community-based non-profit that is the largest gang rehabilitation and re-entry program in the world. We provide training and support for

thousands of formerly gang-involved and previously incarcerated people, allowing them to redirect their lives and become contributing members of our community.

Many of our activities take place in and around our headquarters campus at 130 Bruno Street in Los Angeles. Any analyses of the potential impacts from the gondola should take into consideration the many community meetings, job training activities, spiritual counseling and other activities that take place at this location. It is truly a "sensitive receptor." In the near future we also hope to provide transitional housing for some of our clients on this site.

Response GO15-3 The Draft EIR analyzed the potential construction and operational impacts to Homeboy Industries in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR. For example, refer to Section 3.03, Air Quality, of the Draft EIR, for discussion of sensitive receptors in the air quality context. In addition, refer to Section 3.13, Noise, of the Draft EIR for discussion of identification of Noise-Sensitive receptors (NSR) and Vibration-Sensitive receptors (VSR) in the noise and vibration context. As detailed in Responses GO15-8 and GO15-9, Homeboy Industries was considered a sensitive receptor for purposes of the assessment of noise and vibration impacts in Section 3.13, Noise, of the Draft EIR.

Comment GO15-4 Following the outline of the DEIR, we note these areas of greatest concern:

1. Project Description

Because of the scale of drawings, it is difficult to ascertain whether the proposed project would require an aerial easement or easement buffer on Homeboy's current premises. Could you provide a larger scale drawing depicting where these zones might impinge.

Response GO15-4 Refer to Section 2.0, Project Description, of the Draft EIR, which details the proposed Project's alignment, noting that the proposed Project alignment was chosen as it maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties, taking into account existing and future adjacent land uses. Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR includes additional detail and graphics as to the proposed Project alignment, including portions of the alignment over public ROW, publicly owned property, and private properties. The proposed alignment profile also is provided in Appendix Q, Proposed Alignment Plan and Profile. In response to comments that the graphics included in Appendix Q, Proposed Alignment Plan and Profile, are not readable due to the scale of the graphics, Appendix Q has been updated to add larger inlets of several graphics. Appendix O, Supplemental Graphics of Proposed Project Plan and Profile, of this Final EIR includes larger scale version of these graphic. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project would meet and anticipates exceeding the American National Standards Institute (ANSI) Standard B77.1, which regulates vertical and horizontal clearances. ANSI B77.1 includes two criteria, both of which must be met, for horizontal clearance between the cabin and

an adjacent element: when hanging vertically, the cabins must be no closer than five feet to any obstruction that is not part of the ropeway system; and when the cabins are tilted within a prescribed range (as from wind), the cabins must not come into contact with anything. For the proposed Project, the five-foot requirement is slightly wider than the swing requirement, so the five-foot requirement controls the design path width. The proposed Project would include five feet on each side of the vertically hanging cabins for a required aerial clearance width of 53 feet 2 inches. Based on the current design, the Additional Separation Buffer is estimated to be approximately 10 feet on each side of the required aerial clearance width. Figure 2-8 in Section 2.0, Project Description, of the Draft EIR, shows the portions of the proposed alignment over public ROW and publicly owned property and the portions of the proposed alignment over private property, which are described more specifically in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR. As shown on Figure 2-8 and Appendix Q, the ANSI-required aerial clearance is not above Homeboy Industries' current premises at 130 Bruno Street. The Additional Separation Buffer is an approximate width and based on the current design of the proposed Project. The edge of the Additional Separation Buffer is approximately adjacent to the property line of 130 Bruno Street, and the final width of the Additional Separation Buffer would be determined by the appropriate agencies during the permitting process for the proposed Project.

Comment GO15-5 2. Hope Village - Housing & Service Expansion in Support of Alternatives to Incarceration

Homeboy Industries is working to alleviate the housing crisis in Los Angeles and has plans to develop transitional and permanent supportive housing on land where the proposed Alpine Tower is located. Developing affordable housing and expanding our campus will support broader public and private partnerships to create "Hope Village" as an alternative to incarceration (ATI) anchored by a car first, jails last paradigm. Insofar as we can determine, the location of the gondola's Alpine Tower would significantly impair our ability to deliver housing to our clients and respond to the "State of Emergency" currently in place at the County and City levels in response to the homeless crisis; and serve as an impediment to "Hope Village" as a critical ATI strategy.

Response GO15-5 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how consistent with the Project Objectives, the proposed Project was designed in consideration of planned housing projects, including the Restorative Justice Master Plan and Hope Village Project. The proposed Project does not impact Homeboy Industries' anticipated housing project, and the Alpine Tower's location avoids the anticipated 903 North Main Street Homeboy housing project. As discussed in Topical Response E, the proposed Alpine Tower is sited on 901 North Main Street and Homeboy Industries' anticipated housing project is located on 903 North Main Street. In addition to the proposed

Project's Alpine Tower not being physically located on the site of Homeboy Industries' anticipated housing project, the minimal aerial rights required for the proposed Project do not conflict with or impact the anticipated Homeboy Industries housing project.

Comment GO15-6 3. Aesthetics

Analyses in the DEIR of visual impacts from the gondola seem to completely ignore Homeboy Industries, which operates one of the key facilities in the gondola's path. There is no doubt that a 195-foot high, awkwardly-shaped concrete tower will have a serious and permanent – and most would say incompatible – visual effect on Homeboy Industries' operations. At the very least, your analysis of Landscape Unit 3 (page 3.1.22) should describe and discuss these impacts on Homeboy Industries in particular.

Response GO15-6 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, including the Alpine Tower, which would be less than significant, and for visual simulations of the proposed Project's towers. The methodology utilized to identify visual resources/viewsheds and examine potential aesthetic impacts follows the guidance outlined in the Federal Highway Administration's *Guidelines for the Visual Impact Assessment of Highway Projects* (2015). Further, views and potential impacts were all analyzed using the same thresholds of significance identified by the State CEQA Guidelines and the Los Angeles CEQA Thresholds Guide. Part of this process was identifying and analyzing Landscape Units (LUs) and Key Observation Points (KOPs) that were delineated based on known significant views and locations with proposed changes to the setting. Specifically, Landscape Unit 3, in which Homeboy Industries is located, is addressed on pages 3.1-22 and 3.1-42 through 3.1-45 of the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of the location and design of the Alpine Tower. Alpine Tower would consist of a neutral light-tone gray color scheme that would provide visual lightness to the form and their design would complement the existing buildings in this area, as well as not distract from the visually distinct Chinese architecture within this area. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area.

Comment GO15-7 Further, most CEQA analyses include a Shade and Shadow study. One would be appropriate for this project as well.

Response GO15-7 While shading is not a required analysis area in the CEQA Guidelines, a shadow analysis was conducted as part of the Visual Impact Assessment per recommendations in the L.A. CEQA Thresholds Guide. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR for the shading

analysis, which determined that shading impacts would be less than significant for construction and operational impacts. The shading analysis for the Alpine Tower is included at pages 3.1-54 of the Draft EIR, and concluded that the Alpine Tower would not result in the shading of shade-sensitive uses for more than three hours between the hours of 9:00 am and 3:00 pm Pacific Standard Time (between late October and early April), or for more than four hours between the hours of 9:00 am and 5:00 pm Pacific Daylight Time (between early April and late October). As such, shade impacts from the Alpine Tower would be less than significant. Refer to the Shade/Shadow Diagrams for the proposed Project, included in Appendix B, Shade/Shadow Diagrams, of Appendix C, Visual Impact Assessment, of the Draft EIR, for the shade/shadow assessment of the proposed Project. The shade/shadow diagrams for the Alpine Tower are on pages 39 through 57 of Appendix B, Shade/Shadow Diagrams, to Appendix C, Visual Impact Assessment, of the Draft EIR.

Comment GO15-8 4. Noise and Vibration

Analyses of these potential impacts correctly conclude that some significant impacts cannot be mitigated. We presume you will be seeking a Statement of Overriding Considerations to accept these impacts, at our expense.

With regard to noise, we are identified as NSR-7 in your analysis. We are projected to experience noise levels at 80.3 dBA during construction, 10.5 dBA higher than current ambient noise levels, described in your exhibit as sounding like a "garbage disposal at 3 feet." You deem this tolerable for an office building. As noted above, we conduct far more than just typical office activities, and invite many members of the public to our site. You note that even 75 dBA is "clearly unacceptable," even for office use, and that 65 dBA is "normally unacceptable" (page 3.13.48).

Response GO15-8 This comment provides a general summary of construction noise at NSR 7, as shown on page 3.13-36 of Section 3.13, Noise, of the Draft EIR. The identified noise level of 80.3 dBA is associated with the foundations and columns phase for construction of the Alpine Tower. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of noise and vibration impacts during construction of the proposed Project.

CEQA Guidelines section 15064.7(b) encourages lead agencies to adopt and publish thresholds of significance for use in determining whether environmental impacts are significant. While agencies are encouraged to adopt such thresholds of significance for general use, they are not required to do so and have the authority to determine the significance of environmental impacts on a project-by-project basis. Consistent with CEQA, Metro used the thresholds of significance from Appendix G to the CEQA Guidelines in the Draft EIR. For the analysis of noise and vibration, the Draft EIR used the thresholds of significance from Appendix G to the CEQA Guidelines and evaluated whether the proposed Project would result in the generation of a substantial temporary or permanent increase in ambient noise levels or the generation of

excessive ground-borne vibration or ground-borne noise levels. As part of this analysis the Draft EIR evaluated standards of both Metro as a Lead Agency and the City as a responsible agency. Specifically, Metro applies the FTA impact criteria for both noise and vibration. The City utilizes thresholds from the City's 2006 L.A. CEQA Thresholds Guide and the LAMC for noise, which are generally not utilized by Metro, but are included for purposes of this Draft EIR. For vibration, the City of Los Angeles also uses the FTA impact criteria. Based on the L.A. CEQA Thresholds Analysis NSR 7 (Homeboy Industries) would experience a temporary, significant noise impact during construction activities of the Alpine Tower, which, as discussed in Appendix B, Construction Assumptions, of the Draft EIR, would be approximately 11 months. As described in Section 3.13, Noise, of the Draft EIR, based on the FTA guidelines the construction activities of the Alpine Tower would not result in significant noise impacts at NSR 7 (Homeboy Industries). As discussed in Section 3.13, Noise, of the Draft EIR, for the entire duration of construction, the proposed Project shall provide an 8-foot temporary noise barrier between the construction site and NSR 7 (Homeboy Industries). With the implementation of Mitigation Measure NOI-A, the L.A. CEQA Thresholds Analysis construction noise impact during the Vertical Circulation, Hardscape, Landscape, and Interior Work phase at NSR 7 (Homeboy Industries) would be reduced to less than significant. Implementation of Mitigation Measure NOI-A would be required to reduce the L.A. CEQA Thresholds Analysis impacts at NSR 7 (Homeboy Industries), however, the L.A. CEQA Thresholds Analysis noise impacts at NSR 7 would remain significant and unavoidable during the foundations and columns and structural steel and gondola equipment erection construction phases.

CEQA requires that a Statement of Overriding Considerations be prepared if a proposed project will result in significant unmitigated environmental impacts. (CEQA Guidelines, §§ 15092(b)(2)(B).) The Statement of Overriding Considerations must set forth why any remaining significant effects on the environment found to be unavoidable under CEQA Guidelines section 15091 are acceptable due to overriding concerns as described in CEQA Guidelines section 15093. This statement would supplement the lead agency's findings required by Public Resources Code section 21081, subdivision (a), to support the lead agency's determination to proceed with a proposed project despite adverse environmental effects. Because the proposed Project would result in significant environmental impacts related to construction noise, as discussed in Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, which would not be reduced to less than significant with implementation of Mitigation Measure NOI-A, Metro would prepare a Statement of Overriding Considerations concerning this construction noise impact to supplement its Findings if it approves the proposed Project.

Comment GO15-9 In the analyses of potential vibration impacts, Homeboy Industries 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 adjacent to our training rooms, kitchen and restaurant is provided. Nonetheless, the DEIR concludes that

Homeboy Industries would experience significant "annoyance" from vibration, even with mitigation, during construction (page 3.13.63). A more detailed and site-specific analysis of the vibration impact on our buildings and operations would be appreciated.

Response GO15-9 As discussed in Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, and as shown in Tables 3.13-11 and 3.13-27, Homeboy Industries is identified as both a noise-sensitive receptor (NSR), and a vibration-sensitive receptor (VSR). Specifically, for the noise analysis, as shown in Table 3.12-11, Homeboy Industries is identified as NSR 7. For the vibration analysis, as shown in Table 3.13-27, Homeboy Industries is identified as VSR 11. As noted on page 71 of Appendix M of the Draft EIR, "A construction vibration impact analysis was conducted for those vibration-sensitive receptors (VSRs) that were located within approximately 200 feet of each Project component site. This distance was chosen because vibration attenuates with distance and, at 200 feet, vibration levels for the highest vibration producing equipment for construction of the proposed Project (vibratory rollers) would be less than the most restrictive vibration level (0.12 in/sec PPV) and, therefore, the Project would not impact VSRs beyond 200 feet." As discussed on page 3.13-27 of the Draft EIR, "ground-borne vibration impacts due to the proposed Project's construction activities were evaluated for both on-site and off-site construction activities by identifying potential vibration sources (i.e., construction equipment), estimating the vibration levels at the potentially affected receptor, and comparing the proposed Project's activities to the applicable vibration significance thresholds. Construction-related vibration is assessed using two different metrics: 1) to assess potential structural damage from vibration and 2) to assess human annoyance from vibration. " As discussed on page 5 of Appendix M of the Draft EIR, "Ground-borne vibration levels rarely affect human health. Instead, most people consider ground-borne vibration to be an annoyance that can affect concentration or disturb sleep." As noted on pages 3.13-13 to 3.13-15 of the Draft EIR, the evaluation of vibration impacts relied on the FTA guidelines to establish the threshold of significance for building damage and human annoyance from vibration. The FTA guidelines' vibration criteria for building damage are listed in Table 3.13-8 of the Draft EIR. The FTA guidelines' vibration criteria for human annoyance are listed in Table 3.13-6 of the Draft EIR. As discussed in Section 3.13, Noise, of the Draft EIR, the noise-sensitive receptors (NSRs) identified in Table 3.13-11 at various measurement locations represent existing noise conditions in a variety of locations throughout the Project area. Unlike the existing ambient noise conditions used for the noise analysis, existing vibration levels are not typically considered in the assessment of project vibration impacts, so existing vibration levels were not measured for the proposed Project, as discussed at 3.13.3.3, Existing Vibration Conditions, in Section 3.13, Noise, of the Draft EIR. Homeboy Industries is recognized as VSR-11 in Figure 3.13-27 of the Draft EIR. Additionally, the potential vibratory effects that would be experienced at Homeboy Industries during construction of the Alpine Tower are shown on

Table 3.13-28. Specifically, VSR-11 would experience vibration at 0.16 PPV in/sec (92 VdB) during construction of the Alameda Tower. This would exceed the threshold for human annoyance, but not building damage. Thus, construction vibration (human annoyance) impacts would be significant and unavoidable even with implementation of Mitigation Measures VIB-A and VIB-B. As discussed on page 3.13-72 of the Draft EIR, "[s]ince the human annoyance threshold is exceeded by common occurrences such as vehicle pass-bys during construction, there is no feasible method for mitigating human annoyance impacts. It should be noted that because the human annoyance threshold is so low it is already exceeded on roadways by existing truck trips." The Draft EIR included a complete analysis of vibration impacts for Homeboy Industries (VSR 11) as required by CEQA.

Comment GO15-10 5. Transportation

Perhaps the largest credibility gap in the DEIR concerns automobile access and parking. It seems inconceivable that the proposed project would have no significant impact on either.

Response GO15-10 Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. This partnership could include providing a free connecting Metro or Metro bikeshare ride with a ticket for the proposed Project, or other measures to further encourage a complete transit trip. By providing efficient, high-capacity, and faster alternative access to Dodger Stadium for games and special events, however, overall vehicular congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days would be reduced by the proposed Project because of game/special event attendees shifting to riding public transit rather than driving to Dodger Stadium.Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to affect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City of Los Angeles and with robust feedback from community stakeholders, a parking management plan. The City of Los Angeles would implement any on-street parking management strategies identified.

Comment GO15-11 Clearly, potential construction period impacts would be manifold. We would like to see focused analyses of the impacts of proposed road closures on local streets including Alameda, Bruno, Alpine and Main.

Response GO15-11 The Draft EIR includes a detailed description of road closures and associated construction period effects on the roadway system on pages 3.17-45 to 3.17-66 of Section 3.17, Transportation. Appendix B, Construction Assumptions, of the Draft EIR includes further detail of construction assumptions, including detailed graphics that illustrate work zones and temporary closures and temporary intersection lane configurations during construction. Temporary lane closures and temporary lane configuration changes for Alameda Street, Alpine Street, and Main Street are shown. No construction period lane closures or lane configuration changes are anticipated on Bruno Street. Refer to Section 3.17, Transportation, and Section 3.11, Land Use and Planning, of the Draft EIR, for discussion of how multimodal access—for both local and emergency response—to local businesses, neighborhoods, Los Angeles Union Station (LAUS), and the Los Angeles State Historic Park would be maintained throughout construction of the proposed Project, and disruptions to local businesses would be minimized. Access to Homeboy Industries would be maintained at all times during proposed Project construction. In addition, the *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment* includes a detailed construction period transportation simulation of the road closures during the proposed Project construction. This report substantially exceeds the level of detail required by the TAG.

Comment GO15-12 Also, there is no explanation in the DEIR about where visitors to the gondola might park in our neighborhood and what the impact of moving "game day" traffic to Chinatown and its environs might cause. The traffic study in the DEIR seems purposefully oblivious to potentially severe impacts on automobile access, circulation and parking.

Response GO15-12 Refer to Response GO15-10 for discussion of the Non CEQA Transportation Assessment, including traffic congestion (i.e., circulation) and parking.

Comment GO15-13 6. Impact on Our Business Revenue

Homeboy Industries operates several social enterprises from its Bruno Street Campus including Homegirl Café, Homeboy Merchandise, and the Homeboy Bakery. We rely on these businesses to create jobs for our clients and generate revenues in support of our mission. Each of these businesses are dependent on customer foot traffic and unimpeded vehicular access. For reasons aforementioned we have significant concerns regarding the revenue impact on our businesses.

Response GO15-13 Refer to Topical Response C, Project Features, for discussion of how multimodal access—for both local and emergency response—to local businesses, neighborhoods, LAUS, and the Los Angeles State Historic Park would be maintained throughout construction of the proposed Project, and disruptions to local businesses would be

minimized. The Project Sponsor would also create a Business and Community Support Program to assist local businesses financially affected by proposed Project construction activities. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. In addition, the proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first/ last-mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and Dodger Stadium Station, which could also drive customers to businesses along the proposed Project alignment.

Comment GO15-14 7. Financing & Use of Public Funds

We remain unclear as to how the gondola project will be financed, including the use of public funding to support the gondola's construction. We will have significant concerns with any use of public funding that would defray resources from housing and other essential services for communities in need. As of the submission of this letter, transparency related to short and long term financing of the gondola project remains elusive.

Response GO15-14 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of this Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how no funding benchmarked for housing projects or development will be used to fund or finance the proposed Project.

Comment GO15-15 8. Other Considerations

In addition to these CEQA-related concerns, we would like to raise two additional points.

First, we are clearly concerned about the permanent effects that the gondola might have on our sensitive, human-serving operations at 130 Bruno Street and on our future growth- even on the viability of our operations at this location – if the project

goes ahead as proposed. These longer-term operational and economic considerations should be discussed now, but the CEQA process may not be the best forum for resolving them.

Response GO15-15 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how consistent with the Project Objectives, the proposed Project was designed in consideration of planned housing projects, as well as with existing adjacent or potential future land uses in mind, including the Restorative Justice Master Plan and Hope Village Project and Homeboy Industries' existing operations at 130 Bruno Street. The proposed Project will not displace housing or prevent planned housing

Comment GO15-16 Second, there is a perception in our neighborhood that the gondola is being proposed as a precursor – "pre-mitigation" perhaps – to larger plans for development on the stadium parking lots. While these plans are not in our purview to address now, we do believe that further development around the gondola end-station would exacerbate the environmental concerns we are considering at this time, and should be brought into play as part of this evaluation.

Sincerely,

Thomas J. Vozzo
Chief Executive Officer, Homeboy Industries

CC: Metro Board, Board Clerk
Los Angeles City Mayor Karen Bass
Fr. Gregory Boyle, Founder, Homeboy Industries
California State Assembly Member Wendy Carrillo
Steve Delgado, Chief Operating Officer, Homeboy Industries
Los Angeles City Councilmember Eunisses Hernandez, City District 1
Martha Jimenez, Executive Vice President/General Counsel, The California Endowment
Dr. Robert Ross, CEO, The California Endowment
California State Assembly Member Miguel Santiago
Los Angeles County Board Supervisor Hilda Solis, County District 1
Adrian Vasquez, District Director for Congressperson Jimmy Gomez
Marisela Vihar, District Director for Assembly Member Wendy Carrillo

Response GO15-16 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Commenters' speculation or mere "perception" regarding a potential future action, without the presence of any

application or evidence of a larger project, does not require a lead agency to analyze the broader scheme or otherwise attribute motives to an applicant based on these allegations alone.

Comment Letter GO16 – Los Angeles Conservancy

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO16

Comment GO16-1 Dear Mr. Cory Zelmer:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (Draft EIR) for the proposed Los Angeles Aerial Rapid Transit (LA ART) Project. In reviewing this proposed Project, the Los Angeles Conservancy has serious concerns regarding its associated and cumulative impacts, both directly and indirectly. We strongly question the purpose and need for such an undertaking as there are environmentally superior alternatives readily available and appear to be dismissed without a clear substantiation.

Response GO16-1 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Response GO16-2 through GO16-25.

Comment GO16-2 The Conservancy raises concern about Metro serving as the lead agency for the California Environmental Quality Act (CEQA) process. It appears that the City of Los Angeles is better equipped and appropriate to serve in this role, and analyze potential impacts, conflicts, and identify project alternatives and appropriate mitigation measures.

Response GO16-2 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of why Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. As the agency tasked with planning, operating, and coordinating funding for the Los Angeles Region's transportation system, Metro has primary responsibility for implementation of the proposed Project, and is the proper lead agency. Under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).) Metro elected to serve as lead agency, and the City has cooperated as a responsible agency, including consultation in preparation of the Draft EIR. Refer to Response G016-20 for discussion of how the City was properly designated as a responsible agency.

Comment GO16-3 Lastly, we strongly question if there is a need for Federal review as a companion for this proposed undertaking, including Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act.

Response GO16-3 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address and environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is

warranted. As proposed, the proposed Project does not require Federal review, including Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act.

Comment GO16-4 If constructed, the LA ART Project would connect Los Angeles Union Station to Dodger Stadium property via an aerial gondola system. The proposed Project would include stations at Alameda and Cesar Chavez, the southernmost entrance to the Los Angeles State Historic Park, as well as at Dodger Stadium. The LA ART gondola system would be approximately 1.2 miles and consist of cables, three passenger stations, a non-passenger junction, towers, and gondola cabins.

Response GO16-4 This comment provides a general summary of the proposed Project provided in Section 2.0, Project Description of the Draft EIR. This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO16-5 I. Purpose and need for LA ART is not fully demonstrated when environmentally superior alternatives are identified and available to be implemented.

The Draft EIR analysis does not make a compelling case for the purpose and need for this Project, especially given there are other alternatives that may achieve similar results, while minimizing and avoiding the adverse effects (both direct and indirect). The stated purpose for the proposed Project is to "improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit (ART) service connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and surrounding communities via three new transit stations." However, the No Project Alternative and The Transportation Systems Management (TSM) Alternative are both found to be environmentally superior to the proposed LA ART Project.

Response GO16-5 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. The Draft EIR determined that the No Project and Transportation Systems Management Alternatives would not provide the same level

of benefits of the proposed Project such as the ability to reduce vehicle miles traveled and to air quality through reduced emissions, to energy through reduced fuel usage, to greenhouse gas emissions through reduced emissions, and to hydrology and water quality through the implementation of LID source control and BMPs to minimize water runoff and water pollution or otherwise achieve the overall Project purpose of providing a permanent and direct transit connection between the Los Angeles Union Station and the Dodger Stadium property. CEQA requires the analysis of a "No Project" alternative as well as the identification of an "environmentally superior" alternative from the range of reasonable alternatives that are evaluated, which cannot be the "No Project" alternative or the underlying project. The statutorily required identification of these alternatives does not negate the need for the proposed Project.

Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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.

Comment GO16-6 Overall, there are three project alternatives identified. These include a No Build Alternative, the Spring Street Alignment Alternative, and the TSM Alternative. The Spring Street Alignment is similar to the proposed project in that it will construct an aerial transit system. However, instead of a station at the southern end of Los Angeles State Historic Park, it would construct a station on the western edge boundary near Sotello Street. This alignment would have the same impacts as the proposed Project and therefore the Conservancy holds the same concerns.

Response GO16-6 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. As identified in Section 4.0, Alternatives (Table 4-1 and page 4-59), the Spring Street alternative would have similar impacts as

the proposed Project but would not meet all the proposed Project's objectives to the same degree.

Comment GO16-7 The TSM Alternative would improve the already existing and popular Dodger Stadium Express (DSE) bus system, therefore requiring none of the aerial transit infrastructure. This alternative, as the environmentally superior alternative, would reduce all possible impacts tied to the construction and operation of an LA ART system.

Response GO16-7 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative, pursuant to CEQA. Refer to Response GO16-5 for a discussion of how the Transportation Systems Management Alternative would not provide the same level of benefits as the proposed Project. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. While the Transportation Systems Management alternative would not have the impacts associated with the construction of an ART system, it would have operational effects that would not be present for the proposed Project, including increased vehicle queuing on city streets and increased potential for bus-pedestrian and bus-vehicle collisions, as detailed on page 4-72 and 4-73 of the Draft EIR. It is also not expected to reach the ridership of the proposed Project due to its considerably longer travel time and would therefore not have the VMT reduction benefit of the proposed Project, as described on page 4-71 of the Draft EIR.

Comment GO16-8 A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."[1] To this end, CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."[2] The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.[3] Reasonable alternatives must be considered "even if they substantially impede the project or are more costly."[4] Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.[5]

Despite the analysis' failure to explore an electric bus system the TSM remains the environmentally superior alternative. It is likely that new regulations in the coming years will require electric bus systems allowing the TSM to meet the zero emissions

goals for Project Objectives 5 and 12. We believe an enhanced bus route, especially on non-event days would better serve the surrounding neighborhoods and Elysian Park and therefore meet Objective 9. A more robust DSE is likely to resolve many last mile dilemmas for nearby residents and visitors.

The existing DSE is an incredible resource for Dodger fans, shuttling thousands of fans each game. The system is limited in its current ability to attract more fans because the route is underserved and busses are often packed to maximum capacity. Enhancing the system through the TSM Alternative, by offering more frequent departures and a zero emission fleet, would attract many more riders on event days and beyond. Additional stops during non-event periods provide greater access to Elysian Park and would further benefit the community by providing a more equitable mode of access.

Footnote 1: Public Resource Code, Sec. 21001 (b), (c).

Footnote 2: Sierra Club v. Gilroy City Council (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

Footnote 3: Guideline § 15126.6(a).

Footnote 4: San Bernardino Valley Audubon Soc'y v. County of San Bernardino (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

Footnote 5: Public Resources Code § 21081.5.

Response GO16-8 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The Draft EIR is in compliance with CEQA's general policies related to environmental quality and consideration of alternatives to proposed actions affecting the environment, and appropriately identifies the significant effects on the environment of the proposed Project, as well as potential alternatives to the proposed Project, in Sections 3.0 and 4.0, Environmental Analysis and Alternatives, of the Draft EIR, respectively. Refer to Responses G016-5 and GO16-7 regarding the Transportation Systems Management Alternative. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options for a discussion of how the Draft EIR considered a reasonable range of alternatives, and there are no feasible alternatives available which would avoid or substantially lessen the proposed Project's significant environmental effects. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents, park uses, visitors, and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding community, including but not limited to sustainability features and open

space enhancements, the Community Access Plan for fares, access to parks, including Elysian Park, and mobility hubs. The proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first/last mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station. Refer to Topical Response N, Environmental Justice, for a discussion of how the proposed Project is consistent with Metro's goal of prioritizing equity opportunities. The comment incorrectly characterizes California law. Pub. Resources Code § 21002 states, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so. If economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations."

Per Section 15092 of the CEQA Guidelines, a public agency may decide to approve or carry out a project for which an EIR was prepared if it has determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Comment GO16-9 II. Historic and cultural resources and view sheds will be impacted and irreparably harmed by the LA ART Project

A visual intrusion as a result of the proposed project is clearly evident. If built, the LA ART will be clearly visible and obscure the view, setting, and future overall experience of various historic places and spaces, including Union Station, El Pueblo, Los Angeles State Historic Park, and Chinatown.

The Conservancy disagrees believes the proposed project would have significant impacts to numerous historic resources by altering their historic settings and overall feeling. At the southern terminus of the project, the proposed Alameda Station would significantly impact both Union Station and El Pueblo's historic setting and feeling. One of the most important character defining features of Union Station are the views of its primary façade along Alameda. As metro is aware, Union Station is the last major

railroad station to be built in the United States. Its gardens and patios have welcomed countless travelers to sunny California for nearly a century. In 1972, the City of Los Angeles designated Union Station Historic-Cultural Monument #101 and it was added to the National Register of Historic Places in 1980.

Response GO16-9 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant, including LAUS, El Pueblo, Chinatown, and the Los Angeles State Historic Park. Refer to Responses GO16-10 through GO16-14 for additional discussion of aesthetic impacts to LAUS and El Pueblo, which would be less than significant and for discussion of Alameda Station.

The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation.

Comment GO16-10 The imposing new LA ART station along Alameda, with passenger plazas shown extending into the National Register and HCM boundaries, would dramatically alter the visitor's experience of Union Station when walking or driving south from Cesar Chavez Avenue as well as when exiting the station. Should the project be constructed, the current setting would no longer exist. Views of Union Station's iconic palm tree lined motor court and rising clock tower would be prematurely shrouded from the north. Alameda would go from an open airy corridor to one that compresses the passerby below a massive structure that crowds the existing relationship between Union Station and El Pueblo. It is argued that the Mosaic Apartments already contribute to the erasure of this view shed, however the LA ART Project only exacerbates and amplifies this by making the impact much worse and more impactful as it encroaches onto the Public Right-Of-Way. Metro previously proposed acquiring Mosaic property and developed plans to redevelop this site and restore the full view shed to Union Station; this Project would completely foreclose this future opportunity.

Response GO16-10 Refer to Section 3.5.4, Environmental Impacts, of the Draft EIR for a discussion outlining the proposed Project's potential construction and operational impacts to historic resources within the vicinity of the proposed Alameda Station, including the Los Angeles Union Station Passenger Terminal and Grounds and the Los Angeles Plaza Historic District (referred to as El Pueblo), the *El Grito* mural, and the Los Angeles Terminal Annex Post Office. As discussed in Section 3.5.4, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than

significant. While the proposed Project's Alameda Station would be a visible change to the overall setting of the historical resource, as discussed on page 16 of Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of the Draft EIR, integrity of setting principally refers to the physical features within the boundary of a property but may also include the larger surroundings. However, in urban areas such as Los Angeles, the broad setting has often been changed by development that postdates the period of significance for the subject property. Thus, changes to the surrounding area (i.e., addition of the proposed Project) should only factor into the assessment of integrity if the broad setting is essential to the understanding of the property. As discussed on pages 3.5-49 and 3.5-50 of the Draft EIR, the Los Angeles Union Station Passenger Terminal and Grounds is designated for its architectural and historical significance, and the changes to the resource's setting resulting from the addition of Alameda Station would not impact its architectural significance or its ability to convey this significance. Specifically, as indicated on page 3.5-44, in Section 3.05, Cultural Resources, of the Draft EIR, construction impacts will not alter the physical integrity or character-defining features of the historical resource. Also, as indicated on page 3.5-49, operational features (i.e., vertical circulation elements) will have a direct impact on the property generally, but will not alter the physical integrity or character-defining features of the historical resource. Further, visual alterations to the overall setting of the property will be insignificant due to prior substantial alterations to the existing setting and will not impact the significance of the historical resource nor its ability to convey its significance. Overall, construction and operational impacts associated with the proposed Project will not cause a "substantial adverse change" to the significance of this historical resource and, therefore, impacts will be less than significant. In addition, Metro does not have current plans to acquire and redevelop the Mozaic property.

Comment GO16-11 In 2015, when Metro approved the Connect US Action Plan, the restoration of the Forecourt and Esplanade improvements were contemplated, as a means to strengthen the connections and "front door" between Union Station, El Pueblo and Olvera Street. As we currently understand, this project is now on hold due to consideration of the proposed Project. Not only is this delay unfortunate, the LA ART station greatly undermines this opportunity and crowds the historic resources, greatly disrupting and indirectly interrupting the feeling and setting of these spaces and their relationships to one another. Further, queueing for the Alameda Station would occur within the planned Forecourt and Esplanade area and north of the Placita de Dolores, crowding these areas and again changing the ways in which these historic, public spaces have been, currently are, and could be experienced in the future.

Response GO16-11 Metro's plans for and consideration of the LAUS Forecourt and Esplanade Improvements Project is not "on hold" due to the proposed Project, which was designed in consideration of and to be compatible with the planned LAUS Forecourt

and Esplanade Improvements Project, as discussed in Section 2.0, Project Description, of the Draft EIR. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for a discussion of how queues would be managed by efficient vertical circulation and by staff at the station and due to the nature of queue formation, the pre-game/event passenger queues at the Alameda Station in 2026 are estimated to be largely contained on the platform and only minimally extend out into the planned LAUS Forecourt.

Refer to Section 3.05, Cultural Resources, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of the Draft EIR, for a discussion outlining the proposed Project's potential construction and operational impacts to the Los Angeles Union Station Passenger Terminal and Grounds. The existing parking lot and planned LAUS Forecourt where vertical circulation elements would be introduced are not considered character defining features of the Los Angeles Union Station Passenger Terminal and Grounds. While the proposed Project's Alameda Station would be a visible change to the overall setting of the historical resource, as discussed on page 16 of Appendix G, integrity of setting principally refers to the physical features within the boundary of a property but may also include the larger surroundings. However, in urban areas such as Los Angeles, the broad setting has often been changed by development that postdates the period of significance for the subject property. Thus, changes to the surrounding area (i.e., addition of the proposed Project) should only factor into the assessment of integrity if the broad setting is essential to the understanding of the property. As discussed on pages 3.5-49 and 3.5-50 of the Draft EIR, the Los Angeles Union Station Passenger Terminal and Grounds is designated for its architectural and historical significance, and the changes to the resource's setting resulting from the addition of Alameda Station would not impact its architectural significance or its ability to convey this significance. Specifically, as indicated on page 3.5-44, in Section 3.05, Cultural Resources, construction impacts will not alter the physical integrity or character-defining features of the historical resource. Also, as indicated on page 3.5-49, operational features (i.e., vertical circulation elements) would have a direct impact on the property generally, but will not alter the physical integrity or character-defining features of the historical resource. Further, visual alterations to the overall setting of the property will be insignificant due to prior substantial alterations to the existing setting and will not impact the significance of the historical resource nor its ability to convey its significance. Overall, construction and operational impacts associated with the proposed Project will not cause a "substantial adverse change" to the significance of this historical resource and, therefore, impacts will be less than significant. Refer to Response GO16-13 for a discussion of the proposed Project's potential impacts to the Los Angeles Plaza Historic District. Refer to Response GO16-14 for a discussion of the proposed Project's potential impacts to Olvera Street. Refer to Response GO16-15 for a discussion of the proposed Project's potential impacts to the Placita de Dolores. Regarding the relationship between LAUS and El Pueblo,

Section 3.05, Cultural Resources, of the Draft EIR analyzes the axial connection and visual relationship between LAUS and El Pueblo. The proposed Alameda Station would be located over 100 feet north of the main axis—at the intersection of Los Angeles Street and Alameda Street—between LAUS and El Pueblo. The location is sufficiently offset so it would not interrupt the physical and visual relationship between the two historical resources. Accordingly, the important axial connection and visual relationship with the between LAUS and El Pueblo would remain.

Comment GO16-12 The renderings provided in the Draft EIR do not fully depict and illustrate the visual impacts of the proposed new station on Union Station. The siting of the renderings provided are from locations that appear to diminish them. In consultation with project team consultants, the Conservancy has requested additional renderings from various points along Alameda south of East Cesar E. Chavez Avenue, and as a pedestrian will experience leaving the primary entrance of the station and the expanse of the pedestrian plazas proposed on either side of Alameda. Due to the holidays and the deadline to comment on Draft EIR, these have not yet been provided and are not included in the draft EIR. If adequately illustrated and included in the EIR, the Conservancy believes the full range and visual impacts of the proposal station will be evident. These images should be modified and accurately depicted to show the full extent of the undertaking and impact on the broader community view shed.

Response GO16-12 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of Key Observation Points (KOPs), of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for KOPs and simulations updated in part to provide additional aesthetic and visual illustrations in response to comments received on the Draft EIR during the public review period. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for an analysis of the Supplemental KOPs in Response to Comments, which confirmed the Draft EIR determination that aesthetic impacts of the proposed Project would be less than significant. As discussed in Section 3.01, Aesthetics, of the Draft EIR, identification of potential aesthetic and visual impacts included the identification of Landscape Units (LU) that defined particular viewsheds and/or aesthetic settings within the proposed Project area, as well as KOPs within each LU that are representative of the visual character of the area. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies. As noted, pages 35-37, 41-42, and 55-61 in Appendix C, Visual Impact Assessment, of the Draft EIR, LU 1 extends from Arcadia Street to Cesar E. Chavez Avenue along Alameda Street and includes seven (7) KOPs, three (3) of which include views of or from LAUS along or immediately adjacent to Alameda Street south of Cesar E. Chavez Avenue (KOPs 1, 2, 4).

Comment GO16-13 The Los Angeles Plaza Historic District, better known as El Pueblo, is a collection of some of Los Angeles's earliest historic resources dating to 1818. In 1970, the Los Angeles Plaza Park was designated as Historic-Cultural Monument (HCM) #64 and initially listed on the National Register in 1972. As shown in project renderings, the Alameda station with its wires and gondolas would be visible from various locations within the historic district.

From within the historic Avila Adobe's courtyard, constructed in 1818 and the oldest extant building in the City, the new station stands looming overhead. The project team has stated that this view shed was already compromised by the One Gateway Plaza at Patsaouras Transit Plaza. However, this tower is not immediately adjacent to the adobe. Even with One Gateway Plaza in the far distance, visitors are allowed the ability to spatially visualize how the vista appeared at the time of its construction. Without question, the LA ART's Alameda's station's proximity and scale impact this historic site much more heavily than that of the tower roughly 1,500 feet away. Today's Avila Adobe successfully transports visitors to a time passed. With the new station, the Conservancy is confident that this would no longer be a possibility.

Response GO16-13 Refer to Section 3.05, Cultural Resources, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of the Draft EIR for discussion outlining the proposed Project's potential construction and operational impacts to the Los Angeles Plaza Historic District. As discussed on pages 3.5-45 to 3.5-46 of the Draft EIR, the only direct impacts from the proposed Project would be to a non-contributing feature, the Placita de Dolores, which was constructed after the historic district was designated, and impacts would be less than significant. With respect to indirect impacts, while the proposed Project's Alameda Station would add another non-original element to the broader setting, mere visibility of a new building, structure, or feature from certain vantage points alone would not result in an indirect impact. The proposed Project would introduce a visible new feature to the historic district's setting, but Alameda Station, with the exception of the vertical circulation and associated alterations to the non-contributing plaza space, would be located outside of the historical resource's boundary, and contributing buildings would retain their visual and physical relationships with one another. As stated on page 3.5-51, visual alterations within the property would be less than significant due to prior visual alterations and will not impact the significance of the historical resources nor their ability to convey their significance. Also, as stated on page 3.5-52, the only historically significant viewshed from the Avila Adobe courtyard is the visual connection to LAUS. Although the proposed Alameda Station would add another non-original element to the broader setting, as the courtyard currently includes views of a portion of the Mozaic Apartments building, a portion of LAUS, a portion of the First 5 LA building, and a portion of the LA Metro Headquarters. The visual relationship between the Avila Adobe and LAUS would still exist. The Draft EIR does not rely on the presence of the comment's referenced "One Gateway Plaza" to reach this conclusion. Additionally,

Avila Adobe would retain its visual and physical relationships to the other contributors in the Los Angeles Plaza Historic District and would continue to convey its significance and the existing physical integrity and character-defining features of the historical resource would remain intact. Consequently, the indirect impact of the proposed Project on Avila Adobe, along with the Plaza Community Center, Plaza Substation, and The Winery, as well as the greater Los Angeles Plaza Historic District, would be less than significant.

Comment GO16-14 In Addition to the impacts at Avila Adobe, the project would be seen from other vantages including the north entrance to Olvera Street and from La Plaza. As stated previously, the station looming above the historic district would significantly impact the setting and feeling of Los Angeles's oldest historic built environment.

Overall, the Conservancy believe the various (sighting, proximity, signage, lighting, noise and construction) and cumulative (taken as a whole) impacts to the historic view shed, including greatly altering the feeling and setting of this historic area, are highly problematic and detrimental to the overall vitality of these historic resources. We believe this requires LA ART to reconsider other locations for placement of this station, and, more importantly, viable and environmentally superior project alternatives that do not require the need for this station nor LA ART as currently envisioned.

Response GO16-14 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.5, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant. Refer to Section 3.5.4, Environmental Impacts, of the Draft EIR for a discussion outlining the proposed Project's potential construction and operational impacts to historic resources within the vicinity of the proposed Alameda Station, including the Los Angeles Union Station Passenger Terminal and Grounds and the Los Angeles Plaza Historic District (referred to as El Pueblo, and comprised of 29 resources within its boundaries, including the Avila Adobe). As discussed in Section 3.5.4, the Draft EIR's analysis concludes that all potential impacts related to historical resources (inclusive of visual impacts related to the overall setting) would be less than significant. Refer to Response GO16-13 for a discussion of how visibility of a new building, structure, or feature from certain vantage points alone would not result in an impact to a historic resource, and how prior substantial alterations to the setting render the operational impacts less than significant. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. In addition, as discussed in Topical Response H, Section 6.0, Design

and Use Options, the Draft EIR includes design and use options responsive to public comments and stakeholder feedback. Refer to Section 5.0, Other CEQA Considerations, of the Draft EIR, for a discussion of how the location of the Alameda Station was determined.

Comment GO16-15 III. Draft EIR does not adequately address the proposed use and transfer of public rights-of-way and lands, applicable general plans, permitted legal use, and is in conflict with Public Resources Code 5019.59

As described in the Draft EIR, the project would construct towers on the Alpine Parcel and Alameda Triangle. The former parcel being owned by the City of Los Angeles and latter being a Public right-of-way. With tower footprints at approximately 900 square feet, construction would occur on a sizeable portion of the parcels. Further, queueing for the Alameda Station would require the permanent use of public spaces for private use, including the Placita de Dolores and Union Station's planned Forecourt and Esplanade area.

The Conservancy is concerned about the use of publicly-owned parcels for private use, as detailed in the Draft EIR. We believe the project does not adequately describe the legal authority and process by which LA ART is required to attain such rights and makes inaccurate assumptions that the City and other public entities would give up their rights to these pieces of land. When looking at the Alpine Parcel in particular, other uses such as housing would better suit this site. With close proximity to City services and employment opportunities, the site is a good candidate for new, affordable housing construction. Given the need for affordable housing and limited land by which to build, as detailed in the City of Los Angeles' recently adopted Housing Element of the General Plan and stated Regional Housing Needs Assessment (RHNA) priorities, why then should the City give up this land for LA ART?

Response GO16-15 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project, and Section 2.3.8, Project Objectives, for an overview of the proposed Project's objectives. The overall purpose of the proposed Project is to provide a direct transit connection between LAUS and the Dodger Stadium property via an aerial gondola system and improve connectivity for the surrounding communities by linking to the Los Angeles State Historic Park, Elysian Park, and the neighborhoods along the proposed alignment and the region's rapidly growing regional transit system at LAUS. ART is a proven, zero emission, safe, sustainable, high-capacity, and highly efficient form of transportation that would function as both a reliable rapid transit system and first/last mile connector. The proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Refer to Section 2.0, Project Description, for a discussion of how the proposed Project was designed to be consistent with Metro's plans at LAUS, including the planned LAUS Forecourt and Esplanade Improvements Project, as well as for a list of required

permits and approvals for implementation of the proposed Project. The EIR is intended to provide environmental clearance as needed for all of the potential discretionary entitlements, reviews, and approvals required for implementation of the proposed Project.

Refer to Section 3.11, Land Use and Planning, for analysis of the proposed Project's potential impacts to land use and consistency with relevant land use plans, policies, and regulations adopted for the purpose of avoiding environmental effects. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of how nothing in Public Resources Code section 5019.59 would prohibit State Parks from issuing the necessary approvals for the Proposed Project. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of queueing. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, and Topical Response N, Environmental Justice, for discussion of how the proposed Project will not displace housing, prevent planned housing, or preclude development of uses including housing, grocery stores, and/or healthcare facilities in the surrounding communities. As detailed in Topical Response E, development of housing is constrained on the portion of 901 North Main where the proposed Alpine Tower would be located due to the proximity to the Metro L Line (Gold) tracks. The proposed Alpine Tower would be located on a triangular portion of 901 North Main Street between the Metro L Line (Gold) tracks and Alameda and Alpine Streets, and this property was previously analyzed by the City of Los Angeles' City Administrative Officer, describing it as unsuitable for housing. Specifically, the City recognized that the 901 North Main Street "site is bisected by overhead tracks, which are protected by an easement to" Metro and therefore "the Metro tracks will affect the ability to develop on the site." According to the City's publicly available property information system, ZIMAS, development and construction projects on 901 North Main Street must consult with Metro pursuant to Metro's Adjacent Development Review process to ensure safety and avoid conflicts to transit services and operations. The process applies to work within 100 feet from Metro right-of-way, which affects most or all of the 901 North Main Street property. In addition, compliance with Metro's requirements for construction design in locations adjacent to Metro's systems further restricts the ability for development on the portion of 901 North Main Street between the Metro L Line (Gold) tracks and Alameda and Alpine Street.

Comment GO16-16 As mainly a new tourist attraction, LA ART will attract an influx of visitors that will impact the authentic, lived experience of these historic spaces and places, not just in the area of Union Station and El Pueblo, but also Chinatown and the Los Angeles State Historic Park. As part of this concern, the Conservancy also questions the wisdom, appropriateness, and process by which various public rights-of-way and lands are to be granted for permanent use (for stations, towers, air rights, and queuing) to a private LLC and undertaking of this type.

How will these specific decisions take place and when, and does Metro, the City of Los Angeles, and/or the State Park and Recreation Commission (SPRC) have the legal authority to grant this type of commercial use to a private LLC in all the proposed locations? Our understanding is this project scope does not conform to the General Plan for El Pueblo Los Angeles State Historic Park[6] nor the Los Angeles State Historic Park.[7] Specifically, the statute for El Pueblo states, "[a]ny proposed demolition, alteration, or encroachment on historic structures must have approval from the State Department of Parks and Recreation." Commercial, privately-built and operated uses are generally excluded from approved activities. Therefore, the Draft EIR fails to fully identify or address this land use conflict that appears to make the preferred Project infeasible if access to these public lands (a necessity to build the Project) is not granted.

Footnote 6: Public Resources Code § 5002.2.

Footnote 7: Public Resources Code § 5019.50; 5019.59;

Response GO16-16 Refer to Response GO16-15 for discussion of the purpose of and need for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for discussion of the General Plan for El Pueblo de Los Angeles State Historic Park. The El Pueblo de Los Angeles Historical

Monument is currently a department of the City of Los Angeles,[23] and the comment's cited code sections pertain to units of the State Park system. As discussed in Section 3.05, Cultural Resources, the City of Los Angeles, County of Los Angeles, and State of California signed an agreement in 1953 creating El Pueblo State Historic Park. The agreement allowed the State to purchase most of the property comprising El Pueblo State Historic Park. In 1992, the property within the Park was transferred to the City. In 1994, the Park's name was changed to El Pueblo de Los Angeles Historical Monument. The City's El Pueblo de Los Angeles Historical Monument Authority Department manages the El Pueblo de Los Angeles Historical Monument.

Comment GO16-17 The statute establishing the Los Angeles State Historic Park, for instance, is clear in stating exceptions in how private development can occur within the boundaries of the park, such as providing access, parking, sanitation, etc. Per the Draft EIR, the project would require an amendment to the State Historic Park General Plan which does not currently allow for transit on its grounds or within its air rights. The amendment would use "access" as defined in PRC 5019.59 to justify said amendment. However, the proposed private-public operating agreement would limit operation to "as needed" when no events at Dodger Stadium are being held. Therefore, the proposed agreement offers no definitive access to the park beyond scheduled Dodger Stadium events.

Because there is no guarantee that the gondola will run on days when no events are held at the stadium, the SPRC is not likely to and should not approve the amendment. With a combined land and air use of over an acre, the SPRC would be giving up a sizeable piece of the Historic Park's property to the project

Response GO16-17 Refer to Response S2-2 regarding the Chinatown/ State Park Station and proposed Project alignment within the Park. The Chinatown/ State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would overhang 9,320 square feet of the park (including the 2,195-square-foot footprint). The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park (~1.4 million square feet), plus an Additional Separation Buffer. While the Chinatown/ State Park Station's footprint will occupy 2,195 square feet within the park, through continued collaboration with State Parks, which has been ongoing and will continue through the General Plan Amendment process, the proposed Project would be fully integrated into the park

[23] See City of Los Angeles. 2023. Commission, El Pueblo de Los Angeles Historical Monument. Available at: https://elpueblo.lacity.gov/commission. Accessed July 2023. See also, California Department of Parks and Recreation. 2023. California State Parks Listing. Available at: https://www.parks.ca.gov/?page_id=21805. Accessed July 2023 (El Pueblo de Los Angeles is not included on this list).

such that it would add to, rather than take away from the park's purpose and objectives.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment and the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment GO16-18 To reiterate, claims stating the LA ART Project will provide critical public access (thus allowing the construction of towers and a station within the park and on park lands) is not substantiated within the Draft EIR. Detailed analysis is not provided that states a clear or reliable level of service (Draft EIR states "based on demand" and "as needed") that will be provided in the future vs. only on game or special event days. The Draft EIR suggests limited access from a privately funded and operated LLC warrants the removal of public park lands. The Conservancy disagrees, and would like to see greater documentation and evidence provided to the public that can support the Draft EIRs conclusions on this issue.

Response GO16-18 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events

at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR.[24] Stantec is an internationally respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO16-19 IV. Should the proposed project anticipate federal funding, Section 106 and Section 4(f) would be triggered and additional environmental review would be required

The Conservancy would appreciate greater clarity regarding the funding of this project. Particularly, if any federal dollars will be used in any way for LA ART's planning, development or construction. Should the applicant or lead agency access funding from these entities, the project would trigger Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the Department of Transportation Act. Generally federal environmental review occurs in tandem with CEQA reviews.

Section 106 of the NHPA requires federal agencies to consider the impact of their actions on historic resources. Because of this section, public agencies must assume responsibility for the consequences of their actions on historic resources and be publicly accountable for their decisions.

[24] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

Furthermore, Section 4(f) states:

> "The Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

Given the projected ridership, size of the station platforms, extension into the Union Station parking lot, and use of Los Angeles State Historic Park property for the Chinatown/State Park Station, it is foreseeable that additional government funds and those at the federal level will be accessed. Additionally, the Union Station forecourt and esplanade project, located in the same vicinity as the Alameda Station, had previously been granted federal funding for the future project. Should that funding contribute to the pedestrian plazas for the station in any way, it would trigger the above code sections and need for federal environmental review.

Response GO16-19 This comment provides a general recitation and characterization of federal law. As proposed, the proposed Project does not require Federal review, including Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment GO16-20 V. Transfer CEQA lead agency authority to the City of Los Angeles

The LA Conservancy believes the City of Los Angeles is better suited to serve as the Project's lead agency. As planned, the City of Los Angeles would be responsible for granting the majority of the Project's discretionary and ministerial permits and therefore is better suited for the lead agency role.

As shown in the Draft EIR, the 1.2-mile-long Project is to be built and operated predominately on or above the City's public rights-of-way. Furthermore, the plan states that the private LLC developer would enter into a public-private operating agreement with the City of Los Angeles.

Given the numerous historic resources in the area, the City of Los Angeles is better equipped to evaluate impacts and conflicts, including those on historic resources for which is assigned the primary jurisdiction, such as El Pueblo and various Historic-Cultural Monuments (HCM). As previously stated, the historic resources within the

project area are some of the oldest and most important within the City. Therefore, a lead agency with this experience is more appropriate.

Response GO16-20 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of why Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro is the proper lead agency for the proposed Project. Under CEQA, a lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole." (CEQA Guidelines, §15051(b).) Under state law, Metro has broad authority over public transportation planning and coordination for the Los Angeles region's transportation system and is authorized to do "any and all things" to carry out these purposes. (Public Utilities Code, § 130105(f).) For the proposed Project, Metro is tasked with considering approval of all plans for design, construction, and implementation under Public Utilities Code section 130252, as well as with consideration of written approvals to operate the proposed Project, pursuant to its authority under Public Utilities Code section 130252. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. While the City, along with other responsible agencies, has discretionary approval authority over some required permits and approvals for the proposed Project, Metro has discretionary authority to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project. (Public Utilities Code § 130252.) This power, vested by the State Legislature, is considerably more broad than individual land use and other review and approvals to be issued by responsible agencies for the components of the proposed Project occurring within their respective jurisdictions. The City and other responsible agencies that still retain approval authority over the aspects of the proposed Project within their jurisdiction are properly designated as responsible agencies engaged in the consultation process with Metro.

As demonstrated in Section 3.05, Cultural Resources and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of the Draft EIR, the Draft EIR thoroughly reviews the potential impacts to historical resources. Refer to Section 8.0, List of Preparers, of the Draft EIR, for a list of the subject-matter experts for Historic Resources who assisted in preparation of the Draft EIR, including Teresa Grimes from Historic Preservation, and Amanda Duane from GPA Consulting, who have extensive experience evaluating historic resources in the City of Los Angeles. In addition, Ken Bernstein and Lambert Giessinger with the City's Department of Planning, Office of Historic Resources, were consulted in preparation of the Draft EIR. These subject-matter experts who assisted Metro in preparing these assessments for the Draft EIR have access to all of the same databases and informational resources as the City would, including National Register of Historic

Places, the California Register of Historic Resources, California Historical Landmarks, California Points of Interest, the California Historical Resources Inventory System (CHRIS), the South Central Coastal Information Center (SCCIC), the Los Angeles Historic-Cultural Monuments, SurveyLA, and Sanborn Fire Insurance Maps, and thus the same information is available to Metro as it is to the City or another agency.

Comment GO16-21 VI. Conclusion

The Conservancy has serious concerns regarding the construction and operation of the proposed LA ART project. To state again, we raise the following concerns regarding the Draft EIR and the proposed Project:

I. Purpose and need for LA ART is not fully demonstrated when environmentally superior alternatives are identified and available to be implemented

Response GO16-21 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in responses GO16-2 through GO16-20.

Comment GO16-22 II. Historic and cultural resources and view sheds will be impacted and irreparably harmed by the LA ART Project

Response GO16-22 Refer to Responses GO16-9 through GO16-14 for discussion of how potential impacts related to historical resources would be less than significant.

Comment GO16-23 III. Draft EIR does not adequately address the proposed use and transfer of Public rights-of-way and lands and their permitted legal use, and is in conflict with Public Resources Code 5019.59

Response GO16-23 Refer to Responses GO16-15 through GO16-18 for a discussion of the Los Angeles State Historic Park General Plan Amendment and the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO16-24 IV. Should the proposed project anticipate federal funding, Section 106 and Section 4(f) would be triggered and additional environmental review would be required

Response GO16-24 Refer to Responses GO16-3 and GO16-19 for a discussion related to funding for the proposed Project and Federal review. As proposed, the proposed Project does not require Federal review, including Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act.

Comment GO16-25 V. Transfer CEQA lead agency authority to the City of Los Angeles

Response GO16-25 Refer to Responses GO16-2 and GO16-20 for discussion of why Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency.

Comment GO16-26 About the Los Angeles Conservancy:

> The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.
>
> Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.
>
> Sincerely,
>
> Adrian Scott Fine
> Senior Director of Advocacy
> cc: Supervisor Hilda L Solis
> Office of Mayor Karen Bass
> Council District 1, Eunisses Hernandez
> City of Los Angeles, Department of City Planning, Office of Historic Resources

Response GO16-26 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments are contained in this letter provided above in Responses GO16-2 through GO16-25.

Comment Letter GO17 – The California Endowment, Chatten-Brown, Carstens & Minteer LLP

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO17

Comment GO17-1 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").

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.

Response GO17-1 This comment provides a general introduction to the comments raised in this letter. Responses to comments contained in this letter are provided below in Responses GO17-2 through GO17-153.

Comment GO17-2 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 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.

Response GO17-2 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Cost and Financing, of the Final EIR, which provides detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed

Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency.

Comment GO17-3 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 decision makers 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 decision makers 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.

Response GO17-3 This comment provides a general introduction and summary of the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO17-4 through GO17-153. This comment and the comments in this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines Section 15088.5. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO17-4 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.

Response GO17-4 This comment provides a general summary of the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO17-5 through GO17-153. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project would not impermissibly defer mitigation and how CEQA does not require the proposed Project to provide a full accounting of how each mitigation measure will be funded.

Comment GO17-5 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 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.

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

Response GO17-5 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail

as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project, and operation and maintenance costs are proposed to be fully funded out of Project revenues. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require the proposed Project to provide a full accounting of how each mitigation measure will be funded.

Comment GO17-6 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.

Response GO17-6 As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. Per Section 15092 of the CEQA Guidelines, a public agency may decide to approve or carry out a project for which an EIR was prepared if it has determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a

proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." As stated on page ES-17, in the Executive Summary, of the Draft EIR, the proposed Project would not result in any significant and unavoidable operational impacts. Refer to Responses GO17-124 through GO17-130 for a discussion of the construction and operational noise and vibration impacts from the proposed Project. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose.

Comment GO17-7 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.

Response GO17-7 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, as discussed in Topical Response C, Project Features, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response H, The

Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO17-8 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.

Response GO17-8 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. While the City, along with other responsible agencies, has discretionary approval authority over some required permits and approvals for the proposed Project, Metro has discretionary authority to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project. (Public Utilities Code § 130252.) This power, vested by the State Legislature, is considerably more broad than individual land use and other review and approvals to be issued by responsible agencies for the components of the Project occurring within their respective jurisdictions. Metro has "principal authority" over the design, construction, and implementation of the proposed Project and is the appropriate lead agency.

Under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §15051(c).) Metro elected to serve as lead agency, and the City has cooperated as a responsible agency, including consultation in preparation of the Draft EIR. Further, as discussed in Section 2.0, Project Description, of the Draft EIR, the

proposed Project requires approvals from the City. Refer to Response G017-11 for further discussion of discretionary approvals required for the proposed Project, including from responsible agencies. CEQA does not require a lead agency to have jurisdiction over all areas where a proposed Project may result in environmental impacts. (Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) The City and other responsible agencies that still retain approval authority over the aspects of the proposed Project within their jurisdiction are properly designated as responsible agencies engaged in the consultation process with Metro. The Draft EIR properly considered all potential impacts in the area of the proposed Project, which includes property that is in the jurisdiction of Metro, the City, State Parks, and Caltrans. Metro consulted with all responsible agencies, including the City, regarding potential impacts to their property, in compliance with CEQA. And, under the Mitigation, Monitoring and Reporting Program for the proposed Project, included in Section 7.0, Mitigation Monitoring and Reporting Program, of this Final EIR, the City would have certain enforcement authority to ensure mitigation of any potentially significant impacts that would occur on City-owned property and ROW, as the Mitigation Monitoring and Reporting Program for the proposed Project designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require that a lead agency be responsible for enforcing all mitigation measures.

Comment GO17-9 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.

Response GO17-9 Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's mitigation measures complied with CEQA's requirements. As stated on page ES-17, in the Executive Summary, of the Draft EIR, proposed Project would not result in any significant and unavoidable operational impacts. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding communities, including but not limited to, sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project

alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Response GO17-7 for a discussion of the proposed Project need and how the proposed Project would reduce vehicular congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days.

Refer to Response GO17-6 for a discussion of how the decision-making agency may balance benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. When the lead agency approves a project which will result in the occurrence of significant effects, which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record." This comment otherwise provides a general summary of comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO17-11 through GO17-152.

Comment GO17-10 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.

Response GO17-10 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. This comment provides a general summary regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO17-2 through GO17-9 and below in GO17-11 through GO17-153. Refer to Table 2 in the Executive Summary of the Draft EIR for a summary of the proposed Project's environmental impacts. As stated on page ES-17, in the Executive Summary, of the Draft EIR, the proposed Project would have significant construction noise and vibration (human annoyance) impacts, and the proposed Project would not result in any significant and unavoidable operational impacts. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA.

Comment GO17-11 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.

Response GO17-11 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Response GO17-8 for a discussion of how Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. Further, as discussed in Section 2.0, Project Description, the proposed Project requires approvals from the City. CEQA does not require a lead agency to issue the most discretionary approvals in order to serve as lead agency or otherwise take into account the number of discretionary approvals under each agency's ambit. It is "the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (CEQA Guidelines, § 15378(c); *Committee for a Progressive Gilroy, supra*, 192 Cal.App.3d 847, 863.)

Comment GO17-12 The California Endowment's complete DEIR Comment Letter follows. To assist in review of this Comment letter, we provide the following Table of Contents:

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Response GO17-12 This comment provides a table of contents and general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO17-13 through GO17-152.

Comment GO17-13 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.)

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 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.

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

Response GO17-13 Metro has and will continue to comply with its obligations under CEQA, as well as all applicable statutes, regulations, and policies. As discussed in Section 3.13, Noise, of the Draft EIR, the proposed Project would have a temporary, significant noise and vibration (human annoyance) impact on The California Endowment during construction activities of the Alameda Tower. The proposed Project would not result in any other significant and unavoidable construction or operational impacts to The California Endowment. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of how consistent with the proposed Project objectives, the proposed Project was designed in consideration of planned housing projects, including the Restorative Justice Master Plan and Hope Village Project. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period, including the comment letters received during this period. The proposed Project is consistent with the Building Healthy Communities Initiative's goal of improving health in underserved communities.[25] As discussed in Topical Response N, Environmental

[25] See The California Endowment. 2010. Building Healthy Communities Initiative. Available at: https://www.buildinghealthycommunities.org/. Accessed August 2023.The Building Healthy Communities Initiative is focused on transforming 14 of California's communities affected by

Justice, the proposed Project has the ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution. The Draft EIR further addresses environmental justice by including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities.

Comment GO17-14 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.

Response GO17-14 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how consistent with the proposed Project objectives, the proposed Project was designed in consideration of planned housing projects, including the Restorative Justice Master Plan and Hope Village Project. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of how Alameda Tower would have a footprint of 900 square feet at the northern corner of the Alameda Triangle, a City ROW between Alameda Street North Main Street, and Alhambra Avenue, and the remaining area would continue to be maintained for pedestrian use. As discussed in Topical Response E, the Draft EIR considered proposed development projects in the vicinity of the proposed Project, using public information to the extent it was available. Table 5-1, Related Projects, in Section 5.0, Other CEQA Considerations, of the Draft EIR, lists 46 related land use development projects that are either approved or proposed—but still considered—in the Draft EIR's analysis, including certain Restorative Justice Master Plan and Hope Village projects. It would be unduly speculative for the environmental documentation to consider a related project that does not have any publicly available information and has not submitted an application for development. Refer to Section 5.0, Corrections and Additions, of the Final EIR, and Topical Response E for a discussion of how subsequent to the release of the Draft EIR, The California Endowment published its Annual Report 2023 with additional information regarding the Hope Village, noting that the Alameda Triangle could be used for recreational spaces. The proposed Project would not impair or impact The California Endowment's potential use of the Alameda Triangle for recreational spaces. As noted above, the Alameda Tower would be located on 900 square feet of the approximately 22,000 square foot Alameda Triangle. The following graphic, also provided in Section 5.0, depicts the Alameda

"health inequities into places where all people and neighborhoods thrive." In Los Angeles, these 14 communities include Boyle Heights and South Los Angeles. See The California Endowment. 2023. Building Healthy Communities: A Decade in Review. Available at: https://www.calendow.org/learning/executive-summary. Accessed August 2023. Accordingly, the proposed Project is located outside of the 14 communities that are the focus of the Building Healthy Communities Initiative.

Triangle, including space for both the Alameda Tower and potential recreational spaces:



Further, the proposed Project alignment travels along Alameda Street, and, as shown in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR, does not require any aerial rights over the properties that The California Endowment anticipates building its housing or community and health services. Accordingly, the proposed Project would not impede The California Endowment's anticipated housing, community and health services, or recreational spaces.

Comment GO17-15 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.

Response GO17-15 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's

analysis concludes that all potential impacts related to historical resources would be less than significant. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of how the proposed Project would have less than significant operational noise impacts. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world and their integration with nearby residential and open space uses.

Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations.

As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Impacts to parks and recreational facilities would be less than significant.

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

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.

Response GO17-16 Refer to Section 2.5, Proposed Project Alignment and Components, with supporting data provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR, for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents.

Comment GO17-17 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"]).

Response GO17-17 The purpose of the Draft EIR is to inform the public and decision makers generally of the significant environmental impacts of the proposed Project. (See CEQA Guidelines §15121(a).) The focus of an EIR is the significant effects on the environment (id., §15143), not on the mechanisms for how property for a proposed project may be acquired. It is speculative at this point whether Metro would need to exercise its eminent domain authority. (See CEQA Guidelines § 15145 [CEQA does not require speculation].) If Metro decides to exercise that authority, it will be subject to the statutory processes set forth in California Code of Civil Procedure Sections 1240.10 et seq. Refer to Responses P701-3 and P701-7 for discussions of the use for eminent domain for the proposed Project and Metro's eminent domain authority. Further, the reference to the administrative record in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 is noted, but the cited document predates the initiation of environmental review for the proposed Project and accordingly does not have any bearing on the sufficiency of the Draft EIR. In addition, this comment mischaracterizes the cited document. The Project Sponsor noted that it intended to "use its best efforts to acquire public right of way and private land and aerial easements," but, if necessary, Metro could use its powers provided under Public Utilities Code sections 180152 or 30600, which includes the ability to acquire property by "grant, purchase, gift, devise, or lease, or by condemnation."

Comment GO17-18

GO17-18A The Surplus Lands Act and similar provisions of law prioritize affordable housing, educational, open space and recreational use of public land above private use.

GO17-18B 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.

Response GO17-18

GO17-18A Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of the Surplus Land Act.

GO17-18B Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Public Park Preservation Act.

Comment GO17-19 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.

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.

Response GO17-19 This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate). The commenter's appeal in this lawsuit was abandoned on May 26, 2023, and accordingly the Los Angeles Superior Court's decision is final. Refer to Response GO17-2 for a discussion of the proposed Project's funding. Refer to Response GO17-13 for a discussion of potential impacts to The California Endowment.

Comment GO17-20 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

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.

Response GO17-20 This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate).

Metro followed the prescribed process for unsolicited proposals to the Metro Office of Extraordinary Innovation ("OEI"), which involved several public meetings where the proposed Project was discussed in an open forum and otherwise made public on Metro's website. On April 25, 2018, the Project Sponsor submitted its Unsolicited Proposal to OEI. At the April 26, 2018 Metro Board of Directors meeting, the then-Metro CEO and the Chair of Metro's Board spoke about the proposed Project during their respective reports. Metro issued a press release on this date, noting that Metro had received the proposal and would evaluate the proposal under its Phase I analysis process "within 60 days of being received" in accordance with the Unsolicited Proposal policy process, prior to then choosing whether or not to advance the proposal to the more-detailed Phase II consideration. ("Metro receives Unsolicited Proposal for aerial rapid transit between Union Station and Dodger Stadium," Metro – The Source (April 26, 2018).)[26]

Following its consideration of the proposal consistent with the OEI process, Metro sent a letter to the Project Sponsor on October 11, 2018, confirming that the proposed Project would proceed to a sole source agreement, noting that Metro was prepared to enter into exclusive negotiations on the proposed Project. Metro's December 3, 2018 Board Box included a discussion of the OEI process, noting that the Project Sponsor met the sole source criteria and, that during the Phase I review, Metro "felt that this zero-emission mode could provide a useful, creative and fun

[26] Hymon, Steve. 2018. Metro receives Unsolicited Proposal for aerial rapid transit between Union Station and Dodger Stadium. Available at: https://thesource.metro.net/2018/04/26/metro-receives-unsolicited-proposal-for-aerial-rapid-transit-between-union-station-and-dodger-stadium/. Accessed August 2023.

means of accessing Dodger Stadium and Elysian Park while reducing congestion and improving air quality in the neighborhoods surrounding the Stadium" and "conducted due diligence on the feasibility of this unique partnership and assessed the costs and benefits to Metro and the public of partnering on the project." (December 3, 2018 Board Box Update, p. 2.)

At the December 6, 2018 Metro Board of Directors meeting, the then-Metro CEO and Chair provided the Metro Board with an update on the proposed Project in his CEO Report to the Board, noting that he had "signed a memo closing out the unsolicited proposal process for the Los Angeles Aerial Rapid Transit Project and advancing that project to the implementation phase" and that Metro would "continue to develop the project by entering into an exclusive negotiation with our partner, the Aerial Rapid Transit Technologies LLC."[27] On this same day, Metro issued a press release announcing that Metro and LA ART had signed a letter of intent to "formally begin the negotiations necessary" for the Project and that the letter of intent "signals Metro's interest in implementing the project and moves it from the Unsolicited Proposals evaluation stage to project development." (See "Metro and ARTT co-sign Letter of Intent to begin negotiations on developing gondola to Dodger Stadium," Metro – The Source (December 6, 2018).) Metro formally concluded the Unsolicited Proposal process on December 14, 2018, determining that the proposal satisfied the Phase II criteria, and advanced the proposal to the implementation process.

Contrary to this comment's contentions that Metro did not publicly discuss the sole source determination, as stated above, the then-Metro CEO and Chair provided the Metro Board with an update on the Project on December 6, 2018 at the public Board of Directors meeting, noting that Metro was "entering into an exclusive negotiation" with LA ART. Metro's December 3, 2018 Board Box included a discussion of the OEI process, noting that "after reviewing the Phase II proposal submitted," the Metro "review team recommended moving forward to implementation by entering into exclusive negotiations." Metro's Unsolicited Proposal Policy FAQs recognizes that "Metro Board meetings are matters of public record," (Unsolicited Proposal Policy FAQs, p. 4) and this extends to items provided within Metro's Board Box. In addition, at the publicly-noticed April 18, 2019 Metro Executive Management Committee ("EMC") meeting and the April 25, 2019 Metro Board meeting, Metro received and filed a status report on the proposed Project that outlined the steps for moving forward with the proposed Project, including continuing negotiations on the Memorandum of Agreement ("MOA") between the Project Sponsor and Metro, and the CEQA process. The reports for these meetings outlined the MOA's terms, including that Metro will act as lead agency for the Project under CEQA. The reports also affirmatively acknowledge Metro's sole source determination, stating that in

[27] See Los Angeles County Metropolitan Transportation Authority (LA Metro). 2018. Regular Board Meeting Agenda Item 4. Available at: https://metro.granicus.com/player/clip/987?view_id=2&redirect=true&h=7b1d4fe0fe92c06e7a30b6c30ed61f65. Accessed August 2023.

2018, "Metro formally concluded the unsolicited proposal process and began exclusive negotiations with ARTT."

The proposed Project was also discussed at the publicly noticed Metro EMC and Board meetings on September 17, 2020, September 24, 2020, June 17, 2021, and June 24, 2021.

Metro's consideration of the proposed Project did not occur solely behind closed doors. Further, as part of early outreach to organizations along the alignment, the Project Sponsor met with The California Endowment early in the process following Metro's determination that the proposed Project had satisfied the requirements of its Unsolicited Proposals policy to allow the proposed Project to proceed to the environmental review phase for further analysis. The Project Sponsor and The California Endowment had a Zoom meeting on April 22, 2020. Following the NOP's release, the Project Sponsor reached out to The California Endowment to provide updates and discuss potential opportunities to collaborate. The Project Sponsor had a meeting scheduled with The California Endowment on November 13, 2020, but the meeting was canceled the night before with a note stating that "we don't believe that a meeting is needed." Accordingly, this statement that The California Endowment was unaware of the proposed Project until September 2021, is simply false.

Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Eight public meetings were held immediately preceding, during, and immediately following the Draft EIR public review period, with four held in-person in the Project area at Los Angeles Union Station and Cathedral High School, and four held virtually via Zoom webinar.

Comment GO17-21 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 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.

Response GO17-21 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Response GO17-20 for a discussion of how the Los Angeles County Superior Court upheld Metro's OEI process with respect to the proposed Project. Refer to Response GO17-7 for a discussion of the need for the proposed Project. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of the Next 50 Project, including how the project did not proceed after 2008, and the current owners of the Los Angeles Dodgers purchased the team and Dodger Stadium in 2012. While the contents of Enclosure 10 were considered in this response, mere statements on a website are not evidence that such development is currently proposed.

Comment GO17-22 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.

Response GO17-22 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, of this Final EIR and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Transportation Systems Management Alternative ("TSM") for an enhanced Dodger Stadium Express. The TSM Alternative is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Refer to Topical Response O, Response to UCLA Mobility Lab Study. Refer to Topical Response C, Project Features for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities.

Refer to Response GO17-7 for a discussion of the need for the proposed Project. As discussed in Section 2.0, Project Description, of the Draft EIR, and Topical Response C, Project Features, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors, including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. The proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. The proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first/last mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents,

workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park.

Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.

Comment GO17-23 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 parking lots he owns at Dodger stadium.[3]

Footnote 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.)

Response GO17-23 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. The reference to the administrative record in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 is noted, but because the cited document is unrelated to the substance of the Draft EIR, no further response is warranted.

Comment GO17-24 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.

Response GO17-24 It is speculative at this point whether Metro would need to exercise its eminent domain authority. (See CEQA Guidelines § 15145 [CEQA does not require speculation].) If Metro decides to exercise that authority, it will be subject to the statutory processes set forth in California Code of Civil Procedure Sections 1240.10 et seq. Refer to Responses P701-3 and P701-7 for discussions of the use for eminent domain for the proposed Project and Metro's eminent domain authority. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for a discussion of Chavez Ravine. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting

zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO17-25 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.

Response GO17-25 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro is the proper lead agency for the proposed Project. Under CEQA, a lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole." (CEQA Guidelines, §15051(b).) Under state law, Metro has broad authority over public transportation planning and coordination for the Los Angeles region's transportation system and is authorized to do "any and all things" to carry out these purposes. (Public Utilities Code, § 130105(f).) As discussed in Topical Response A, SB 44, the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Thus, Metro is legally authorized under state law to approve the proposed Project. For the proposed Project, pursuant to its authority under Public Utilities Code section 130252, Metro is tasked with considering approval of all plans for design, construction, and implementation, , as well as with consideration of the written approvals to operate the proposed Project. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. Metro is the appropriate lead agency for the proposed Project.

Comment GO17-26 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 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.

Response GO17-26 As discussed in Section 2.0, Project Description, of the Draft EIR, Metro's LAUS Forecourt and Esplanade Improvements Project is currently being developed in coordination with the City of Los Angeles and would include repurposing the existing northwestern parking lot at LAUS into a pedestrian forecourt and gathering space, as well as pedestrian and bicycle enhancements along Alameda Street and Los Angeles Street. The proposed Project would be compatible with Metro's LAUS Forecourt and Esplanade Improvements Project, which is also included in Table 5-1, Related Projects, of Section 5.0, Other CEQA Considerations, of the Draft EIR. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of the Surplus Land Act. As discussed on page 2-23 in Section 2.0, Project Description of the Draft EIR, the proposed Alameda Station would be located adjacent to the planned LAUS Forecourt. The Alameda Station would be located over Alameda Street and would provide vertical circulation elements (i.e., elevators, escalators, stairs) for pedestrian access from the planned LAUS Forecourt.

Comment GO17-27 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.

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/.)

Response GO17-27 Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Metro held all required public meetings for SB 44, exceeding SB 44's requirements by hosting two informational workshops and four public hearings, including the fourth public hearing held as a continuation of the third public hearing to allow an additional opportunity for attendees to provide verbal testimony due to disruptions at the third public hearing. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the

proposed Project's opportunities for public testimony during the Draft EIR public review period. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four Public Hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each of the four public hearings. At virtual public hearings, comments could be given verbally. At virtual public hearings, comments could be given verbally. In light of the disruptions at the January 12, 2023, public hearing, Metro provided a fourth public hearing by way of a virtual public hearing held on February 8, 2023. Verbal comments made at the virtual February 8, 2023 public hearing were deemed timely submitted for the purposes of the Draft EIR public review period. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings. Moreover, the format of the in-person public meetings immediately preceding and during the Draft EIR public review period was an Open House, consistent with standard Metro practice, where attendees could learn more about the proposed Project and the key analyses and conclusions of the Draft EIR, and also a public comment opportunity. Twelve stations were set up throughout the Ticket Concourse, with ten stations focused on specific subject matter areas of the Draft EIR. Attendees could walk around to each station and ask questions to subject-matter experts about the Project. Each station had large, printed boards summarizing the subject matter of that station, including: the Project Description, Aesthetics, Air Quality, GHG, and Energy, Cultural (Archaeology and Historical Resources), Parks and Recreation, Noise, Transportation, and Parking. Each station also included printed materials that attendees could review and/or take with them, including fact sheets in English, Spanish, and Chinese (Simplified) and printed copies of the presentation from the Virtual Public Hearing in English, Spanish, Chinese (Simplified) and Chinese (Traditional). A hard copy of the Draft EIR was also available at the Summary of Impacts station for attendees to review during the Informational Workshop. The meeting was staffed by Metro and AECOM staff, experts on subject matter areas including Transportation and Parking; Archaeology; Historical Resources; Air Quality, Greenhouse Gas, and Energy; Ropeway Engineering; Noise; and Aesthetics, and the Project team, who answered questions from attendees on the Draft EIR key analyses and conclusions. Appendix R, SB 44, of the Draft EIR, provides the text of SB 44 (Public Resources Code § 21168.6.9), which provides under Section 21168.6.9(e)(3) that the "lead agency shall conduct an informational workshop to inform the public of the key analyses and conclusions of [the Draft EIR]" within 10 calendar days after the release of the draft environmental impact report, and, Section 21168.6.9(e)(4) requires that the lead agency "shall hold

a public hearing to receive testimony on the draft environmental impact report." SB 44 does not contain further requirements for the content of informational workshops or public hearings. The public meetings during the Draft EIR public review period complied with SB 44.

Comment GO17-28 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 residents of Chinatown.

Response GO17-28 Refer to Response GO17-73 for a discussion of how the Draft EIR's air quality and health risk analyses considered the impacts to all receptors surrounding the proposed Project, including sensitive receptors such as children, the sick, and the elderly within a quarter mile of the proposed Project. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities. The California Attorney General recognizes that compliance with CEQA is a tool to promote environmental justice, and the Draft EIR fully analyzed and disclosed the proposed Project's potential environmental effects, including on the surrounding communities. The Draft EIR also analyzed the proposed Project's consistency with General Plan policies related to environmental justice, and the proposed Project is consistent with General Plan policies related to environmental justice, including reinforcing or encouraging the establishment of strong pedestrian orientation in the surrounding communities, facilitating multi-modal access to and from the stations with pedestrian network

improvements. Further, the proposed Project is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, providing connections to Metro's growing regional public transit system. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. The proposed Project would also operate daily in addition to Dodger games and events. Public outreach for the proposed Project was designed with environmental justice principles in mind and the proposed Project provided translated materials in four different languages, and interpretation services in five different languages, to reflect the surrounding community, and provided opportunities for in-person and virtual meetings with toll-free dial in options and ADA accessibility features. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise and vibration impacts from the proposed Project. On-site construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Mitigation Measure NOI-A would be implemented during construction of the proposed Project, requiring a Construction Noise Management Plan to minimize construction-related noise impacts to off-site noise-sensitive receptors, which would include the construction noise barriers. Off-site construction traffic noise impacts would be less than significant during all phases of construction of the proposed Project. Vibration impacts associated with the proposed Project were analyzed in the Draft EIR both for building damage and human annoyance. With implementation of Mitigation Measures VIB-A and VIB-B during construction of Alameda Station, vibration damage impacts at the Avila Adobe, the Old Winery, and *El Grito* Mural, would be less than significant. As demonstrated in Table 3.13-28 on page 3.13-62 of Section 3.13, Noise, of the Draft EIR, the proposed Project would result in significant and unavoidable human annoyance impacts during construction of the proposed Project. Refer to Response GO17-129 and Response GO17-130 for discussion of the proposed Project's less than significant impact on human health associated with hearing loss, hearing damage, and sleep disturbance. Noise standards, which are generally stated based on the use function of the property and not by age group, are nonetheless developed to protect sensitive populations, including seniors and children.

Comment GO17-29 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.

Response GO17-29 Refer to Response GO17-28 for discussion of how the Draft EIR addresses environmental justice. The referenced EIR/EIS was drafted to comply with both CEQA and the National Environmental Policy Act (NEPA). NEPA requires the consideration of environmental justice pursuant to Executive Order 12898. The California Attorney General recognizes that compliance with CEQA is a tool to promote environmental justice, and the Draft EIR fully analyzed and disclosed the proposed Project's potential environmental effects, including on the surrounding communities.

Comment GO17-30 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.

Response GO17-30 Refer to Section 5.0, Corrections and Additions, of this Final EIR, for a discussion of Chavez Ravine. Refer to Response GO17-28 for discussion of how the Draft EIR addresses environmental justice. Refer to Topical Response N, Environmental Justice, for discussion of how the proposed Project supports Metro's goal of prioritizing equity opportunities, and helps promote public transit as an essential lever in enabling access and improving quality of life for Los Angeles County.

Comment GO17-31 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.

Response GO17-31 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach immediately preceding and during the Draft EIR public review period, which included outreach materials and print advertisements in English, Spanish, Chinese (Simplified), and Chinese (Traditional), and interpretation at the eight public meetings in Spanish, Mandarin, and Cantonese, with interpretation also provided in Taishanese during the final two public meetings. The Executive Summary of the Draft EIR was also translated to Spanish, Chinese (Traditional), and Chinese (Simplified). Refer also to Topical Response N, Environmental Justice, for discussion of how public outreach for the proposed Project was designed with environmental justice principles in mind and the proposed Project provided translated materials in four different languages, and interpretation services in four different languages, to reflect the surrounding community, and provided

opportunities for in-person and virtual meetings with toll-free dial in options and ADA accessibility features. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period, which included outreach materials in English, Spanish, and Chinese (Simplified), and interpretation in Spanish and Cantonese.

Comment GO17-32 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/.)

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.)

Response GO17-32 Refer to Section 5.0, Corrections and Additions, of this Final EIR, for a discussion of Chavez Ravine. Refer to Topical Response N, Environmental Justice, for discussion of how no displacement of existing residences or housing would occur in connection with the construction and operation of the proposed Project, which would operate primarily over the public ROW and publicly owned property to minimize aerial rights requirements over private properties, taking into account existing and future adjacent land uses.

Comment GO17-33 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.

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

Response GO17-33 Refer to Response GO17-24 and Responses P701-3 and P701-7 for discussions of the use for eminent domain for the proposed Project and Metro's eminent domain

authority. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for a discussion of Chavez Ravine.

Comment GO17-34 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.

Response GO17-34 Refer to Response GO17-31 for a discussion of how the Executive Summary to the Draft EIR and outreach materials were provided at both the in-person meetings in printed format, and in electronic format on Metro's website in English, Spanish, Chinese (Traditional), and Chinese (Simplified), and how interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings. The reference to Enclosure 1 and Enclosure 2 are noted and will be provided to decision makers for their review. While this comment provides a characterization of these documents, the enclosed transcript and resolution speak for themselves.

Comment GO17-35 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.

Response GO17-35 This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate). The commenter's appeal in this lawsuit was abandoned on May 26, 2023, and accordingly the Los Angeles Superior Court's decision is final. Even so, the Los Angeles Superior

Court recognized that "Setting aside the MOA would not preclude Metro from completing its environmental review of the proposed project."

Comment GO17-36 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.

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.

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

Response GO17-36 As discussed in Section 2.0, Project Description, of the Draft EIR, pursuant to its statutory authority under Public Utilities Code section 130252, Metro would issue approvals related to the proposed Project's plans for design, construction, and implementation. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public

for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Response GO17-25 for a discussion of how Metro is the appropriate lead agency for the proposed Project. The reference to the administrative record (Enclosure 8) in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 is noted, but because the cited documents are unrelated to the substance of the Draft EIR as they predate the initiation of environmental review, no further response is warranted. The contents of the referenced Enclosure 8 are available on the SB 44 website.[28]

Comment GO17-37 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.

(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 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.

Response GO17-37 Refer to Response GO17-25 for a discussion of Metro's role as the lead agency and responsibility for implementing the proposed Project. As required by CEQA, the EIR studies the environmental impacts of the proposed Project, including its design, construction, and operations. Certification of the EIR for the proposed Project will provide environmental clearance for the approvals set forth in Section 2.0, Project

[28] Refer to the Correspondence tab, search "Comments on the Draft EIR for the Los Angeles Aerial rapid Transit Project" for email attaching Enclosure 8.zip, dated January 17, 2023, at https://laartsb44.net/#!/documents.

Description, of the Draft EIR, including approvals from responsible agencies such as the City, Caltrans, State Parks, and Cal/OSHA, and approvals from Metro, which will involve additional opportunities for public hearing and comment on the proposed Project. For example, Metro's discretionary authority under Section 130252 to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project does in fact involve several discretionary approvals, including, for example, multiple approvals of design and construction plans, approvals and agreements contemplated in the Memorandum of Agreement and subsequent amendments, and an agreement to integrate fares with Metro's fares / one tap system. The proposed Project would comply with applicable standards, requirements, building codes, and guidelines as determined by the City of Los Angeles, Metro, and/or Cal/OSHA or the appropriate agencies/regulatory authorities during the permitting process for the proposed Project.

Comment GO17-38 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.

Response GO17-38 The document cited at MAR 15 (included in the administrative record in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 and in this comment) does not stand for what the commenter uses it to assert – there is no mention of eminent domain within/at MAR 15. ARTT LLC has reimbursed Metro for staff time and costs for the proposed Project pursuant to a Memorandum of Agreement between Metro and ARTT LLC. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority.

Metro's receipt of funding from the Project Sponsor for the proposed Project does not negate Metro's authority as lead agency; it is commonplace for a project sponsor to reimburse a lead agency's efforts related to a project. In other words, Metro's authority as lead agency, and ability to supervise the proposed Project, is unrelated to whether or not it "spend[s] money." Moreover, as demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, and Table 7-1, Mitigation Monitoring and Reporting Program (MMRP), of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require that a lead agency be responsible for enforcing all mitigation measures.

Comment GO17-39 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.

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 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.

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.

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.

Footnote 6: Of course, that Guideline subsection does not apply here, since Metro does not meet the criteria.

Response GO17-39 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO17-25 for a discussion of how Metro is the proper lead agency for the proposed Project as it has the primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with Metro's statutory purpose. Further, Metro is responsible for the County's regional transportation system and has considerable land use authority in the County to carry out its roles and responsibilities as the regional transportation authority. Metro is therefore not akin to a special utility district and *Center for Biological Diversity v. County of San Bernardino* (2016) 247 Cal.App.4th 326 is inapplicable. Moreover, Metro is the appropriate agency to certify the EIR and choose among alternatives to the proposed Project. In *Planning and Conservation League v. Department of Water Resources* (200) 83 Cal.App.4th 892 ("*PCL*"), the court held that the State Department of Water Resources ("DWR") should have prepared and certified the EIR 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." Like the DWR in *PCL*, Metro is the agency tasked with planning, operating, and coordinating funding for the region's transportation system, and is the appropriate lead agency for the proposed Project, which will become an integrated part of the regional transportation system. Further, the state legislature vested Metro with broad authority to carry out its duties under the County Transportation Commissions Act (Public Utilities Code, §§ 130000, *et seq*.), which includes "achiev[ing] the operation of a coordinated and integrated transportation system which will reduce automobile usage and dependency, reduce the consumption of scarce and expensive energy fuels, and reduce the levels of automobile-related air pollution." (*Id*., § 130001(b).) Metro is authorized to "[d]o ***any and all things*** to carry" these purposes. (*Id*., §130105(f) [emphasis added]; see also *id*. at § 130050, 130051.13, 130051.14, 30001(a).) The proposed Project has been determined to be consistent with this statutory purpose by a court, which also noted that "Metro has broad legal authority" under state law. (*The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 [Jan. 9, 2023, Order Denying Petition for Writ of Mandate], p. 8].) In addition, under CEQA, where two or more public agencies meet the criteria for acting as lead agency, the agency that acts first will normally serve as lead agency. (CEQA Guidelines, §

15051(c).) Metro elected to serve as lead agency, and this designation was not disputed by other agencies. Further, Metro independently decided to act as the CEQA lead agency following the Unsolicited Proposal Process and entered into the Memorandum of Agreement (MOA) with ARTT LLC in order to memorialize their findings and provide a process for ARTT LLC to reimburse Metro for its staff time and costs. The MOA is unrelated to CEQA and the Draft EIR. Further, this comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate).

Comment GO17-40 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 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 Cal/OSHA 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.

Response GO17-40 This comment provides a general recitation and characterization of the text from the Draft EIR. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Metro has discretionary authority to review and approve "[a]ll plans proposed for the design, construction, and implementation" of the proposed Project (Public Utilities Code § 130252), which will include several discretionary approvals (multiple approvals of design and construction plans, approvals and agreements contemplated in the Memorandum of Agreement and subsequent amendments, agreement to integrate fares with Metro's fares / one tap system). This discretionary authority is considerably more broad than individual land

use and other review and approvals to be issued by responsible agencies for the components of the Project occurring within their jurisdiction. In short, Metro has "the greatest responsibility for supervising or approving the project *as a whole*" and is the appropriate lead agency. (CEQA Guidelines, § 15051(b) [emphasis added].) Simply because other agencies have approval authority for the proposed Project, does not mean that Metro does not have the "principal responsibility" for approving or supervising the proposed Project. Indeed, CEQA recognizes that multiple agencies may have authority over a project. Therefore, CEQA includes the responsible agency process and consultation requirements in order for other agencies to provide necessary review and approval of aspects of a project. (Pub. Resources Code, §§ 21067, 21069.) The proposed Project would require review and approvals from Caltrans, State Parks, the City, and Cal/OSHA, as responsible agencies, in addition to review and approval by Metro as lead agency. Responsible agencies' discretionary approvals required for the proposed Project are secondary to Metro's statutory authority to review and approve transportation projects, and the City and other agencies were appropriately named as responsible agencies. Further, Metro engaged in required consultation with all responsible agencies during the process of preparing the Draft EIR for the proposed Project, in compliance with CEQA. This consultation process included meetings with Metro and the responsible agencies to discuss the scope and content of the environmental information that Metro would include in the Draft EIR (Pub. Resources Code, § 21080.4(b); CEQA Guidelines § 15104), additional consultation with the City and State Parks as Draft EIR preparers, and comments from these responsible agencies on the Draft EIR (Pub. Resources Code, § 21153(c); CEQA Guidelines, § 15086(c).) This consultation process will continue throughout the course of the environmental review process. Consultation helps ensure that the EIR includes the necessary analysis regarding environmental effects within a responsible agency's jurisdiction to allow that agency to rely on the EIR, if ultimately certified, when considering the necessary approvals for the project that fall under its regulatory authority. If Metro certifies the Final EIR, each responsible agency will then conduct its own discretionary review process for the Project approvals it is responsible for. (See Draft EIR, § 2.0, Project Description, pp. 2-57 – 2-62.)

Comment GO17-41 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.

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.")

Response GO17-41 Refer to Response GO17-40 for discussion of the City's role as a responsible agency and Metro's consultation with responsible agencies, including the City.

Comment GO17-42 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 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.)

Footnote 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.

Response GO17-42 Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for discussion of the proposed Project's consistency with the City's General Plan, and with other local land use plans, including the Alameda District Specific Plan, the Central City North Community Plan, the Central City North Specific Plan, the Silver Lake-Echo Park Elysian Valley Community Plan, and the Chinatown Redevelopment Plan. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency, including consultation in preparation of the Draft EIR. Refer to Response GO17-40 for detailed discussion of the consultation process with responsible agencies.

Comment GO17-43 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. . . .")

Footnote 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.)

Response GO17-43 Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of required permits and approvals from Metro and other responsible agencies for the proposed Project. Refer to Response GO17-40 for a discussion of the permits and approvals required for the proposed Project, as well as Metro's responsibilities as lead agency and the City's role as a responsible agency. CEQA does not require an EIR to provide the full text of the Government Code sections governing Development Agreements; citation to the specific sections that govern Development Agreements are sufficient for the EIR to function as an informative document. (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) Refer to Response GO17-39 for a discussion of Metro's role as the lead agency and oversight for the proposed Project. Refer to Response GO17-44 for a discussion of how Metro will oversee the implementation and enforcement of certain mitigation measures for the proposed Project, as described in Section 7.0, Mitigation Monitoring and Reporting Program, of this Final EIR.

Comment GO17-44 4. Metro Lacks Intention to Enforce Mitigation Measures Adopted for the Project.

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.

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.

Response GO17-44 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. This comment suggests that CEQA requires denial of a project, and adoption of an alternative, if the project will result in significant and unavoidable impacts even with implementation of mitigation measures. This is incorrect. Under CEQA, an agency may approve a project with significant environmental effects that cannot be avoided or substantially lessened with mitigation by adopting a statement of overriding considerations. (CEQA Guidelines § 15043). Refer to Response GO17-148 for discussion of Metro's consideration of a reasonable range of alternatives to the proposed Project. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, and to Table 7-1, Mitigation

Monitoring and Reporting Program ("MMRP"), of the Final EIR, for the full MMRP for the proposed Project. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require the proposed Project to provide a full accounting of how each mitigation measure will be funded. The MMRP for the proposed Project designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require that a lead agency be responsible for enforcing all mitigation measures, nor could it.. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority, and the City's participation in the environmental review process as a CEQA responsible agency. Refer to Response GO17-40 for a discussion of the permits and approvals required for the proposed Project, as well as Metro's responsibilities as lead agency and the City's role as a responsible agency.

Comment GO17-45 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.

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.

Response GO17-45 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO17-149 for discussion of how Metro's consideration of alternatives to the proposed Project complied with CEQA. This comment and the comments in this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO17-46 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, 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.

Footnote 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 contract or lease. (Cal. Code Regs. Tit. 14 section 15377.)

Response GO17-46 This comment provides a general recitation and characterization of regulations. Refer to Topical Response A, SB 44, for discussion of the proposed Project as a public transportation project. The proposed Project is a public transit project because it will be open to the general public for service at regular, scheduled operating hours, operating daily to serve existing residents, workers, park users and visitors to Los Angeles. Refer to Response GO17-40 for a discussion of why Metro is the proper lead agency for the proposed Project. Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority.

Comment GO17-47 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.

Response GO17-47 This comment provides a general summary of the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO17-2 through GO17-46, and below in Responses GO17-48 through GO17-153. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project complied with CEQA and do not impermissibly defer mitigation.

Comment GO17-48 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.

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:

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.

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.

Response GO17-48 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. Further, as discussed in Topical Response G, the adoption of the Covenants, Conditions, and Restrictions ("CC&Rs") over a decade ago does not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. As discussed in Topical Response G, the "Next 50" project was proposed over 15 years ago and did not proceed after 2008. The current owners of the Los Angeles Dodgers purchased the team and Dodger Stadium in 2012. Accordingly, the Next 50 Project is not required to be included as a related project in the Draft EIR or analyzed as part of the proposed Project in the Draft EIR. Further, as discussed in Topical Response G, the purported "future" development that commenters suggest is contemplated at Dodger Stadium would require additional City designations and zoning, permits, and approvals, including potentially environmental review, that are not contemplated or analyzed in the Draft EIR because no such development is proposed. Moreover, actions from over a decade ago, and speculative comments attempting to assign a motive to such actions, do not evidence a firm and specific commitment to develop the property surrounding Dodger Stadium. The proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. Accordingly, the Draft EIR did not omit "foreseeable" development from its analysis, and CEQA expressly discourages such speculation.

Further, the proposed Project will not reduce the number of parking spaces required under the CC&Rs. As discussed in Section 2.0, Project Description, of the Draft EIR, implementation of the Dodger Stadium Station would require the permanent removal of approximately 194 existing parking spaces, and therefore the proposed Project would not reduce the number of "Required Parking Spaces" under the CC&Rs because over 16,500 parking spaces would remain.

Comment GO17-49 '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.

Response GO17-49 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other developments unrelated to the existing stadium uses on the Dodger Stadium property. Refer to Response GO17-7 for an overview of the need for the proposed Project. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost

under the Community Access Plan. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO17-50 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.

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.

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.

Response GO17-50 Refer to Response GO17-48 for a discussion of how the proposed Project solely proposes an aerial gondola system, the CC&Rs, and the "Next 50" project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO17-51 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.
>
> (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.

Response GO17-51 This comment provides a general recitation and characterization of case law. Refer to Response GO17-48 for a discussion of how the proposed Project solely proposes an aerial gondola system, the CC&Rs, and the "Next 50" project. As discussed in Response GO17-48, the proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. Accordingly, the Draft EIR did not omit "foreseeable" development from its analysis, and CEQA expressly discourages the speculative analysis that this comment requests.

Comment GO17-52 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.

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.'

Response GO17-52 This comment provides a general recitation and characterization of case law. As discussed in Response GO17-48 and Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, the proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. As discussed in Topical Response G, neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. Mere statements on a website are not evidence that such development is currently proposed, nor are they sufficiently firm or committed to such that environmental analysis is required. Refer to Response GO17-48 for a discussion of how the proposed Project would not reduce the number of required parking spots under the CC&Rs.

Comment GO17-53 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-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 as 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:

> 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.

Response GO17-53 As discussed in Response GO17-48 and Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, the proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. As discussed in Topical Response G, neither the Project Sponsor nor any other applicant has applied for other developments unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. Refer to Response GO17-48 for a discussion of how the proposed Project would not reduce the number of required parking spots under the CC&Rs. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment GO17-54 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.)

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.

Response GO17-54 CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require information related to the funding or financing for a proposed Project. Nevertheless, refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other developments unrelated to the existing stadium uses on the Dodger Stadium property. This comment also raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project, and this decision is final following the commenter's abandonment of their appeal on May 26, 2023.

Comment GO17-55 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?

Response GO17-55 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. ARTT LLC's donation of LA ARTT LLC and the proposed Project includes ARTT LLC's continued support of the proposed Project with financial support and expertise, including funding for consultant and technical work for the EIR. As set forth in Section 8.0, List of Preparers, of the Draft EIR, and Section 9.0, List of Preparers, of the Final EIR, consultant and technical work for the EIR would include analysis by a team of qualified experts, consultants, and engineers, including Fehr & Peers as to transportation; SCJ Alliance as to gondola systems; PCL Construction Services, Inc. as to construction; and Nabih Youssef Associates Structural Engineering as to structure engineering. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project do not impermissibly defer mitigation, as well as how CEQA does not require the proposed Project to provide a full accounting of how each mitigation measure will be funded.

Comment GO17-56 In all the above aspects, the Project Description is inadequate.

Response GO17-56 This comment provides a general conclusion regarding the comments raised in Comments GO17-48 through GO17-55. Responses to these comments contained in this letter are provided above in Responses GO17-48 through GO17-55.

Comment GO17-57

GO17-57A 2. Land Use/ Anticipated Uses Are Not Disclosed.

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.

GO17-57B 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.

Response GO17-57

GO17-57A Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of permits and approvals from responsible agencies that could be required for implementation of the proposed Project. Refer to Section 3.11, Land Use, of the Draft EIR, for a discussion of the proposed Project's consistency with the City of Los Angeles General Plan. Consistent with CEQA Guidelines section 15096(a) and Public Resources Code sections 21104, 21153(c), and 21069, the City of Los Angeles, as a responsible agency, will rely on the information in the EIR to consider the aspects of the proposed Project within its jurisdiction. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of the proposed Project's consultation with CEQA responsible agencies, including the City of Los Angeles. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Metro has complied, and will continue to comply, with the CEQA requirements for consultation with responsible agencies at each stage of the environmental review process. This consultation process has included meetings with Metro and the responsible agencies to discuss the scope of environmental review, and the City of Los Angeles has engaged in this consultation process to ensure that the EIR included the information necessary for the City of Los Angeles to consider the aspects of the proposed Project within its jurisdiction.

GO17-57B Refer to Response GO17-133 for a discussion of how CEQA does not require speculation as to possible future environmental consequences, such as the potential that the proposed Project would not continue operations. Refer to Topical Response

L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO17-58 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.

Response GO17-58 Section 2.0, Project Description, of the Draft EIR, includes 62 pages of detailed descriptions of the whole of the action considered as part of the proposed Project. In turn, the Draft EIR fully analyzes and discloses the potential environmental impacts of this proposed Project, providing mitigation as necessary for potentially significant impacts. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO17-59 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 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.

Footnote 10: SCAQMD's Board did not formally adopt this draft proposal.

Response GO17-59 This comment provides a general recitation and characterization of case law. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Sections 3.03, Air Quality, and 3.08, Greenhouse Gas Emissions, of the Draft EIR, for a discussion of how the proposed Project would not result in a significant impact with respect to either air quality or greenhouse gas emissions. The commenter questions the assumption of the lifespan of the proposed Project, but the commenter does not identify how this question could contribute to a significant impact related to air quality and greenhouse gas emissions. Rather, the proposed Project's benefits to air quality and greenhouse gas emissions are expected to increase over time. Thus, a longer expected lifespan would only serve to improve upon the environmental benefits discussed on pages 1-5 and 1-6 of Section 1.0, Introduction, of the Draft EIR, as each year the proposed Project operates, there are additional benefits to GHG due to the reduced emissions from passenger vehicles. For purposes of the GHG analysis, the Draft EIR followed the industry standard approach common for EIRs and consistent with SCAQMD guidance to amortize construction emissions over an assumed 30-year project life. Even if a longer proposed Project life were assumed, the proposed Project would not result in increased emissions compared to those analyzed in the Draft EIR.[29]

[29] There are numerous examples of aerial transit systems operating for more than 30 years. For example, the Mt. Pilatus Aerial Cableway "Dragon Ride" opened in 1956 in Switzerland, and has been operating continuously with the exception of brief periods of closure for modernization efforts. It was renovated in 1983 and again in 2015. See Pilatus. 2023. Aerial Cableway Dragon Ride Facts. Available at: https://www.pilatus.ch/en/discover/aerial-cableway/aerial-cableway-dragon-ride. Accessed June 2023. The Banff Sulphur Mountain Gondola opened in 1959 in Canada, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Banff Adventures. 2016. Reaching to the Sky - The Historic Banff Gondola. Available at: https://www.banffadventures.com/News/ArtMID/461/ArticleID/37/Reaching-to-the-Sky-The-Historic-Banff-Gondola. Accessed June 2023. The Roosevelt Island Tramway opened in 1976, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Roosevelt Island Operating Corporation. 2023. Tram History. Available at: https://rioc.ny.gov/168/Tram-

As noted above, the assumption of the proposed Project's lifespan was used to determine the length in time over which construction GHG emissions should be amortized so that the construction emissions can be considered together with the operational emissions. This approach is described in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR and is a well-accepted methodology employed in analyses to meet CEQA requirements across the state. Notably, it is based on guidance from SCAQMD, which employs and recommends the use of a 30--year project life as stated in its Draft Guidance Document – Interim CEQA GHG Significance Threshold. In this guidance, there are recommendations regarding use of a 30-year project life, where it is stated "Therefore, SCAQMD staff is recommending that construction emissions be amortized over a 30-year project lifetime, so that GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies"[30] Thus, this assumption and methodology is well-substantiated, and the public has been given an adequate opportunity to comment. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., CEQA Guidelines, § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. No further evidence is required.

The comment suggests that this SCAQMD methodology only applies to industrial, residential, and commercial projects, and that transportation projects should be handled differently. Yet, the comment provides no basis on why this proposed Project should not follow the same guidance or why it would be inapplicable to the proposed Project. As noted above, it is standard practice in CEQA documents to assume a 30--year project life for purposes of amortizing construction GHG emissions. Even if the Draft EIR were to use a longer life for the proposed Project, it would not result in a significant GHG impact because the proposed Project results in net GHG reductions

History#:~:text=The%20original%20Roosevelt%20Island%20aerial,was%20opened%20in%20May%201976. Accessed June 2023.The Palm Springs Aerial Tramway opened in 1963, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Palm Springs Aerial Tramway. 2022. History. Available at: https://pstramway.com/about-us/history/. Accessed June 2023. The Renon Cable Car opened in 1966 in Italy, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Ritten. 2023. Renon Cable Car. Available at: https://www.ritten.com/en/1202-railway. Accessed August 2023. e Teleferic de Montjuic opened in 1970 in Spain, and has been operating continuously with the exception of closures between 2004 and 2007 for modernization efforts. See Trenscat. 2023. E Teleferic de Montjuic. Available at: http://www.trenscat.com/tmb/telefericmontjuic_ct.html. Accessed August 2023. The Gatlinburg Aerial Tramway opened in 1973 in Tennessee, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Ober Mountain. 2023. Aerial Tramway. Available at: https://obergatlinburg.com/aerial-tramway/. Accessed June 2023. The Teleférico de Zacatecas opened in 1979 in Mexico, and has been operating continuously with the exception of brief periods of closure for modernization efforts. See Zacatecas. 2021. Zacatecas Cable Car. Available at: https://www.zacatecastravel.com/teleferico. Accessed June 2023. The Santorini Cable Car opened in 1982 in Greece, and has been operating continuously since. See Santorini View. 2023. Santorini Cable Car. Available at: https://www.santorini-view.com/attractions/santorini-cable-car/#:~:text=Its%20construction%20started%20in%20the,prosperity%20and%20development%20of%20tourism. Accessed June 2023The Telluride Mountain Village Gondola opened in 1996 in Colorado, and has been operating continuously since. See Telluride Mountain Village. 2023. The Gondola. Available at: https://www.telluride.com/discover/the-gondola/. Accessed June 2023.The Telecabine Lisboa Cable Car opened in 1998 in Portugal, and has been operating continuously since. See My Beautiful Passport. 2022. Telecabine Lisboa: Portugal's Cable Car & Gondola Lift. Available at: https://mybeautifulpassport.com/telecabine-lisboa-cable-car-portugal/#:~:text=Opening%20in%20the%20spring%20of,the%20river%20and%20modern%20architecture. Accessed June 2023.

[30] See South Coast Air Quality Management District (SCAQMD). 2008. Draft Guidance Document – Interim CEQA GHG Significance Threshold. Available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf?sfvrsn=2. Accessed August 2023.

as an innovative transportation project that helps reduce vehicle miles traveled (VMT). The approach to amortize the construction emissions assuming a 30-year lifespan following the SCAQMD guidance is appropriate for the Draft EIR to quantify the proposed Project's potential GHG impacts.

Comment GO17-60 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.

Response GO17-60 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the vibration impacts associated with human annoyance from construction of the proposed Project, which would be significant and unavoidable during construction of the proposed Project, even with implementation of Mitigation Measures VIB-A and VIB-B. As discussed on page 3.13-72 of the Draft EIR, "[s]ince the human annoyance threshold is exceeded by common occurrences such as vehicle pass-bys during construction, there is no feasible method for mitigating human annoyance impacts. It should be noted that because the human annoyance threshold is so low it is already exceeded on roadways by existing truck trips." Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. As discussed in Topical Response H, the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment GO17-61 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 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.

Response GO17-61 This comment provides a general recitation and characterization of federal statutes, case law, and regulations. Refer to Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR, for an overview of how the Draft EIR analyzed 20 environmental issue areas with detailed analyses, presenting evidence that is based on scientific and factual data about the cause-and-effect relationship between the proposed Project and potential changes in the environment. The Draft EIR ascertained the magnitude, duration, extent, frequency, range, or other parameters of a potential impact to the extent possible to provide facts in support of finding whether the impacts of the proposed Project would meet or exceed the established significance criteria. In determining whether impacts may be significant, all the potential effects, including direct effects and reasonably foreseeable indirect effects, are considered in the Draft EIR. Refer to Section 3.17, Transportation, of the Draft EIR, for a discussion of the proposed Project's potential transportation impacts. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects..

Comment GO17-62 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.

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.

Response GO17-62 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that

were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO17-63 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.

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.)

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.

Response GO17-63 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures is consistent with the requirements of CEQA and how CEQA

does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact.

Comment GO17-64 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/.)

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.

Response GO17-64 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). Refer to page 37 of Appendix G for a discussion of the records search conducted in connection with the analysis for the proposed Project, noting one 2011 and two 2015 studies regarding the Los Angeles Plaza Cemetery referenced in this comment. Accordingly, this archaeological resource was considered in the analysis for the proposed Project. (See also, Draft EIR, Appendix G, p. 40 [including Resource No. 19-004218, Los Angeles Plaza Cemetery].) As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources, would be less than significant, and all potential impacts related to archaeological resources, including the Zanja Madre and archaeological resources in the vicinity of the proposed Project's Alameda Station and the Los Angeles State Historic Park, would be either less than significant or reduced to less than significant with mitigation, such as archaeological testing plans. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA. The use of plans in mitigation measures does not constitute impermissible deferral.

Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review (for example, where ground disturbance and excavation is infeasible prior to project approval). With respect to Mitigation Measure-CUL-A and Mitigation Measure-CUL-C through Mitigation Measure-CUL-E, as recognized on page 3.5-2, Section 3.05, Cultural Resources, of the Draft EIR, "an archaeological resource may not be recognizable or even observable without ground-disturbing activities." Mitigation Measure-CUL-A and Mitigation Measure-CUL-C through E accordingly outline actions that would be taken in the unlikely event that archaeological resources are discovered once excavation begins on-site. Excavation or other such ground disturbance prior to approval of the proposed Project to discover any potential additional resources is impracticable at this juncture.

Comment GO17-65 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, none of them are likely to be carried out or effective.

Response GO17-65 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require the proposed Project to provide a full accounting of how each mitigation measure will be funded.

Comment GO17-66 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.

Response GO17-66 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. CEQA Guidelines section 15126.6(a) explains that an EIR must include a "reasonable range" of alternatives to the project "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." Likewise, CEQA Guidelines section 15126.6(f)(2)(A) further clarifies that an EIR is not required to analyze alternatives that would not eliminate or substantially reduce significant adverse effects. An agency's selection and consideration of alternatives is governed by a "rule of reason." (CEQA Guidelines, § 15126.6(a).) As discussed in Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, and Section 4.0, Alternatives, of the Draft EIR, the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project. The Draft EIR provides sufficient analysis of each alternative and substantial evidence supports the Draft EIR's dismissal from further detailed analysis or recognition that the considered alternative may not meet basic project objectives.

Comment GO17-67 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.)

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.

Response GO17-67 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The Draft EIR addressed land use in Section 3.11, Land Use and Planning, of the Draft EIR. Refer to Section 3.11 for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment. To the extent the reference to the "LA Union Station Development Plan" refers to the Union Station Master Plan, responses regarding the Union Station Master Plan are provided in Response GO17-138. Santa Monica Mountains Conservancy ("SMMC") has no discretionary approval authority related to the proposed Project; however, Metro notified SMMC as a trustee agency.[31] Refer to Section 5.0, Corrections and Additions, of the Final EIR, for a discussion of the Rim of the Valley Trail Corridor Master Plan, published by the SMMC.

Comment GO17-68 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.

Response GO17-68 This comment provides a general introduction to comments raised in this section of this letter. Responses to the comments in this section of the letter are provided below in Responses GO17-69 through GO17-153.

Comment GO17-69 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 properly analyzed and all

[31] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2023. Los Angeles Aerial Rapid Transit Project Email from Cory Zelmer to info@smmc.ca.gov.

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.)

Response GO17-69 This comment provides a general recitation and characterization of CEQA case law. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix C, Visual Impact Assessment, for detailed discussion about the implementation and results of the visual simulation of the proposed Project using Key Observation Points (KOPs) critical or representative of the visual character of the area within each Landscape Unit (LU) utilized for before and after photorealistic and true to scale visual simulations and locations of sensitive viewers that potentially would be visually impacted by the proposed Project. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, including at Los Angeles State Historic Park. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. Refer to Response S2-5 for a discussion of the

proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics.

Comment GO17-70 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:

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).

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

Response GO17-70 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Identification of potential aesthetic and visual impacts included the identification of Landscape Units (LU) that defined particular viewsheds and/or aesthetic settings within the Project area, as well as Key Observation Points (KOPs) within each LU that are representative of the visual character of the area. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies, including KOPs selected for consideration of impacts to the Los Angeles State Historic Park. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for KOPs and simulations updated in part to provide additional aesthetic and visual illustrations. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than

significant. Figure 2-6 of the Draft EIR depicts Alameda Tower in the foreground and Alpine Tower in the middle ground, looking north on Alameda Street from Main Street. As discussed in Appendix C, Visual Impact Assessment, which includes Figure 2-6 as KOP 9, this shows the simulated viewpoint from the perspective of a pedestrian looking along Alameda Street from the public sidewalk at the southwestern corner of Alameda Street and Main Street, just south of Ord Street. In the simulated view, the proposed Alameda Tower, Alpine Tower, cabin, and cables in the center are the prominent features in the view, and the proposed Chinatown/State Park Station is visible in the distance in the center of the view, beyond the Metro L Line (Gold) elevated ROW. As discussed above, visual simulations were created to show the pedestrian eye level vantage point within photographs and, as such, visual elements in the foreground of the KOP will appear larger than visual elements further in the distance even though the foreground element may be of a smaller dimension, consistent with how pedestrians experience their surrounding environment.

Figure 2-7 of the Draft EIR depicts the proposed Project's anticipated ANSI aerial rights requirements and the Additional Separation Buffer, with the ANSI aerial rights requirements in dark grey and the Additional Separation Buffer in light grey. There are no conflicts between these requirements as the Additional Separation Buffer is in addition to the ANSI aerial rights requirements. Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR, includes additional figures depicting the proposed Project's anticipated aerial rights requirements and the Additional Separation Buffer. Refer to Appendix N, Additional Separation Buffer, of the Final EIR, for information regarding the Additional Separation Buffer. Similarly, Figure 2-8 of the Draft EIR depicts the Proposed Alignment Over Public ROW/Publicly Owned Property and Private Property, with the public right of way and publicly owned property in teal, private property in purple, and the additional separation buffer in light grey. The additional detail this comment requests is provided on page 5 of Appendix Q, depicting portions of the proposed alignment over the California State Parks property in light green, along with other City, Metro, Caltrans, and privately owned property in their own distinct colors. Accordingly, the Draft EIR clearly shows the distinction between ROW and State Parks property. Figure 4-7 of the Draft EIR depicts the existing and simulated view of the State Historic Park Station, cables, and cabins, included as a component of the Spring Street Alignment Alternative, looking at this station southwest from within the Los Angeles State Historic Park at the Spring Street Junction. This view included in Section 4.0, Alternatives, of the Draft EIR, in the analysis of the Spring Street Alignment Alternative, is consistent with KOP 19 selected for the aesthetics analysis of the proposed Project.

Refer to Appendix O, Supplemental Graphics of Proposed Alignment Plan and Profile, of this Final EIR, for supplemental graphics as to the proposed Project alignment plan and profile, provided in response to comments on the Draft EIR for informational purposes, as larger scale insets of the graphics originally provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR.

Refer to Response GO17-69 for discussion of how impacts to scenic or panoramic views would be less than significant. Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics.

Comment GO17-71 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.

Response GO17-71 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Topical Response K, Signage and Lighting, for a discussion of the proposed Project's signage. The proposed Project's Sign Concept Plan included as Appendix B of the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR, provides that across the entire proposed Project, including stations, the junction, towers, and cabins, the proposed Project is proposing static signage and digital signage. The digital signage would be limited to the Alameda Station and the Dodger Stadium Station. No digital signage is proposed on the exterior of the cabins. Signage proposed for the exterior of the cabins is static non-illuminated naming rights signage. In addition to the naming rights signage, the proposed Project is proposing that two cabins be designated for the display of community programming graphics and that one cabin be designated for the display of artwork by local art collaborators. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including simulations provided for additional clarity regarding certain design elements of the proposed Project, including signage. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant.

Comment GO17-72 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.

Response GO17-72 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. In addition, the Draft EIR identifies feasible mitigation measures to substantially lessen identified significant environmental impacts from the proposed Project, in compliance with CEQA's requirements. Refer to Section 3.01, Aesthetics, and Appendix C, Visual

Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant and therefore no mitigation measures are required pursuant to CEQA. Refer to Response GO17-70 for discussion of the Draft EIR's analysis of aesthetic impacts of the proposed Project. In the evaluation of aesthetics, the Draft EIR analysis considers a range of qualifying factors consistent with methods and guidance provided by the Federal Highway Administration (FHWA) for evaluating visual impacts, as well as the CEQA Guidelines and City of Los Angeles CEQA thresholds. The Draft EIR's analysis of impacts to aesthetics was prepared by experts in the field, as set forth in Section 8.0, List of Preparers, and intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. Accordingly, the Draft EIR's aesthetics analysis more than adequately complies with CEQA's requirements for a Draft EIR. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. The proposed Project would be located in a densely-populated, urban environment surrounded by a variety of commercial, industrial, and residential development types. In this type of environment, it is common for public transportation, such as Metro's light rail, to be located adjacent to residential uses and modern aerial transit systems in other cities, including Portland, Oregon and New York City, operate adjacent to residential uses. Nevertheless, as discussed in Topical Response J, Gondola Design and Operations and Section 2.0, Project Description, of the Draft EIR, cabin windows can be equipped with privacy glass that can become opaque while adjacent to sensitive views, and the proposed Project would work with stakeholders adjacent to the proposed Project alignment to identify locations where the use of privacy glass would be warranted. Considerations as to the locations along the proposed Project alignment where the privacy glass could be activated include the subject adjacent sensitive views and the vertical and horizonal distance between the proposed Project cabins and the adjacent sensitive views.

Comment GO17-73 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.
>
> (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.

Response GO17-73 This comment provides a general recitation and characterization of case law and regulations. Refer to Section 3.03, Air Quality (which includes a CO hotspots analysis), Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, and Appendix N, Transportation Appendices, for a discussion of the proposed Project's potential air quality and transportation impacts. As discussed therein, the proposed Project would reduce vehicular travel, and therefore would improve air quality through the reduction in vehicular emissions. Further, the air quality and health risk analyses in Section 3.03 and Appendix D, consider the impacts to all receptors surrounding the proposed Project, including sensitive receptors such as children, the sick, and the elderly within a quarter mile of the proposed Project.

The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby

reducing VMT and air quality related emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime VMT reduction of the project would be a reduction of 129,629,500 VMT, and emissions are decreased through reducing vehicle miles traveled. As discussed in Section 1.0, Introduction, of the Draft EIR, the proposed Project would reduce GHG emissions by 3,493 metric tons of carbon dioxide equivalent per year (MT CO2e/year) in the buildout year of 2026 and by 6,277 MT CO2e/year in the horizon year of 2042. The lifetime emissions of the proposed Project over its useful life would be a reduction of greater than 50,000 metric tons of GHGs at 166,653 MT CO2e. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities. The comment appears to request a CO hotspot analysis. This analysis was provided in Section 3.03, Air Quality, of the Draft EIR, and discussed on pages 3.3-26 and 3.3-27. To the extent the comment is in regard CO2 (a Greenhouse Gas), the Draft EIR comprehensively evaluates GHG in Section 3.08, Greenhouse Gas Emissions, and Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR.

Comment GO17-74 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.

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.

Response GO17-74 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Appendix D, Air Quality/Health Risk Assessment Technical Report, and Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, for discussion of the proposed Project's air quality and greenhouse gas emissions impacts, including related to construction, concluding that the proposed Project would not result in significant impacts. The Draft EIR analyzed air quality impacts, including those related to emissions from haul truck trips during construction, in accordance with applicable SCAQMD guidance and using CalEEMod®, the most current air quality model endorsed by the SCAQMD and the California Air Pollution Control Officers Association. The CalEEMod® model was developed by SCAQMD in coordination with other California air districts and is recommended for use by SCAQMD. Sources of the

model's calculation methodologies and default data include SCAQMD-specific emission factors, USEPA AP-42 emission factors, EMFAC2021 for vehicular emissions, and studies commissioned by the California Energy Commission and California Department of Resources Recycling and Recovery (CalRecycle). Based on this analysis, the Draft EIR concludes that the proposed Project will not cause an exceedance to any SCAQMD significance, including construction emissions.

The comment incorrectly states that the Draft EIR failed to address truck traffic to haul dirt. The Draft EIR addressed construction assumptions in Section 2.8, Construction, of Section 2.0, Project Description, with additional detail in Table 4-1, Construction Schedule, of Appendix D, Air Quality / Health Risk Assessment Technical Report, of the Draft EIR. Table 4-1 provides substantial evidence for the duration of construction activity and construction phases. The tables of Appendix D provide detailed explanation of the analyses conducted in the Draft EIR and constitute substantial evidence for the proposed Project. Contained as part of this analysis is evaluation of the truck traffic to haul dirt. Specifically, hauling emissions are summarized in Table A.1-2c of Appendix D for each construction activity, and assumptions for hauling trips are provided in Section 4.3.2 and Table 4-4 of Appendix D. As described in Section 3.3.4 of the Draft EIR, the calculated construction emissions would not exceed the SCAQMD mass daily significance thresholds nor create significant health risk (see also Tables ES-1, ES-2, and ES-3 of Appendix D of the Draft EIR), and thus no mitigation measures are required.

The comment also incorrectly suggests that the Draft EIR did not disclose the length of the anticipated construction period. The construction period is described in Section 2.8, Construction, of Section 2.0, Project Description, with additional technical details included in Appendix B, Construction Assumptions and Appendix D of the Draft EIR. The Draft EIR relied on this construction period information when assessing the proposed Project's potential construction impacts.

Refer to Response GO17-75 for a discussion of proposed Project commitments to further reduce emissions from construction. In addition, as discussed in BIO-PDF-H, in Section 5.0, Corrections and Additions, of the Final EIR, all construction workers will be educated and instructed on best practices regarding daily trash clean-up. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. The comment incorrectly claims that the Draft EIR does not analyze noise associated with construction traffic. The Draft EIR addressed noise associated with construction traffic in Section 3.13, Noise, with supporting data provided in Appendix M, of the Draft EIR. As discussed on page 3.13-51 through 3.13-52, construction traffic noise has been analyzed along haul routes serving the Project areas and increases in traffic noise compared to existing conditions would be less than 0.6 dBA along Alameda Street, Spring Street, Broadway,

and Bishops Road, which would be below a barely perceptible increase. Therefore, the Project would not result in significant increases in traffic noise during construction.

Comment GO17-75 b. Additional Mitigation of Construction Equipment Nitrogen Oxide Emissions is Required.

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

Response GO17-75 Refer to Section 3.03, Air Quality, and Appendix D, Air Quality/Health Risk Assessment Technical Report of the Draft EIR, for discussion of the proposed Project's air quality impacts. The Draft EIR analyzed air quality impacts, including those related to nitrogen oxide emissions, in accordance with applicable SCAQMD guidance and using CalEEMod, the most current air quality model endorsed by the SCAQMD and the California Air Pollution Control Officers Association. The CalEEMod® model was developed by SCAQMD in coordination with other California air districts and is recommended for use by SCAQMD. Sources of the model's calculation methodologies and default data include SCAQMD-specific emission factors, USEPA AP-42 emission factors, EMFAC2021 for vehicular emissions, and studies commissioned by the California Energy Commission (CEC) and California Department of Resources Recycling and Recovery (CalRecycle). Based on this analysis, the Draft EIR concludes that the proposed Project would not cause an exceedance to any SCAQMD significance, including NOx emissions. As a result, the proposed Project would not result in any significant air quality impacts.

The comment suggests that mitigation is required to address construction emissions, but construction emissions are less than significant, and therefore no mitigation measures are required, as described in Section 3.3.4 of the Draft EIR. The proposed Project previously committed to the following to further reduce emissions from construction:

- Use of Tier 4 construction equipment for equipment greater than 50 horsepower (AIR-PDF-A)
- Use of selected electrified construction equipment
- Shuttling of construction workers to reduce emissions from individual worker vehicle traffic
- Compliance with SCAQMD Rule 403 regarding fugitive dust by watering active construction areas at least two times daily to minimize fugitive dust emissions

Comment GO17-76 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.

Response GO17-76 Refer to Section 3.03, Air Quality, and Appendix D, Air Quality/Health Risk Assessment Technical Report, of the Draft EIR, for discussion of how the proposed Project would not result in significant air quality impacts during construction. As discussed in Response GO17-75, the Draft EIR analyzed air quality impacts, including construction emissions, in accordance with applicable SCAQMD guidance and using CalEEMod, the most current air quality model endorsed by the SCAQMD and the California Air Pollution Control Officers Association, and determined that the proposed Project would not exceed any SCAQMD significance thresholds. Therefore, the proposed Project would not result in significant air quality impacts during construction and mitigation measures were not required, as described in Section 3.3.4.

This comment has listed various approaches that can be used to reduce emissions from construction equipment and construction vehicles. As summarized in Response GO17-75, the construction emissions are less than significant, and therefore no mitigation measures are required. The proposed Project has committed to several of these measures, including:

- Use of Tier 4 construction equipment for equipment greater than 50 horsepower (AIR-PDF-A)
- Use of selected electrified construction equipment

- Shuttling of construction workers to reduce emissions from individual worker vehicle traffic

Further, several of the suggestions are also incorporated into the proposed Project by default by nature of being existing regulations. These include:

- CARB Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling
- SCAQMD Rule 431.2 – Sulfur Content of Liquid Fuels
- California Advanced Clean Trucks

The proposed Project's construction emissions are less than significant and no further additional measures are required.

Comment GO17-77 3. Various Air Quality Analyses and Assumptions are Unsupported.

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.

Response GO17-77 Refer to Response GO17-187 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI). Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how post-game queues at Dodger Stadium were estimated based on assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Based on current behaviors, game attendees gradually start leaving the game around 30

minutes before the end of the game. While most people would leave the stadium at the end of the game, given the crowd in the stadium and the distances from the various seating locations in the stadium, it would naturally take people seated the furthest away from the Dodger Stadium Station more time to walk to the station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, gondola passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. Regarding the queue waiting time, Dodger Stadium Express riders today wait in queues to board the service. As discussed in Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, the queues to board, loading times, and travel times for the Dodger Stadium Express are significantly longer and more variable as compared to the proposed Project. In order to quantify the existing service time needed to transport Dodger Stadium Express riders, Fehr & Peers observed four post-game time periods during the 2023 season. These observations indicate that riders are willing to wait for substantial periods of time after a game to board the Dodger Stadium Express, despite its slower travel time and long waits between buses, supporting the concept that riders would also be willing to wait after a game to board the proposed Project with its improved level of service.

Comment GO17-78 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).

Response GO17-78 Refer to Response GO17-188 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-79 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.

Response GO17-79 Refer to Response GO17-189 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI) .

Comment GO17-80 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.

Response GO17-80 Refer to Response GO17-190 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI),

Comment GO17-81 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.

Response GO17-81 Refer to Response GO17-190 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-82 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).

Response GO17-82 Refer to Response GO17-191 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-83 c. Energy Usage is Inappropriately Analyzed and 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.

Response GO17-83 Refer to Response GO17-192 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI) .

Comment GO17-84 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.

Response GO17-84 Refer to Response GO17-193 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-85

GO17-85A 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.

GO17-85B 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.

GO17-85C 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.

Footnote 11: LADWP Facts and Figures.
https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-power/a-pfactandfigures?_adf.ctrl-state=10n9mool8q_4&_afrLoop=494270252036354

Response GO17-85

GO17-85A Refer to Response GO17-194 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

GO17-85B Refer to Response GO17-195 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

GO17-85C Refer to Response GO17-196 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-86 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.

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

Response GO17-86 Refer to Response GO17-197 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-87 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).

Response GO17-87 Refer to Response GO17-198 in Enclosure 6 to Letter GO17 from Environmental Audit, Inc (EAI).

Comment GO17-88 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.

Response GO17-88 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources, including the Los Angeles State Historic Park, El Pueblo, and LAUS in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Responses to GO28 (California State Parks Rangers Association), GO16 (The Los Angeles Conservancy), GO10 (the California State Parks Foundation), and GO9 and GO11 (the Los Angeles Union Station Historical Society) for responses to the comment letters raised in this comment.

Comment GO17-89 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.

Response GO17-89 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires a vertical clearance of eight feet above grade where pedestrians are present. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the

proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. The proposed Project has less than significant impacts to parks and recreational facilities.

Comment GO17-90 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.

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.

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.

Response GO17-90 This comment provides a general recitation and characterization of the Draft EIR. The Draft EIR analyzed all potential environmental impacts to the Los Angeles State Historic Park, including in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations. Refer to Section 3.16, Parks and Recreational Facilities, for a discussion of how construction of the proposed

Project would result in less than significant impacts to the Los Angeles State Historic Park. As discussed on pages 3.16-16 to 3.16-17 and 3.16-22, while construction of the proposed Project would require a brief and temporary closure of the southernmost corner and western edge of the Los Angeles State Historic Park beneath the cables for safety purposes, other options for pedestrian access, including the provision of pedestrian detours during construction, would allow for continued pedestrian access within the Project area. In addition, park patrons would still be able to access approximately 30 acres of the 32-acre Los Angeles State Historic Park, including all the recreational areas, during construction activities within the park. In addition, regular park patrons are familiar with temporary park closures as they often occur in conjunction with concerts, fairs, and festivals that take place within the park throughout the year. It is not anticipated that construction activities at the southernmost portion of the park would increase the use in other areas of the park or at other parks and recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated as the portion where construction activities are occurring is primarily landscape and hardscape. Refer to Response GO17-89 for additional discussion of how the ability to use the vast majority of the Park would not be affected by the proposed Project.

Comment GO17-91 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.

Response GO17-91 This comment provides a general recitation and characterization of the Draft EIR. Refer to Responses GO17-89 and GO17-90 for a discussion of the Draft EIR's analysis of impacts to Los Angeles State Historic Park and how the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project, including to the Los Angeles State Historic Park. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Mitigation Measure NOI-A would be implemented during construction of the proposed Project, requiring a Construction Noise Management Plan to minimize construction-related noise impacts to off-site noise-sensitive receptors, which would include the construction noise barriers. Operational noise impacts would be less than significant.

Comment GO17-92 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.

Response GO17-92 The Draft EIR analyzed all potential environmental impacts to the Los Angeles State Historic Park, including in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations. As discussed on page 3.16-16 of the Draft EIR, construction of the Chinatown/State Park Station would not require any closures of areas used for recreation. Refer to Response GO17-89 for additional discussion of how the ability to use the vast majority of the Park would not be affected by the proposed Project.

Comment GO17-93 E. Transportation/Traffic Impacts (Section 3.17) Are 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.

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.

Response GO17-93 Refer to Response GO17-155 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-94 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."

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.

Response GO17-94 Refer to Response GO17-156 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-95 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…"

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.

Response GO17-95 Refer to Response GO17-157 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-96 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) to 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.

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.

Response GO17-96 Refer to Topical Response F, Los Angeles State Historic Park, for discussion of how the proposed Project would provide additional benefits to Los Angeles State Historic Park. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. As discussed in Section 5.0, Corrections and Additions, of this Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon. As discussed in Section 2.0, Project Description, of the Draft EIR, Elysian Park is the oldest and second largest park in the City and features hiking trails, a bike path, horseshoe pits, picnic tables, restroom facilities, and other public amenities. The proposed Project would enhance community connectivity by providing first/last mile transit and pedestrian access to areas that have historically been underserved, including the Los Angeles State Historic Park and Elysian Park. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the

Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property.

Comment GO17-97 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.

Response GO17-97 Refer to Response GO17-158 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-98 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."

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.

Response GO17-98 Refer to Response G017-159 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-99 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.

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.

Response GO17-99 Refer to Response GO17-160 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates. Refer to Response GO17-13 for a discussion of how the proposed Project would have temporary, significant noise and vibration (human annoyance) impacts on The California Endowment during construction activities of the Alameda Tower. The proposed Project would not result in any other significant and unavoidable construction or operational impacts to The California Endowment.

Comment GO17-100 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."

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.

Response GO17-100 Refer to Response GO17-161 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-101 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.

Response GO17-101 Refer to Response GO17-162 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-102 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.

Response GO17-102 Refer to Response GO17-163 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-103 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.

Response GO17-103 Refer to Response GO17-164 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-104 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.

Response GO17-104 Refer to Response GO17-156 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-105 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.

Response GO17-105 Refer to Response GO17-166 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-106 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.

Response GO17-106 Refer to Response GO17-167 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-107 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.

Response GO17-107 Refer to Response GO17-168 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-108 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 Alamed 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.

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.

Response GO17-108 Refer to Response GO17-169 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-109 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.

Response GO17-109 Refer to Response GO17-170 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-110 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.

Response GO17-110 Refer to Response GO17-159 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-111 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.

Response GO17-111 Refer to Response GO17-159 and GO17-160 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-112 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.

Response GO17-112 Refer to Response GO17-173 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-113 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.

Response GO17-113 Refer to Response GO17-156 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-114 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.

Response GO17-114 Refer to Response GO17-175 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-115 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.

Response GO17-115 Refer to Response GO17-176 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the

proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.. Accordingly, because parking and congestion are not considered impacts under CEQA, no mitigation is required, as CEQA Guidelines Section 15126.4 only requires mitigation for significant impacts. Nevertheless, refer to the proposed Project's Preliminary Parking Management Plan.[32]

Comment GO17-116 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.

Response GO17-116 Refer to Response GO17-177 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

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

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

Response GO17-117 Refer to Response GO17-178 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-118 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.

Response GO17-118 Refer to Response GO17-179 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-119 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

[32] Fehr & Peers. 2023. Los Angeles Aerial Rapid Transit Project, Parking Management Implementation Plan.

forecast to use the gondola after the game as they would have to wait in long lines to use the gondola.

Response GO17-119 Refer to Response GO17-180 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-120 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.

Response GO17-120 Refer to Response GO17-181 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-121 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.

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.

Response GO17-121 Refer to Response GO17-182 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would

provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region, especially when compared to alternatives providing a bus service from other locations. The comment states that the fixed catenary system is limited as to capacity and to location but that shuttle buses have the flexibility to expand or contract according to need. The proposed Project has the flexibility to expand or contract capacity according to need by adding or removing cabins from the system. While true that it is limited in regards to location, so are the locations of the primary destinations (Dodger Stadium and Elysian Park) which the proposed Project is intended to serve.

Comment GO17-122 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.

Response GO17-122 Refer to Response GO17-183 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates

Comment GO17-123 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.

Response GO17-123 Refer to Response GO17-184 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-124 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.

Response GO17-124 Refer to Response GO17-185 in Enclosure 5 to Letter GO17 from Tom Brohard and Associates.

Comment GO17-125 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.

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.

Response GO17-125 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise impacts from the proposed Project. As detailed therein, on-site construction related noise impacts would be significant and unavoidable even with implementation of mitigation, and off-site construction traffic noise impacts would be less than significant during all phase of construction of the proposed Project. Consistent with CEQA Guidelines Section 15162.4, the Draft EIR considered and imposed all feasible mitigation, and CEQA does not require the discussion of ineffective or infeasible mitigation measures. Mitigation Measure NOI-A would be implemented during construction of the proposed Project, requiring a Construction Noise Management Plan to minimize construction-related noise impacts to off-site noise-sensitive receptors, which would include noise barriers, maintenance of equipment, avoidance of unnecessary equipment idling, the use of electrical equipment where practicable, and locating equipment away from noise-sensitive receptors to the extent feasible. Noise barriers were designed and placed in collaboration with the construction contractor based on the location of noise producing equipment in relation to the sensitive receptors, as well as the physical constraints of the proposed Project site and the proposed Project phase. Details on the noise barriers at each location of the proposed Project stations, towers, and junction are provided on pages 3.13-68 to 3.13-71 in Section 3.13, Noise, of the Draft EIR, with noise barriers ranging in height from eight to 24 feet tall. No other feasible mitigation is available to further reduce construction noise. Although trees and vegetation can contribute to noise reduction, the effectiveness of tree barriers vary based on the density and width of vegetation. Reductions of 6 to 10 dB can be achieved where a dense belt of trees combined with shrubs are 15 and 30 meters wide (approximately 50 to 98 feet wide) and reductions of 5 to 10 dB can be achieved with a dense belt of trees only (with no shrubs providing ground cover) between 15 and 30 meters wide (approximately 50 to 98 feet wide).[33] There is insufficient space along the proposed Project alignment to provide up to 98 feet of vegetation serving as a buffer between proposed Project construction and sensitive

[33] Dobson, Martin & Jo Ryan. 2000. Trees & Shrubs for Noise Control. Available at: https://www.trees.org.uk/Trees.org.uk/files/8c/8c69f212-a82e-424b-96d1-c8ff6dc02403.pdf. Accessed March 2023.

receptors. The proposed temporary noise barriers would provide similar and, in some cases, greater reductions in construction noise as dense vegetation and noise barriers would require less space. In addition, construction noise impacts would be temporary, and the noise created by the planting of such vegetative buffers would likely result in similar noise levels as proposed Project construction. Therefore, the use of vegetative buffers is not feasible. With respect to building insulation, typical building constructions/systems (in warm climate) provide a noise reduction of 12 dBA with windows open and up to 24 dBA for building constructions/systems with windows closed.[34] Therefore, existing buildings provide exterior-to-interior noise attenuation that is not accounted for in the analysis of noise impacts in the Draft EIR. Potential upgrades to building insulation or windows are generally only considered as potential noise mitigation where a project results in significant operational noise impacts because the installation of building upgrades would result in additional construction. This additional construction could result in even greater impacts to sensitive receptors due to the use of equipment and construction activity within currently occupied dwelling units. Proposed project operations would not result in significant noise impacts and the secondary impacts resulting from installation of building insulation upgrades would outweigh any benefit to reducing construction noise impacts. Therefore, insulating existing buildings to reduce construction noise impacts is not a feasible mitigation strategy.

Comment GO17-126 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.

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.

[34] United States Environmental Protection Agency (USEPA/EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023. The noise reduction for building in warm climate was selected as a conservative analysis, as the noise reduction for building for cold climate is higher, i.e., 12 dBA for warm climate and 17 dBA for cold climate.

Response GO17-126 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the vibration impacts from construction of the proposed Project. Potential vibration impacts resulting from the proposed Project are associated only with construction of the proposed Project; no vibration impacts were identified for operation of the proposed Project. Vibration impacts associated with construction of the proposed Project were analyzed in the Draft EIR both for building damage and human annoyance. CEQA only requires the discussion of mitigation measures that the lead agency determines are feasible and would be effective. The use of non-vibrating equipment or hand tools for construction operations within 26 feet of Avila Adobe, *El Grito* mural wall, and The Old Winery was determined to be feasible and effective in consultation with the Project's construction contractor. For instance, instead of using vibratory rollers the Project's construction contractor could use hand tampers. As explained in detail at pages 3.13-72 to 3.13-73 of Section 3.13, Noise, of the Draft EIR, Mitigation Measure VIB-A requires placement of vibration monitoring equipment approximately 26 feet away from Avila Adobe, *El Grito* mural wall, and The Old Winery by a qualified professional for real-time vibration monitoring for construction work at Alameda Station requiring heavy equipment or ground compaction devices, and this equipment would notify the construction crew if vibration levels are within 0.1 PPV, in/sec, of the vibration damage threshold so that the construction crew could modify the construction equipment to ensure that the vibration damage threshold is not exceeded. Mitigation Measure VIB-B requires that, for construction work occurring at Alameda Station, at a distance of 26 feet or more from the Avila Adobe, *El Grito* Mural and the Old Winery, any ground compacting equipment, including vibratory rollers and plate compactors, shall be calibrated onsite prior to use to ensure vibration levels remain below the assumed reference level of 0.21 PPV, in/sec, at 25 feet and, if the ground compacting equipment cannot achieve the assume reference level, equipment with less than 0.21 PPV, in/sec, at 25 feet, non-vibrating equipment, or hand tools, would be required for ground compaction activities. In addition, any ground compaction or excavation/drilling operations within 26 feet of Avila Adobe, *El Grito* Mural or The Old Winery structures must be completed with non-vibrating equipment or hand tools. Refer to Appendix M, Noise and Vibration Technical Report, of the Draft EIR, Tables 6-11 and 6-12, for technical assessment of the impact thresholds for Avila Adobe, *El Grito* Mural, and The Old Winery structures and demonstration of the effectiveness of Mitigation Measures VIB-A and VIB-B. With implementation of Mitigation Measures VIB-A and VIB-B during construction of Alameda Station, vibration damage impacts at the Avila Adobe, the Old Winery, and *El Grito* Mural, would be less than significant.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to

meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Refer to Response GO17-132 for discussion of how the proposed Project adopted feasible mitigation measures to minimize construction noise to the maximum extent feasible. No additional feasible mitigation measures are required, and this comment does not raise any feasible mitigation measures that are considerably different from those already analyzed in the Draft EIR.

Comment GO17-127 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).

Response GO17-127 This comment provides a general characterization of construction noise at NSR 7 (Homeboy Industries), as shown on page 3.13-36 of the Draft EIR. The identified noise level of 80.3 dBA is associated with the foundations and columns phase for construction of the Alpine Tower. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of noise and vibration impacts during construction of the proposed Project. Based on the L.A. CEQA Thresholds Analysis, NSR 7 (Homeboy Industries) would experience a temporary, significant noise impact during construction activities of the Alpine Tower, the duration of which is discussed in Appendix B, Construction Assumptions, of the Draft EIR. As described in Section 3.13, Noise, of the Draft EIR, based on the FTA Manual the construction activities of the Alpine Tower would not result in significant noise impacts at NSR 7 (Homeboy Industries). As discussed in Section 3.13, Noise, of the Draft EIR, for the entire duration of construction, the proposed Project shall provide an 8--foot temporary noise barrier between the construction site and NSR 7 (Homeboy Industries). With the implementation of Mitigation Measure NOI-A, the L.A. CEQA Thresholds Analysis construction noise impact during the Vertical Circulation, Hardscape, Landscape, and Interior Work phase at NSR 7 (Homeboy Industries), would be reduced to less than significant. Implementation of Mitigation Measure NOI-A would be required to reduce the L.A. CEQA Thresholds Analysis impacts at NSR 7 (Homeboy Industries), however, the L.A. CEQA Thresholds Analysis noise impacts at NSR 7 would remain significant and unavoidable during the foundations and columns and structural streel and gondola equipment erection construction phases.

Comment GO17-128 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 detailed and site-specific analysis of the vibration impact on these buildings and operations is required.

Response GO17-128 As discussed in Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, and as shown in Tables 3.13-11 and 3.13-27, Homeboy Industries and The California Endowment are identified as noise and vibration sensitive receptors. Specifically, for the noise analysis, as shown in Table 3.12-11, Homeboy Industries is identified as NSR 7 and The California Endowment is identified as NSR 4. For the vibration analysis, as shown in Table 3.13-27, Homeboy Industries is identified as VSR 11 and The California Endowment is identified as VSR 7.

As noted on page 71 of Appendix M of the Draft EIR, "A construction vibration impact analysis was conducted for those vibration-sensitive receptors (VSRs) that were located within approximately 200 feet of each Project component site. This distance was chosen because vibration attenuates with distance and, at 200 feet, vibration levels for the highest vibration producing equipment for construction of the proposed Project (vibratory rollers) would be less than the most restrictive vibration level (0.12 in/sec PPV) and, therefore, the Project would not impact VSRs beyond 200 feet." As discussed on page 3.13-27 of the Draft EIR, "ground-borne vibration impacts due to the proposed Project's construction activities were evaluated for both on-site and off-site construction activities by identifying potential vibration sources (i.e., construction equipment), estimating the vibration levels at the potentially affected receptor, and comparing the proposed Project's activities to the applicable vibration significance thresholds. Construction-related vibration is assessed using two different metrics: 1) to assess potential structural damage from vibration and; 2) to assess human annoyance from vibration." As discussed on page 5 of Appendix M of the Draft EIR, "Ground-borne vibration levels rarely affect human health. Instead, most people consider ground-borne vibration to be an annoyance that can affect concentration or disturb sleep." As noted on pages 3.13-13 to 3.13-15 of the Draft EIR, the evaluation of vibration impacts relied on the Federal Transit Administration (FTA) guidelines to establish the threshold of significance for building damage and human annoyance from vibration. The FTA guidelines' vibration criteria for building damage are listed in Table 3.13-8 of the Draft EIR. The FTA guidelines' vibration criteria for human annoyance are listed in Table 3.13-6 of the Draft EIR. As discussed in Section 3.13, Noise, of the Draft EIR, the noise-sensitive receptors (NSRs) identified in Table 3.13-11 at various measurement locations represent existing noise conditions in a variety of locations throughout the Project area. Unlike the existing ambient noise

conditions used for the noise analysis, existing vibration levels are not typically considered in the assessment of project vibration impacts, so existing vibration levels were not measured for the proposed Project, as discussed at 3.13.3.3, Existing Vibration Conditions in Section 3.13, Noise, of the Draft EIR.

The California Endowment is recognized as a vibratory sensitive receptor (VSR 7) in Figure 3.13-27 of the Draft EIR. Additionally, the potential vibratory effects that would be experienced at VSR 7 during construction of the Alameda Tower are shown on Table 3.13-28. Specifically, VSR 7 would experience vibration at 0.06 PPV in/sec (83 VdB) during excavation work and street work associated with construction of the Alameda Tower. This would exceed the threshold for human annoyance, but not building damage. Homeboy Industries is recognized as a vibratory sensitive receptor (VSR 11) in Figure 3.13-27 of the Draft EIR. Additionally, the potential vibratory effects that would be experienced at Homeboy Industries during construction of the Alpine Tower are shown on Table 3.13-28. Specifically, VSR 11 would experience vibration at 0.16 PPV in/sec (92 VdB) during construction of the Alameda Tower. This would exceed the threshold for human annoyance, but not building damage.

The Draft EIR included a complete analysis of vibration impacts for Homeboy Industries (VSR 11) and The California Endowment (VSR 7) as required by CEQA.

Comment GO17-129 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.)

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.

Response GO17-129 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. The comment raises concerns with the effect of noise exposure on health with a focus on hearing loss and hearing damage. Los Angeles Municipal Code (LAMC) Noise Regulation Section 111.00 provides that "[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." Consistent with the understanding that noise can be detrimental to health and welfare, the Draft EIR addressed noise in Section 3.13, Noise, with supporting data provided in Appendix M, Noise and Vibration Technical Report, of the Draft EIR. An analysis of noise impacts consistent with the Los Angeles Municipal Code ("LAMC") Noise Regulation was addressed on pages 3.13-49 to 3.12-50 for construction related impacts and on pages 3.13-53 to 3.13-56 for operational related impacts. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant at all receptor locations. Refer to Response G017-130 for an additional discussion of compliance with the LAMC Noise Regulations.

In addition to the LAMC Noise Regulation, the Occupational Safety and Health Administration (OSHA), the State's Division of Occupational Safety and Health (also known as Cal/OSHA), and Environmental Protection Agency (EPA) have adopted regulations regarding noise exposure to address health impacts from noise including hearing loss and hearing damage. Specifically, OSHA and Cal/OSHA have adopted regulations designed to protect workers against the effects of occupational noise exposure. The OSHA and Cal/OSHA regulations limit the permissible noise exposure to an average of 90 dBA (L_{eq}) over an 8-hour period.[35] In addition, the Environmental Protection Agency (EPA) has identified a 24-hour average exposure level of 70 dBA for environmental noise (i.e., general outdoor noise sources, including; transportation, construction, mechanical, people) to protect potential hearing loss. This EPA-recommended noise level includes a margin of safety and is based on steady noise exposure of 24 hours per day over a period of 40 years.[36] While not specific to

[35] Occupational Safety and Health Administration (OSHA). 2008. Standard 1910.95 Occupational Noise Exposure. Available at: https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.95. Accessed August 2023. See Occupational Safety and Health Administration (OSHA). Standard 5096 Exposure Limits for Noise. Available at: https://www.dir.ca.gov/title8/5096.html. Accessed August 2023.

[36] United States Environmental Protection Agency (USEPA/EPA). 1981. Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/9100OOAJ.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFi

hearing damage or hearing loss, in 1974, the EPA also recommended a day-night average sound level (Ldn) of no greater than 45 dBA for indoors and 55 dBA for outdoors, to prevent interference with activities and annoyance.[37] This day-night average recommendation is generally applied to impacts from operations and not construction.

During construction, as provided in Table 3.13-17 in Section 3.13, Noise, of the Draft EIR, the estimated noise levels associated with the proposed Project's construction activities with implementation of Mitigation Measure NOI-A would be below 90 dBA at all off-site noise sensitive receptors, except for receptors NSR-2 (El Pueblo) and NSR-3 (Mozaic Apartments upper levels). The estimated noise levels at receptors NSR-2 and NSR 3-would be up to 91.8 dBA due to construction activities at Alameda Station, which would exceed the OSHA and Cal/OSHA noise exposure limit if construction activities were to occur at this level for a continuous 8 hours. However, it is not anticipated that noise from construction of the proposed Project would exceed the OSHA and Cal/OSHA noise exposure limit for a continuous 8 hours. As discussed on page 3.13-32 in Section 3.13, Noise, of the Draft EIR, for each construction phase, the worst-case simultaneous equipment mix was analyzed to evaluate the peak-noise levels. It is not anticipated that the peak-noise level would occur for a continuous 8-hour period. Therefore, over an 8-hour period it is not anticipated that the average noise level would exceed 90 dBA (L_{eq}) at any noise sensitive receptors. In addition, it is not anticipated that any individual would be located at a noise sensitive receptor for a continuous 8-hour period during construction activities. NSR-2 (El Pueblo) is located at the perimeter of El Pueblo closest to construction activities. NSR-3 (Mozaic Apartments upper levels) is located on the balcony of the apartment building. It is not anticipated that an individual would be at the perimeter of El Pueblo or outside on the apartment balcony for 8 continuous hours during construction activities. Per EPA, typical building constructions / systems (in warm climate) provide a noise reduction of 12 dBA with windows open and up to 24 dBA for building constructions / systems with windows closed.[38] Therefore, with

eldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000018%5C9100OOAJ.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023.

[37] United States Environmental Protection Agency (USEPA/EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023.

[38] United States Environmental Protection Agency (USEPA/EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyAc

the standard noise reduction from buildings, the noise level within the interior of NSR-3 would not exceed 90 dBA (L_{eq}).

As provided in Table 3.13-17 of the Draft EIR, the proposed Project's construction noise levels would be higher than the EPA 70 dBA long-term (24 hours per day for 40 years) noise exposure limit for some of the receptor locations. However, construction activities would not extend over a 24-hour period for 40 years. Instead, as discussed in Section 2.8, Construction, and Appendix B, Construction Assumptions, of the Draft EIR, construction activities are anticipated to occur over an approximately 8-hour workday for 25 months. Refer to Table 2-4, Proposed Project Construction Details, for discussion of the duration of construction for each component of the proposed Project. In addition, construction noise when averaged over a 24-hour period would be approximately 4.8 dBA lower than the levels shown in Table 3.13-17 of the Draft EIR. Therefore, people in the vicinity of the proposed Project would not be exposed to the construction noise levels for the long-term period provided in the EPA guidelines.

Therefore, based on the above, people in the vicinity of the proposed Project site would not be exposed to construction noise levels, which would exceed the OSHA, Cal/OSHA and EPA guidelines.

As provided in Table 3.13-26 of the Draft EIR, the cumulative operational noise impacts associated with noise from stations, towers, queuing, and cabins would result in less than significant impacts. Provided in Table 1 below are daytime composite noise levels developed based on Table 3.13-23, LAMC Operational Noise Impact Analysis, and Table 3.13-25, Proposed Gondola Cabin Noise, from Section 3.13, Noise, of the Draft EIR. The subset of Noise Sensitive Receptors provided below were conservatively selected as those most likely to be impacted by the cabins either because of the distance from the Noise Sensitive Receptors to the cabin or the existing nighttime noise levels. Impacts at all other Noise Sensitive Receptors would be less than those provided in Table 1 below. As provided in Table 1, the composite noise levels associated with operations of the proposed Project would range from 44.6 dBA at NSR-7 to 59.4 dBA at NSR-3. Importantly, these noise levels are all below the existing ambient noise levels which range from 56.1 dBA to 69.8 dBA. These noise levels are below the OSHA and Cal/OSHA regulation limiting noise exposure to an average of 90 dBA (L_{eq}) over an 8-hour period. The noise levels are also below the EPA 24-hour average noise exposure level of 70 dBA.

tionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023. The noise reduction for a building in a warm climate was selected as a conservative analysis, as the noise reduction for a building in a cold climate is higher, i.e., 12 dB for warm climate and 17 dB for cold climate.

Table 1 – Daytime Estimated Gondola Noise Levels at the Interior of Off-Site Noise Sensitive Receptors

Noise Sensitive Receptor[a]	Daytime Ambient Noise Levels,[b] dBA L_{eq} A	Daytime Gondola System Operation Noise Levels,[c] dBA L_{eq} B	Gondola Cabin Noise Levels,[d] dBA L_{eq} C	Composite Daytime Noise Levels, [e] dBA L_{eq} D=B+C
NSR-3	69.0	41.2	59.3	59.4
NSR-5	65.6	33.9	50.2	50.3
NSR-6	69.0	36.6	45.2	45.8
NSR-7	69.8	33.1	44.3	44.6
NSR-8	64.7	43.4	57.8	58.0
NSR-9	61.1	29.0	49.1	49.1
NSR-13S	67.7	30.7	45.9	46.0
NSR-14S	58.7	33.1	54.5	54.5
NSR-17N	56.1	41.2	55.1	55.3

Notes:

[a] *The NSRs included in this evaluation were conservatively selected as those most likely to be impacted by the cabins either because of the distance from the NSR to the cabin or the existing nighttime noise levels. Impacts at all other NSRs would be less than those analyzed here.*

[b] *Source: Draft EIR Table 3.13-11*

[c] *Source: Draft EIR Table 3.13-23, daytime operation.*

[d] *Source: Draft EIR Table 3.13-25*

[e] *Estimated noise levels due to proposed Project operation only and do not include existing ambient noise levels.*

As provided in Table 3.12-22 of the Draft EIR, the estimated noise levels from the proposed Project in terms of CNEL ranged from 41.6 CNEL at receptor NSR-18 to 63.1 CNEL at receptor NSR-3. It should be noted that the day-night average sound level (Ldn) is a 24-hour average sound level, similar to the CNEL 24-hour average sound level.[39] Although, the proposed Project noise levels would be higher than the EPA recommended 55 dBA (Ldn) to prevent interference with activities and annoyance for outdoors, the proposed Project noise levels are well below the existing ambient noise levels, i.e., 59.6 CNEL at receptor NSR-18 and 72.7 CNEL at receptor NSR-3. Because the noise levels are below existing ambient, noise from proposed Project operations would not result in measurable noise increases for indoors or outdoors. As such, the proposed Project would not result in a significant impact when compared to the EPA recommended exterior and interior noise limits to prevent interference with activities and annoyance.

Refer to Response G017-130 for discussion of how a single event noise analysis was conducted for the proposed Project.

[39] Day-night average sound level (Ldn) is a 24-hour average noise levels with a +10 dBA adjustment for nighttime (between 10pm and 7am) noise levels. It is similar to the CNEL 24-hour average sound level, but without the +5 dB adjustment for the evening hours (between 7pm and 10pm). Generally, Ldn levels are within 1 dBA of CNEL levels.

Comment GO17-130 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 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.)

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].)

Response GO17-130 This comment provides a general recitation and characterization of CEQA case law. The comment raises concerns that the proposed Project would result in sleep disturbance. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. However, as discussed on page 2-51 in Section 2.0, Project Description, of the Draft EIR, construction activities would be limited to daytime hours, pursuant to the Los Angeles Municipal Code. Therefore, the proposed Project would not result in nighttime construction impacts and therefore construction of the proposed Project would not result in nighttime sleep disturbance. Regarding operations of the proposed Project, as shown in Table 3.13-26 on page 3.13-58 in Section 3.13, Noise and Vibration, of the Draft EIR, operational noise impacts of the proposed Project

would be less than significant and, as detailed in Tables 3.13-23 and 3.13-25, the operational noise analysis included an analysis that evaluated nighttime noise levels.

The proposed Project would operate with less than significant impacts from operational noise and would typically not be in operation from 12:00 am to 6:00 a.m. Nevertheless, a sleep disturbance analysis including a single event noise analysis (SEL) related to operations of the proposed Project was performed for the Final EIR in response to the comment and is described in further detail below.

The comment also includes a reference to a 1974 EPA document, which indicated that limiting the nighttime noise level to approximately 32 dB, should in most cases, protect against sleep interference. However, the EPA updated its noise levels for sleep disturbance in a 1981 EPA document, which specifies levels for two components of sleep, falling asleep and awakening. [40]As provided in that more recent document, noise levels of 40 to 50 dBA could result in difficulty in falling asleep for some people, and noise levels of 70 dBA or higher would likely result in awakening. [41] The analysis of potential sleep disturbance provided below is based on the more recent 1981 EPA document.

Per EPA, typical building constructions / systems (in warm climates) provide a noise reduction of 12 dBA with windows open and up to 24 dBA for building constructions / systems with windows closed.[42] Therefore, potential sleep disturbance associated with falling asleep could occur if the exterior noise levels exceed 52 dBA (with windows open) and 64 dBA (with windows closed), based on the conservative EPA lower range of 40 dBA.

As provided in Table 3.13-26, included in Section 3.13, Noise, of the Draft EIR, the cumulative operational noise impacts associated with noise from stations, towers, queuing, and cabins would result in less than significant impacts. Provided in Table 2 below are nighttime composite noise levels developed based on Table 3.13-23, LAMC Operational Noise Impact Analysis, and Table 3.13-25, Proposed Gondola Cabin Noise, included in Section 3.13. The subset of Noise Sensitive Receptors provided

[40] United States Environmental Protection Agency (USEPA/EPA). 1981. Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/9100OOAJ.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000018%5C9100OOAJ.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023.

[41] *Id*., p. 6-2.

[42] United States Environmental Protection Agency (USEPA/EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Available at: https://nepis.epa.gov/Exe/ZyNET.exe/2000L3LN.TXT?ZyActionD=ZyDocument&Client=EPA&Index=Prior+to+1976&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C70thru75%5CTxt%5C00000001%5C2000L3LN.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL. Accessed August 2023.The noise reduction for building in warm climate was selected as a conservative analysis, as the noise reduction for building for cold climate is higher, i.e., 12 dB for warm climate and 17 dB for cold climate.

below were conservatively selected as those most likely to be impacted by the cabins either because of the distance from the Noise Sensitive Receptors to the cabin or the existing nighttime noise levels. Impacts at all other Noise Sensitive Receptors would be less than those provided in Table 2 below.

As provided in Table 2 below, the composite estimated noise levels at the interior of the off-site noise sensitive receptors would be below both the EPA lower range of 40 dBA noise level for falling asleep, as well as the 70 dBA noise level for awakening, with the windows closed. With the windows open, the estimated interior noise levels would be below the EPA lower range 40 dBA at all Noise Sensitive Receptors except NSR-3 (Mozaic Apartments) and NSR-8 (Future Residential Development), which would fall within the noise levels of 40 to 50 dBA, which the EPA has identified could result in difficulty in falling asleep for some people. However, as indicated in Table 2, the estimated noise levels at NSR-3 (Mozaic Apartments) and NSR-8 (Future Residential Development) would be well below the existing nighttime ambient noise levels. Therefore, the noise levels from the proposed Project would not result in any measurable noise increase at NSR-3 (Mozaic Apartments) and NSR-8 (Future Residential Development) and therefore it is not anticipated that the noise levels from the proposed Project would result in any sleep disturbance associated with falling asleep. Therefore, based on the EPA guidance, the proposed Project would have a less than significant impact on sleep disturbance.

Table 2 – Nighttime Estimated Gondola Noise Levels at the Interior of Off-Site Noise Sensitive Receptors

Noise Sensitive Receptor[a]	Nighttime Ambient Noise Levels[b] dBA L_{eq} A	Nighttime Gondola System Operation Noise Levels[c] dBA L_{eq} B	Gondola Cabin Noise Levels[d] dBA L_{eq} C	Composite Nighttime Noise Levels dBA L_{eq} D=B+C	Building Noise Reduction with Windows Open/Windows Closed dBA L_{eq} E	Estimated Noise Levels Inside the Building during Nighttime Hours with Windows Open/ Windows Closed[e] dBA L_{eq} D-E
NSR-3	65.5	55.3	41.2	55.5	12.0/24.0	43.5/31.5
NSR-5	64.9	46.4	33.9	46.6	12.0/24.0	34.6/22.6
NSR-6	64.1	41.4	36.6	42.6	12.0/24.0	30.6/18.6
NSR-7	65.1	40.5	33.1	41.2	12.0/24.0	29.2/17.2
NSR-8	64.4	53.8	43.4	54.2	12.0/24.0	42.2/30.2
NSR-9	56.5	45.0	29.0	45.1	12.0/24.0	33.1/21.1
NSR-13S	63.6	41.7	30.7	42.0	12.0/24.0	30.0/18.0
NSR-14S	55.2	50.5	33.1	50.6	12.0/24.0	38.6/26.6
NSR-17N	51.2	50.8	41.2	51.3	12.0/24.0	39.3/27.3

Notes:

[a] *The NSRs included in this evaluation were conservatively selected as those most likely to be impacted by the cabins either because of the distance from the NSR to the cabin or the existing nighttime noise levels. Impacts at all other NSRs would be less than those analyzed here.*

[b] *Source: Draft EIR Table 3.13-11*

[c] *Source: Draft EIR Table 3.13-23, nighttime operation.*

[d] *Source: Draft EIR Table 3.13-25*

[e] *Estimated noise levels due to project operation only and do not include existing ambient noise levels.*

In addition, and as discussed in Response GO17-129, a noise analysis was conducted to evaluate potential sleep disturbance using the Sound Exposure Level (SEL) acoustic metric, which evaluates single event noise levels. SEL represents the total acoustic energy of an individual noise event as if that event has occurred within a one-second time period. SEL captures both the level (magnitude) and the duration of a sound event in a single numerical quantity, by summing all the noise energy from an event into one second. For the proposed Project the SEL analysis is designed to address potential sleep disturbance due to individual cabins passing by. An SEL analysis with respect to potential sleep disturbance is mainly used for aviation related noise sources and there are currently no noise standards, or limits, to address gondola noise impacts on sleep (sleep disturbance) using SEL. Accordingly, the SEL noise threshold from the LAX South Airfield Improvement Project EIR (LAX EIR)[43] was used to evaluate potential sleep disturbance for the proposed Project. The LAX EIR provided that a noise impact would occur when an aircraft single event would produce levels at or above 81 dBA SEL inside a residence.[44] Table 3 below provides the estimated SEL at the interior of the off-site noise sensitive receptors due to a cabin passing, with windows open and closed. As indicated in Table 3, the maximum estimated SEL inside a noise sensitive use due to the cabin passing by would be 57.1 dBA (SEL) with window open and 45.1 dBA (SEL) with window closed at NSR-3 (Mozaic Apartments), which would be well below the 81 dBA (SEL) interior noise limits. Therefore, based on the SEL metric, noise from the proposed Project would have a less than significant impact on sleep disturbance.

Table 3 – Estimated Project SEL Noise Levels at the Interior of Off-Site Noise Sensitive Receptors

Noise Sensitive Receptor	Estimated Noise Levels Inside the Building with Windows Open/ Windows Closed, dBA (L_{eq})	Estimated SEL inside the building Due to Gondola Operation with Windows Open/ Windows Closed,[a] dBA (SEL)	Interior Noise Threshold for Sleep Disturbance, dBA (SEL)
NSR-3	43.5/31.5	57.1/45.1	81.0
NSR-5	34.6/22.6	48.3/36.3	81.0

[43] City of Los Angeles. 2005. South Airfield Improvement Project Project-Level Tiered Draft Environmental Impact Report (DEIR). Available at: https://www.lawa.org/en/lawa-our-lax/environmental-documents/documents-certified/south-airfield-improvement-project. Accessed August 2023.

[44] *Id*. at IV-154. LAX Project EIR, although the Berkeley Jets ruling directed that the significance of single event noise effects be addressed in an EIR for aviation related noise, the Court of Appeal noted that the CEQA Guidelines adopt site-sensitive thresholds of significance for noise, recognizing that "[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting." (*Berkeley Keep Jets over the Bay Committee v. Bd. of Port Commissioners* (2001) 111 Cal.Rptr.2d 598, 625-626 [citation omitted]).

NSR-6	30.6/18.6	44.3/32.3	81.0
NSR-7	29.2/17.2	42.8/40.8	81.0
NSR-8	42.2/30.2	55.8/43.8	81.0
NSR-9	33.1/21.1	46.7/34.7	81.0
NSR-13S	30.0/18.0	43.6/31.6	81.0
NSR-14S	38.6/6.6	52.2/40.2	81.0
NSR-17N	39.3/27.3	52.9/40.9	81.0

Notes:

[a] *SEL was calculated based on a 23-second cabin headway.[12] SEL = L_{eq} + 10*log(duration in seconds), for example, SEL at NSR 3 = 43.5 + 10*log(23) = 57.1.*

Comment GO17-131 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.

Response GO17-131 This comment provides a general recitation and characterization of the Los Angeles Municipal Code. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, on-site construction related noise impacts would be significant and unavoidable even with implementation of mitigation, and off-site construction traffic noise impacts would be less than significant during all phase of construction of the proposed Project, operational noise impacts would be less than significant. Section 3.13 includes an analysis of the construction noise impacts using the LAMC Noise Regulations under LAMC Section 112.05 which establishes that a maximum allowable noise level for construction equipment within 500 feet of any residential zone is 75 dBA when measured at 50 feet from the noise source. As discussed on pages. 3.13-49 to 3.13-50 and 3.13.73 of the Draft EIR, under the LAMC analysis, with implementation of Mitigation Measure NOI-A, construction equipment would generate noise greater than 75 dBA at a distance of 50 feet resulting in significant and unavoidable impact for all construction phases. The noise levels generated at specific sensitive receptors by construction phase with mitigation measures are provided in Table 3.13-17. Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the duration of construction for each component of the proposed Project. Mitigation Measure NOI-A would be implemented during construction of the proposed Project, requiring a Construction Noise Management

Plan to minimize construction-related noise impacts to off-site noise-sensitive receptors, which would include noise barriers discussed in detail at Response G017-125. Section 3.13, Noise, of the Draft EIR, also includes an analysis of the operational noise impacts using the LAMC Noise Regulations as discussed on page 3.13-53, and Table 3.13-23 on page 3.13-55. As demonstrated on Table 3.13-23, under the LAMC analysis using the worst-case scenario, the proposed Project operations would not result in noise levels above the applicable LAMC thresholds, and impacts would be less than significant. Consistent with CEQA Guidelines section 15162.4, the Draft EIR considered and imposed all feasible mitigation, and CEQA does not require the discussion of ineffective or infeasible mitigation measures.

Comment GO17-132 6. The DEIR Fails to Implement All Feasible 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.

Response GO17-132 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise impacts from the proposed Project. As discussed on page 2-51 in Section 2.0, Project Description, of the Draft EIR, construction activities would be consistent with the City's allowable construction hours of Monday through Friday between 7:00 a.m. to 9:00 p.m. and Saturdays and National Holidays between 8:00 a.m. to 6:00 p.m. As noted on page 3.13-71 in Section 3.13, Mitigation Measure NOI-A requires, in part, the following:

- **Equipment Maintenance**: Construction equipment shall be properly maintained per manufacturer's specifications to prevent noise due to worn or improperly maintained parts and shall be fitted with the best available noise suppression devices (i.e., mufflers, lagging, and/or motor enclosures). All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded.

- **Electrical Sources**: When possible, on-site electrical sources shall be used to power equipment rather than diesel generators.
- **Sensitive Uses**: Fixed and/or stationary equipment (e.g., generators, compressors, concrete mixers) shall be located away from noise-sensitive receptors.

Therefore, the mitigation suggested in the comment was evaluated and incorporated into the proposed Project to the maximum extent feasible. With implementation of Mitigation Measure NOI-A, construction noise has been minimized to the maximum extent feasible. No additional feasible mitigation measures are required, and this comment does not raise any feasible mitigation measures that are considerably different from those already analyzed in the Draft EIR.

Comment GO17-133 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.
>
> (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.

Response GO17-133 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. CEQA does not require speculation as to possible future environmental consequences, such as the potential that the

proposed Project would not continue operations, and the Draft EIR need not analyze uncertain, hypothetical future events.

Comment GO17-134 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.)

Response GO17-134 Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the City of Los Angeles' General Plan. This comment does not specify what City of Los Angeles General Plan policies the commenter believes the proposed Project is in conflict with, and no further response is warranted. This comment otherwise provides a general recitation and characterization of CEQA case law.

Comment GO17-135 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 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.

Footnote 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 respect to the Project. The City does.

Response GO17-135 Refer to Response GO17-42 for a discussion of the proposed Project's land use consistency analysis and consultation with responsible agencies, including the City of Los Angeles.

Comment GO17-136 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).)

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.

Response GO17-136 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Response GO17-42 for a discussion of the proposed Project's land use consistency analysis and consultation with responsible agencies, including the City of Los Angeles. As the lead agency, Metro is required to assume that the proposed Project would be approved, constructed, and operational in drafting the EIR. Refer to Section 2.0, Project Description, for a list of the land use approvals that may be required for implementation of the proposed Project. These approvals are included in the proposed Project Description, and therefore Metro properly analyzed the proposed Project's environmental impacts as if the proposed Project would be approved by all applicable agencies, inclusive of these approvals.

Comment GO17-137 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).)

HCD is not listed among agencies where approval is required, but it should be. It should have been consulted as a Responsible Agency.

Response GO17-137 This comment provides a provides a general recitation and characterization of the California statutes, case law, and regulations. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion of the Surplus Land Act. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of the proposed Project's consultation with CEQA responsible agencies. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Metro has complied, and will continue to comply, with the CEQA requirements for consultation with responsible agencies at each stage of the environmental review process. HCD is not a responsible agency for the proposed Project as it does not have responsibility for carrying out or approving the proposed Project and does not have discretionary authority related to the proposed Project. (Public Resources Code § 21069.)

Comment GO17-138 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."

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…"

Response GO17-138 This comment incorporates by reference Comment Letter GO4. Refer to Letter GO4 for responses to that letter. Refer to Section 2.3.2, Los Angeles Union Station, of Section 2.0, Project Description, of the Draft EIR, for discussion of the LAUS Master

Plan, including its programmatic goals for LAUS and the proposed development of the LAUS Forecourt and Esplanade Improvements Project. Refer to Section 3.11.3, Environmental Impacts, and Tables 3.11-1 through 3.11-6 of the Draft EIR, for discussion of the proposed Project's consistency with applicable land use plans, policies, and regulations. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant.

Comment GO17-139 4. The Discussion of the Conditional Use Permit Modification for Dodger Stadium is Uninformative.

The CUP for Dodger Stadium will have to modified. 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.

Response GO17-139 Refer to Section 2.10, Required Permits and Approvals, and Section 3.11, Land Use and Planning, of the Draft EIR, noting that, pursuant to LAMC Section 12.24.M, the Project Sponsor may seek a Plan Approval for the existing 1960 Dodger Stadium Conditional Use Permit ("CUP") to allow Stadium Tower and Dodger Stadium Station to implement the proposed Project. CUP Condition 4 provides for collaboration "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." Refer to pages 3.11-17 through 3.11-18, of Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the CUP's requirements, including 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 site', so a total of 15,556 parking spaces must be provided and maintained on site. There are currently a total of 18,889 parking spaces provided and maintained on site." An analysis of the proposed Project's consistency with the CUP and the CUP's requirements (including how a total of 18,889 parking spaces are currently provided on the site, and a total of 15,556 are required to be provided under the CUP) is provided on page 3.11-43. The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. In addition, the CUP, which is referenced in Section 3.11, Land Use and Planning, of the Draft EIR, was provided on the proposed Project's SB 44 website under the 3.11 Land Use Category concurrently with the release of the Draft EIR on October 17, 2022.[45]

Comment GO17-140 5. The Park Preservation Act Requires Replacement Land.

[45] City of Los Angeles Department of City Planning Office of Zoning Administrator. 1960. Z.A. Case No. 15430. Dodger Baseball Stadium Site – Chavez Ravine Area (Dodger Stadium Conditional Use Permit).

The Park Preservation Act- which is not mentioned in the EIR-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.

Response GO17-140 Refer to Topical Response F, Los Angeles State Historic Park for a discussion of the Public Park Preservation Act.

Comment GO17-141 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]

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 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.)

Footnote 14: 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.

Response GO17-141 This comment provides a general recitation and characterization of the statutes and regulations. At Metro's November 16, 2022 Ad Hoc Olympics Planning Committee meeting, the Committee approved the 2028 Games Mobility Concept Plan – 2022 Prioritized Mobility Concept Plan Project List (Attachment A). [46] The proposed Project was not included in the 2022 Prioritized Mobility Concept Plan Project List (Attachment A). As proposed, the proposed Project does not require Federal review, including under the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provides detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding.

Nevertheless, the Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project. As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant. And, as discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Further, the proposed Project would comply with Government Code section 11135, as applicable.

Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities. The proposed Project supports Metro's goal of prioritizing equity opportunities, and helps promote public

[46] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2022. 2028 Games Mobility Concept Plan (Attachment A). Available at: https://datamade-metro-pdf-merger.s3.amazonaws.com/ad-hoc-2028-olympics-committee-6b993d455bc3.pdf. Accessed August 2023.

transit as an essential lever in enabling access and improving quality of life for Los Angeles County. Further, the Draft EIR analyzed the proposed Project's consistency with General Plan policies related to environmental justice, and the proposed Project is consistent with General Plan policies related to environmental justice, including by reinforcing or encouraging the establishment of strong pedestrian orientation in the surrounding communities and facilitating multi-modal access to and from the stations with pedestrian network improvements, and by ensuring quality pedestrian access by facilitating multi-modal access to and from the stations with pedestrian network improvements. The proposed Project is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, providing connections to Metro's growing regional public transit system. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. In addition, public outreach for the proposed Project was designed with environmental justice principles in mind and the proposed Project provided translated materials in four different languages, and interpretation services in five different languages, to reflect the surrounding community, and provided opportunities for in-person and virtual meetings with toll-free dial in options and ADA accessibility features. The proposed Project would not preclude development of uses including housing, grocery stores, and/or healthcare facilities in the surrounding communities, and would itself address a need for a permanent transit connection to one of the region's most visited venues and would benefit the surrounding community by alleviating existing congestion on surrounding neighborhood streets, arterial roadways, and freeways, thereby reducing associated air pollution and improving safety. No displacement of existing residences or housing would occur in connection with the construction and operation of the proposed Project, which would operate primarily over the public ROW and publicly owned property to minimize aerial rights requirements over private properties, taking into account existing and future adjacent land uses.

Comment GO17-142 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.

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.

Response GO17-142 As proposed, the proposed Project does not require Federal review, including under the National Environmental Policy Act (NEPA) or Section 106 of the National Historic Preservation Act (NHPA). The Draft EIR addresses potential airport hazards in Section 3.09, Hazards and Hazardous Materials, Section 5.5.5, Heliports, in Section 5.0, Other CEQA Considerations, and Appendix O, Airspace Analysis Technical Memo. The Draft EIR concludes that the proposed Project alignment is not within two miles of a "public use airport" as that term is defined under CEQA. Regardless of any distinction between heliports and airports, the Draft EIR immediately follows this conclusion with a clear disclosure that the city-owned Jay Stephen Hooper Heliport is within 0.38 miles of the proposed Project. According to the LAPD and AirNav.com, the Hooper Heliport is a city-owned, *private use* facility. As a private use facility, it does not meet the "*public* use airport" description in the CEQA threshold of significance for this issue included in Section 3.09, Hazards and Hazardous Materials, under Impact HAZ-5. Refer to Draft EIR Appendix O, Airspace Analysis Technical Memo. The analysis in Appendix O, Airspace Analysis Technical Memo, of the Draft EIR, is based on FAA analysis standards, concludes with substantial evidence that construction and operation of the proposed Project is clear of the airspace associated with the existing heliports in the proposed Project's vicinity. As such, no adverse effects related to aeronautical hazards are predicted based on these findings, and no notification is required for the proposed Project construction unless the FAA makes a specific request to the Project Sponsor. In addition, refer to Appendix I, Airspace Analysis Comment Response for the Los Angeles Aerial Rapid Transit Project, of the Final EIR, for discussion of how helicopter flight paths would not be impeded as a result of the proposed Project. Refer to Response GO17-143 for further discussion of the National Historic Preservation Act.

Comment GO17-143 Under the National Historic Preservation Act, a project may not be approved if feasible alternatives will avoid historic resource impacts.

Response GO17-143 As proposed, the proposed Project does not require Federal review, including under Section 106 of the National Historic Preservation Act (NHPA). NHPA Section 106 requires a federal agency to take into account the effect of its undertaking on historic properties prior to the federal agency action at issue, s*ee* 54 U.S.C. § 306108, which is implemented through the Section 106 consultation process as provided in 36 C.F.R. Part 800. The NHPA does not require absolute avoidance of impacts to historic properties based on consideration of feasible alternatives. Nevertheless, the Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant.

Comment GO17-144 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 consider alternatives to avoid adverse effects on historic properties. Consultation with all consulting parties is necessary to develop avoidance alternatives.

Response GO17-144 Refer to Response GO17-143 for discussion of the NHPA.

Comment GO17-145 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).)

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).

Response GO17-145 This comment provides a general recitation and characterization of federal statutes, case law, and regulations. Refer to Response GO17-141 for a discussion of how as proposed, the proposed Project does not require Federal review, including under the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act.

Comment GO17-146 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.

Response GO17-146 Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of responsible agencies identified for the proposed Project. The Public Utilities Commission ("CPUC") is not a responsible agency for the proposed Project as it does not have responsibility for carrying out or

approving the proposed Project and does not have discretionary authority related to the proposed Project.

Comment GO17-147 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 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.

Response GO17-147 Refer to Section 3.07, Geology and Soils, with supporting data provided in Appendix I, Geotechnical Document in Support of the Environmental Impact Report, for a discussion of how the proposed Project's potential impacts in relation to existing geology, soils, and seismic conditions in the proposed Project study area would be less than significant with mitigation. The proposed Project would be constructed in accordance with applicable standards, requirements, and building codes, which would ensure structural integrity and safe construction. Mitigation Measure GEO-A would require the development of a site-specific geotechnical investigation and report. The geotechnical investigation and report would include geotechnical recommendations for project design and construction based on grading conditions and foundation capacities, including an evaluation of risk of settlement in the fill, subsidence, and liquefaction. Additionally, the geotechnical report would include recommended measures such as site stabilization to reduce potential impacts related to expansive soils and soil corrosivity, subsidence, liquefaction, differential settlement, slope instability, or other potential ground failures induced by the proposed Project. With compliance to existing standards and codes and implementation of Mitigation Measure GEO-A, impacts related to unstable soils, landslides, lateral spreading, subsidence, liquefaction, or collapse during construction of the proposed Project would be reduced to less than significant. Refer to Appendix F, Memo on Structural Engineering, for a discussion of how advanced computer analysis modeling has been used in developing the structural concepts and will be further employed along with advanced site-specific ground motions earthquake simulations to verify that the safety standards are met.

Comment GO17-148 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.

Response GO17-148 This comment provides a general recitation and characterization of the Draft EIR. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Further, as discussed in Topical Response H, a system of buses from numerous remote locations throughout the Los Angeles region to and from Dodger Stadium events would require a substantial increase in the number of buses which, similar to expanding the fleet for an expanded Dodger Stadium Express service, would result in a fleet of buses that would either be underutilized most of the time or regular Metro bus service that utilizes these vehicles would be disrupted every time a Dodger game or event at the stadium is held. Such a service would also incur substantial costs in paid time and mileage for driving empty buses out to the remote locations before a game and back from the remote locations after a game and paid idle time during the game. Buses from a variety of remote locations would also need to travel in rush hour congestion to get to Dodger Stadium. With limited regional facilities that provide bus only lanes that these services could utilize, they would not materially improve transit travel time compared with driving. For example, the current Dodger Stadium Express service from South Bay serves a broad area of southern Los Angeles County at stations spread across eight miles, is free, and travels on a priority lane within the I-110 freeway median for most of its trip, but the South Bay Dodger Stadium Express carried an average of only 415 passengers per game in 2019, which is substantially lower than the ridership of 1,895 riders per game on the LAUS Dodger Stadium Express.

Comment GO17-149 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:

> 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).)

Response GO17-149 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations, but does not raise a substantive issue on the content of the Draft EIR. This comment suggests that CEQA requires the denial of a project if there are alternatives available. CEQA is not so rigid. Under CEQA, an agency must consider a "reasonable range" of potentially feasible alternatives to a project, or to the project's location, "which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." (CEQA Guidelines § 15126.6(a); see also *id*., § 13053.5(a).) The CEQA Guidelines also provide several factors a lead agency may consider regarding the feasibility of an alternative, including "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." (CEQA Guidelines § 15126.6(d).) Further, CEQA allows a lead agency to exercise its discretion to decline to analyze an alternative if the alternative is "infeasible" or if it would fail to "meet most of the basic project objectives." (See, e.g., CEQA Guidelines § 15126.6(c).) Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. In addition, the Draft EIR identifies feasible mitigation measures to substantially lessen identified significant environmental impacts from the proposed Project, in compliance with CEQA's requirements. As discussed in Section 4.0, Alternatives, of the Draft EIR, on page 4-15, pursuant to CEQA Guidelines section 15126.6(f)(2), the Draft EIR considered three Direct Alignment Alternatives which included alternative locations for the proposed Project, but dismissed these alternatives from further detailed consideration because they would not avoid or substantially lessen significant effects of the proposed Project, would not otherwise meet the project objectives, and because the Project Sponsor would likely be unable to reasonable acquire, control, or otherwise have access to alternative sites required for the Direct Alignment Alternatives.

Comment GO17-150 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 prevent significant avoidable damage to the environment when alternatives or mitigation measures are feasible. (Guidelines § 15002(a)(3).)

Response GO17-150 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. Refer to Response GO17-149 for discussion of the alternatives considered in the Draft EIR and compliance with CEQA.

Comment GO17-151 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.)

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).)

Response GO17-151 Refer to Response GO17-155 for a detailed response to the 1990 *Dodger Stadium Transit Access Study* prepared by Gruen Associates for the Los Angeles County Transportation Commission.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. The proposed Project's objectives are not so narrow that they preclude consideration of reasonable alternatives – while alternatives for a project must be able to satisfy "most of the basic objectives of a project," alternatives should not be excluded simply because they would impede attainment of project objectives "to some degree." (CEQA Guidelines, §15126.6(a)–(b).) The proposed Project's objectives broadly contemplate improving neighborhood connectivity and the Dodger Stadium visitor experience, reducing vehicle congestion and associated emissions in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days, improving access to Elysian Park and the Los Angeles State Historic Park, and providing a sustainable form of transit. Aerial rapid transit technology has the ability to overcome grade and elevation issues between LAUS and Dodger Stadium in order to provide a direct transit connection between the two locations, and provide safe, zero emission, environmentally friendly, and high-capacity transit connectivity in the Project area that would reduce GHG emissions as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways. Thus, because the proposed Project's fundamental purpose is to provide a permanent transit connection to Dodger Stadium, and because aerial rapid transit technology can achieve this fundamental purpose, the objectives for the proposed Project are in compliance with CEQA, which does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how, as required by CEQA, the alternatives analysis included evaluation of the No Project Alternative in order to determine the consequences of not implementing the proposed Project. (See CEQA Guidelines § 15126.6(e).) CEQA also requires that an EIR identify one "environmentally superior alternative" from the range of reasonable alternatives that are evaluated; the "environmentally superior alternative" cannot be the "No Project"

alternative or the underlying project. The Draft EIR considered a "No Project Alternative," the Spring Street Alignment Alternative, and the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express. Evaluation of each of the alternatives included a description of the alternative, the environmental impacts of the alternative before and after implementation of reasonable mitigation measures for each environmental topic area, and the environmental impacts of each alternative as compared to the proposed Project, followed by a general discussion of the extent to which the underlying purpose and project objectives are obtained by the alternative. Further, in compliance with CEQA Guidelines section 15126.6(c), Section 4.2.1, Alternatives Considered but Dismissed from Detailed Analysis, of the Draft EIR, identifies alternatives that the Lead Agency considered but dismissed as infeasible during the scoping process, providing the reasons underlying this determination. Section 4.2.1 considered five potential alternatives, including alignment and station location alternatives and direct alignment alternatives. In accordance with CEQA Guidelines section 15126.6(f)(2), the Draft EIR declined to carry forward an analysis of the alternative locations studied in the direct alignment alternatives, as such alternatives failed to avoid significant environmental impacts and otherwise would not meet the basic project objectives, and the Project Sponsor would likely be unable to reasonably acquire, control, or otherwise have access to alternative sites required for the direct alignment alternatives. The Draft EIR adequately identifies and analyzes a reasonable range of alternatives in full compliance with CEQA's requirements. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. In response to public comments, this alternative was considered but dismissed from further detailed analysis in the Final EIR because it did not meet most of the basic objectives of the proposed Project.

Comment GO17-152 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.

Response GO17-152 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, of this Final EIR and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express. Refer to Response GO17-148 for additional discussion of expansion of the Dodger Stadium Express to remote locations.

Comment GO17-153 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.

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.

Sincerely,

Douglas P. Carstens

Response GO17-153 This comment provides a general conclusion regarding the comments raised in this letter. Responses to comments contained in this letter are provided above in Responses GO17-2 through GO17-152. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project as the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of why Metro is the proper lead agency for the proposed Project and the City's participation in the environmental review process as a CEQA responsible agency. This comment and the comments raised in this letter do not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. Further, Metro will comply with the requirements of CEQA, including Public Resources Code Section 21168.6.9, which includes requirements for the content of the proposed Project's record of proceedings.

Comment GO17-154 Enclosure 5

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

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 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.

Response GO17-154 This comment provides a general introduction to the comments raised in Enclosure 5 to Letter GO17. Responses to the comments contained in Enclosure 5 to Letter GO17 are provided below in Responses GO17-155 through GO17-185.

Comment GO17-155 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 cation 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.

Six different characters 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 hours, 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.

Response GO17-155 As described in Section 2.0, Project Description, of the Draft EIR, the two primary types of aerial transit used in urban environments are tramways and detachable gondolas. As shown in Table 1 of the 1990 *Dodger Stadium Transit Access Study* (1990 Study) referenced in the comment[47], the gondola technology evaluated in that study was a reversible tramway system consisting of two 125-passenger cars, similar to the Portland Aerial Tram in Portland, Oregon and the Roosevelt Island Tramway in New York, New York. An aerial tram system typically has two cabins that shuttle back and forth between two end terminals. The proposed Project is a detachable gondola system. An aerial gondola system includes multiple cabins that travel on a continuously circulating cable, which allows for an overall higher system capacity and ability to move more people per hour in each direction than an aerial tram. Furthermore, the proposed Project would be a modern 3S system with the capacity to move approximately 5,000 people per hour per direction with a travel time from LAUS to Dodger Stadium of seven minutes, far greater than the 2,800 persons per hour capacity estimated in the 1990 Study for the two-car reversible tramway system. As such, the two systems are not comparable, and findings in the 1990 Study comparing the tramway system to other modes as analyzed in that 33-year-old study are not relevant to the current proposed Project.

[47] Gruen Associates. 1990. Dodger Stadium Transit Access Study. Available at: https://libraryarchives.metro.net/dpgtl/lactc/dodger_stadium_access_study.pdf. Accessed August 2023.

Regarding the comment that a gondola system is not an effective way to move people between places that are 1.2 miles apart, similar modern 3S systems are in use for urban transit systems in a number of cities around the world including Koblenz, Germany, Phu Quoc, Vietnam, and Toulouse, France, across distances ranging from 0.55 to 1.67 miles (see Table 2-1 on page 2-4 in Section 2.0, Project Description of the Draft EIR). Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world and their operations.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express. The Draft EIR concluded that, even with a substantially increased Dodger Stadium Express bus capacity, the Dodger Stadium Express's slower travel time to/from Dodger Stadium as compared to the proposed Project and the additional transfer time for riders to walk between LAUS and the Metro Division 13 maintenance facility would render the Alternative substantially less competitive with driving time than the proposed Project, thus reducing its ridership potential compared to the proposed Project.

Comment GO17-156 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."

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.

Response GO17-156 A report entitled *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment*[48] was prepared for the proposed Project in accordance with the LADOT *Transportation Assessment Guidelines* (TAG) and as stated in the Metro Board Executive Management Committee Informational Report. As set forth in the TAG, the Assessment includes non-CEQA transportation analysis related to access, circulation, construction, and cut through traffic.

[48] Fehr & Peers. 2022. Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment.

Since the Assessment addresses non-CEQA effects of the proposed Project, it is not required to be included in the Draft EIR. The Assessment was made available for public review in September 2022 on the proposed Project's SB 44 website, which is linked via Metro's LA ART website.

Comment GO17-157 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…"

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.

Response GO17-157 This comment provides a general recitation and characterization of the Draft EIR. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime emissions of the proposed Project over its useful life would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles traveled. The proposed Project would result in a net reduction in criteria pollutant emissions by reducing vehicle miles traveled.

Comment GO17-158 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.

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.

Response GO17-158 This comment provides a general recitation and characterization of the Draft EIR. Pages ES-14 through ES-17 of the Draft EIR includes a Summary of Agency and Special District Comments in response to the Notice of Preparation (NOP) for the Draft EIR. As discussed in Section 1.0, Introduction, of the Draft EIR, the City of Los Angeles is a responsible agency under CEQA for the Draft EIR and, as discussed in Section 8.0, List of Preparers of the Draft EIR, was consulted during the preparation of the Draft EIR, including LADOT. Regarding LADOT, a Transportation Assessment Memorandum of Understanding ("MOU") was prepared and approved by LADOT in accordance with LADOT's procedures and *Transportation Assessment Guidelines*. The MOU is included as Appendix A to the report entitled *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment,* made available for public review in September 2022 on the proposed Project's SB 44 website, which is linked via Metro's LA ART website. In addition, LADOT issued a memorandum regarding the Transportation Assessment for the Proposed Los Angeles Aerial Rapid Transit Project Located Between Union Station and Dodger Stadium on September 27, 2022, which is also linked via Metro's LA ART website.[49]

Comment GO17-159 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."

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

[49] Los Angeles Department of Transportation. 2022. Transportation Assessment for the Proposed Los Angeles Aerial Rapid Transit Project Located Between Union Station and Dodger Stadium.

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.

Response GO17-159 Mitigation Measure TRA-A was originally written to permit flexibility in the ultimate measures to be taken prior to further development of the proposed Project design. However, the necessary mitigation at each location was further identified and is discussed on pages 3.17-41 and 3.17-42 in Section 3.17, Transportation, of the Draft EIR. As stated on page 3.17-41, the specific mitigation at the Alameda Tower is prohibiting right turns on red from westbound Alhambra Avenue to northbound Alameda Street. As stated on page 3.17-42, the specific mitigation at the Chinatown/State Park Station is channelization of pedestrians to the crosswalk where visibility is sufficient. In response to comments suggesting that Mitigation Measure TRA-A did not clearly define the visibility enhancements for the proposed Project, Mitigation Measure TRA-A has been revised to identify the necessary mitigation for each location, consistent with the analysis in the Draft EIR. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for revisions to Mitigation Measure TRA-A, identifying visibility enhancements the proposed Project would design during construction and complete prior to proposed Project operations at Alameda Tower and Chinatown/State Park Station. In addition, for consistency with best practices, the proposed Project has committed to implementing TRA-PDF-A, added to the final EIR, in Section 5.0, Corrections and Additions, to further enhance pedestrian visibility at the Chinatown/State Park Station. As described in TRA-PDF-A, the proposed Project would stripe a high visibility crosswalk and add upgraded lighting for the driveway crossing south of the Los Angeles State Historic Park.

Comment GO17-160 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.

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.

Response GO17-160 Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for a discussion of how the use of plans in mitigation measures would not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. As the comment recognizes, it is true that the City of Los Angeles always requires a Construction Traffic Management Plan (CTMP); Mitigation Measure TRA-B requires exactly that. Such plans are routinely developed post-entitlement when projects are in design and such items as the potential to which construction may encroach into the public right-of-way, how long and what times of day that might occur, etc., become known. Accordingly, the CTMP would reflect the advanced project design and the current environmental conditions at the time of construction. Environmental impact reports for projects in the City of Los Angeles typically include development and implementation of a CTMP as either a mitigation measure or a project design feature, but the actual CTMP itself is not developed prior to nor included in the EIR. Mitigation Measure TRA-B in the Draft EIR is precisely in concert with the manner in which CTMPs are required for projects in the City of Los Angeles and provides a precise accounting of what actions may be included in the CTMP as well as performance standards that the CTMP is designed to achieve. It is not deferred mitigation.

Comment GO17-161 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 reginal transit system."

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.

Response GO17-161 This comment provides a general recitation and characterization of the Draft EIR. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for a detailed discussion of post-game/event transportation, including post-game/event ridership, wait times, and the proposed

Project versus other modes such as the Dodger Stadium Express, rideshare, and walking. Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR, and does not appear to have been prepared for that purpose. On January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:[50,51]

> **Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection**
>
> The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
> Jiaqi Ma
> Director, UCLA Mobility Lab
> Faculty Associate Director, UCLA Institute of Transportation Studies

Post-game queues at Dodger Stadium were estimated based on assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Based on current behaviors, game attendees gradually start leaving the game around 30 minutes before the end of the game. While most people would leave the stadium at the end of the game, given the crowd in the stadium and the distances from the various seating locations in the stadium, it would naturally take people seated the furthest away from the Dodger Stadium Station more time to walk to the station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, gondola passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. Regarding the queue waiting time, Dodger Stadium Express riders today wait in queues to board the service. As discussed in Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, the queues to board, loading times, and travel times for the Dodger Stadium Express are significantly longer and more variable as compared to the proposed Project. In order to quantify the existing service time needed to transport Dodger Stadium Express riders, Fehr & Peers observed four post-game time periods during the 2023 season. These observations indicate that riders are willing to wait for substantial periods of time after a game to board the Dodger Stadium Express, despite its slower travel time and long waits between buses, supporting the concept that riders would also be willing to wait after a game to board the proposed Project with its improved level of service. Further, as discussed in Topical Response B, the post-game/event queue for

[50] UCLA Mobility Lab. 2023. Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection. Available at: https://mobility-lab.seas.ucla.edu/. Accessed September 2023.

[51] UCLA Mobility Lab. 2023. Tweet on January 13, 2023. https://twitter.com/ucla_its/status/1613998706851971075?s=46&t=p_Kv02sYuM0ssXk0RDXWeA. Accessed September 2023.

the proposed Project would be constantly moving as cabins would depart every 23 seconds. Based on 2019 season data, there is an approximate 8 percent reduction in post-game riders of the Dodger Stadium Express on weekday evenings compared to pre-game. The proposed Project model assumed this same reduction for the post-game ridership estimates for the proposed Project. To be conservative, the full reduction of post-game ridership is assumed to shift to TNCs, which are estimated to generate more VMT than private vehicle trips due to the VMT generated by the driver traveling to the pick-up location at Dodger Stadium.

Comment GO17-162 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.

Response GO17-162 The Metro L Line (Gold) Chinatown Station and the proposed Project's Chinatown/State Park Station will both be located on the west side of Spring Street north of College Street. As indicated on page 2-28 and on Figure 2-16 on page 2-31, in Section 2.0, Project Description, of the Draft EIR, passengers would walk between the Metro L Line and the proposed Project's Chinatown/State Park Station via a sidewalk along the west side of Spring Street and would not need to cross Spring Street. Moreover, the Project proposes pedestrian access enhancements, which could include pedestrian improvements between Metro's L Line (Gold) Station and Chinatown/State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating. As stated on page 2-28, in Section 2.0, Project Description, of the Draft EIR, "Access to the boarding platform would be from the mezzanine via elevators and stairs. Comprised of three levels, elevators and stairs from the ground level would lead up to a mezzanine, 27 feet above-grade, and ramps for the queuing area would lead up to the boarding platform." Refer to Section 5.0 Corrections and Additions for a discussion of how, in order to provide additional environmental benefits and as a best practice to further enhance pedestrian visibility, the proposed Project would incorporate TRA-PDF-A, which would stripe a high visibility crosswalk and provide upgraded lighting for the driveway crossing south of the Los Angeles State Historic Park.

Comment GO17-163 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.

Response GO17-163 An evaluation of sight distances at the intersection of Alameda Street and Alhambra Avenue with the Alameda Tower is provided on page 3.17-41, in Section 3.17, Transportation, of the Draft EIR. The Draft EIR concluded that impacts would be less than significant with implementation of the visibility enhancements described under Mitigation Measure TRA-A, by implementing a westbound no right turn on red restriction. This would alleviate potential visibility issues associated with operation of the Alameda Tower by prohibiting vehicles from making a westbound right turn on red. Refer to Response GO17-159 for a discussion of Mitigation Measure TRA-A.

Comment GO17-164 d) Page 2-61 does not indicate the requirements to coordinate with and obtain approval from LADOT during construction as well as during operation for 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.

Response GO17-164 As detailed in Section 3.17, Transportation of the Draft EIR, Mitigation Measures TRA-A, TRA-B and TRA-C must be reviewed and approved by the City. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, which prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies, including the City.

Comment GO17-165 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.

Response GO17-165 Refer to Response GO17-156 for discussion of the *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment*.

Comment GO17-166 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.

Response GO17-166 As noted on page 2-1 in Section 2.0, Project Description, of the Draft EIR, the proposed Project has the ability to overcome grade and elevation issues between LAUS and Dodger Stadium and 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. It is precisely the topography and vertical rise that would be addressed by the proposed Project, providing access between the Dodger Stadium property, the surrounding communities, including Chinatown, Mission Junction, Elysian Park, and Solano Canyon, and the Los Angeles State Historic Park, to the regional transit system accessible at LAUS, including for those walking or biking. As shown in Table 3.17-4 on page 3.17-35, in Section 3.17, Transportation, of the Draft EIR, the neighborhood rider estimates range from 720 on weekends in 2026 to 1,625 on weekdays at 2042 and take into account US Census journey to work data, population and employment in the area, and the presence of other transit services. Additionally, as detailed on page 3.17-34, neighborhood riders are not factored into the VMT reduction estimates of the proposed Project for a more conservative analysis and have no bearing on the quantitative analysis or conclusions about the VMT and air quality and greenhouse gas benefits of the proposed Project in the Draft EIR.

Comment GO17-167 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.

Response GO17-167 Due to the COVID-19 pandemic, the 2019 Major League Baseball season was the most recent season at the time of the Notice of Preparation for the Draft EIR and while the Draft EIR was under preparation that included a full season of games at Dodger Stadium. Therefore, as noted in Section 3.17, Transportation, of the Draft EIR, data regarding game attendance from the 2019 season was used in the estimation of VMT.

Comment GO17-168 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.

Response GO17-168 As stated in Section 3.17, Transportation, of the Draft EIR, the main change to the existing street system would be to shorten the northbound left turn from Alameda Street onto Cesar E. Chavez Avenue by approximately 140 to 150 feet. All other proposed Project components would be located out of the roadway network and would not affect roadway capacity. Queue spillback beyond storage pockets is a common existing condition at major urban intersections during peak periods in the City of Los Angeles. Speed differential on roadways is the key driver in the potential for increased frequency and severe vehicular collisions that would occur associated with queue spillback. Downtown Los Angeles roadways, including Alameda Street, are generally congested and move below speed limits during peak periods, thereby

reducing the potential for collisions associated with queue spillback. Mobile device travel data provider Wejo was used to determine average weekday and weekend travel speeds from 2019. Weekday average travel speeds on northbound Alameda Street was 14.5 miles per hour in 2019, and weekend average travel speeds was 13 miles per hour.

Per the City of Los Angeles Transportation Assessment Guidelines (TAG), queue spillback is considered a Non-CEQA transportation metric, as it relates to vehicle operations, and it can be addressed by operational adjustments to signal timings. Queueing for northbound Alameda Street is largely affected by queueing on westbound Cesar E. Chavez Avenue, with capacity for the northbound left turn pocket metered by the capacity of the westbound receiving lanes on Cesar E. Chavez Avenue, which are limited due to the 125-foot storage capacity between the intersections of Main Street & Cesar E. Chavez Avenue, and Alameda Street & Cesar E. Chavez Avenue. Adjustments to the signal timing could be made for westbound Cesar E. Chavez Avenue at Main Street, and for the northbound left turn phase at Alameda Street & Cesar E. Chavez Avenue to serve vehicle demand with the reduced turn pocket length to minimize queue spillback.

Comment GO17-169 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 210 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.

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.

Response GO17-169 Both the *A Policy on Geometric Design of Highways and Streets* by AASHTO[52] and the *Highway Design Manual* by Caltrans[53] explain that design speed is dependent on the characteristics of the roadway and the context of the surrounding area. Table 101.2, Vehicular Design Speed, in Caltrans' *Highway Design Manual* provides that

[52] American Association of State Highway and Transportation Officials (AASHTO). 2018. A Policy on Geometric Design of Highways and Streets. Available at: https://store.transportation.org/Common/DownloadContentFiles?id=1776. Accessed August 2023.

[53] California Department of Transportation (Caltrans). 2020. Highway Design Manual, 7th Edition. Available at: https://dot.ca.gov/programs/design/manual-highway-design-manual-hdm. Accessed August 2023.

design speeds for urban arterials that are main streets in regional/community centers shall be between 30 and 40 miles per hour (mph) and that design speeds for urban arterials in downtowns and city centers shall be 30 mph (note that Caltrans' use of the word "shall" makes the guidance in Table 101.2 mandatory). AASHTO states that urban arterial streets should be designed to permit running speeds of 20 to 45 mph, with speeds in the lower portion of this range applicable to local and collector streets and to arterial streets through more crowded business areas while speeds in the high portion of the range apply to high-type arterials in outlying suburban areas. The context of the streets in the Union Station and Chinatown areas in the vicinity of the Project's proposed Alameda Station is a urban downtown/regional center business area. Both suggest that use of 35 mph to determine stopping distance is appropriate as it is within the range mandated by Caltrans for urban regional/community centers, higher than the Caltrans guidance for urban arterials in downtowns and city centers, and on the higher side of the range suggested by AASHTO for urban arterial streets.

Comment GO17-170 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.

Response GO17-170 As discussed on page 3.17-41, in Section 3.17, Transportation, of the Draft EIR, impacts would be less than significant with implementation of the visibility enhancements described under Mitigation Measure TRA-A, primarily by implementing a westbound no right turn on red restriction. This would alleviate potential visibility issues associated with operation of the Alameda Tower by prohibiting vehicles from making a westbound right turn on red. This Mitigation Measure is not a recommendation regarding potential vehicle and pedestrian conflict; rather, it is recommended to alleviate potential visibility issues for vehicles traveling northbound on Alameda Street. No right turn on red restrictions are commonly used at locations with potential visibility issues. Refer to Response GO17-159 for further discussion of Mitigation Measure TRA-A.

Comment GO17-171 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.

Response GO17-171 Refer to Response GO17-159 for discussion of Mitigation Measures TRA-A and TRA-B.

Comment GO17-172 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.

Response GO17-172 Refer to Responses GO17-159 and GO17-160 for discussion of how the use of plans in mitigation measures would not constitute impermissible deferral.

Comment GO17-173 6) Fehr & Peers Ridership Modeling (Appendix N of the 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.

Response GO17-173 Refer to Section 3.17, Transportation and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[54] Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR. As discussed in Response GO17-155, 1990 *Dodger Stadium Transit Access Study* prepared by Gruen Associates for the Los Angeles County Transportation Commission was prepared 33 years ago and evaluated a tramway, which is a different type of aerial technology than the proposed Project, which is a detachable 3S gondola with a capacity of 5,000 people per hour per direction. Comparisons between the two are not relevant. Refer to Topical Response O, Response to UCLA Mobility Lab Study, for a detailed response to the UCLA Study.

Comment GO17-174 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.

[54] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

Response GO17-174 Refer to Response GO17-156 for discussion of the *Los Angeles Aerial Rapid Transit Project, Non CEQA Transportation Assessment*.

Comment GO17-175 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 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.

Response GO17-175 Refer to Response GO17-162 regarding the pedestrian improvements between the Metro L (Gold) Line and the proposed Project's Chinatown/State Park Station. The pedestrian improvements are included as a feature of the proposed Project, and discussed as such in Section 2.0, Project Description; they are not required to mitigate any impacts related to construction and operation of the proposed Project.

Section 6.0, Design and Use Options, of the Draft EIR, includes Design and Use Option E, an analysis of State Parks' proposed Pedestrian Bridge at the Los Angeles State Historic Park. The analysis serves to provide environmental clearance for the bike and pedestrian bridge as a benefit to the Los Angeles State Historic Park, and while the bike and pedestrian bridge was mentioned in the Los Angeles State Historic Park General Plan and studied in the State Park's Bridge Feasibility Study, the bike and pedestrian bridge was never environmentally cleared. Support for the Los Angeles State Historic Park bike and pedestrian bridge would otherwise be provided as part of the proposed Project. Accordingly, the proposed Project is furthering the bike and pedestrian bridge by providing the necessary environmental clearance and support for the bridge. Design and Use Option E is not required to mitigate any potential significant impacts related to construction or operation of the proposed Project.

Comment GO17-176 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 will 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."

Response GO17-176 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). However, parking is a key concern to the communities where proposed Project stations would be sited, as well as for decision makers. The Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and

Chinatown/State Park Station. The Parking Study determined that even with the addition of proposed Project vehicles parking in the area studied, publicly available parking on a game day would still be substantial, with an estimated 43 percent parking occupancy across the two half-mile station walksheds, and over 3,900 off-street parking spaces available to the community. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified. In addition, a document providing a general outline of a typical parking management plan and potential strategies has been prepared. Because the Parking Study and, accordingly, the parking management plan are not required under CEQA or the TAG, no mitigation is required, as CEQA Guidelines section 15126.4 only requires mitigation for significant impacts. Accordingly, there is no "deferral" of mitigation. Nevertheless, refer to the proposed Project's Preliminary Parking Management Plan.[55]

Comment GO17-177 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.

Response GO17-177 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR and does not appear to have been prepared for that purpose. As discussed in the Topical Response, the authors of the UCLA Study at the Mobility Lab have issued a statement that the UCLA Study is considered preliminary. Moreover, Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR.[56] Stantec is an internationally respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR.

Comment GO17-178 Other fundings of the UCLA Mobility Lab Study are as follows:

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

[55] Fehr & Peers. 2023. Los Angeles Aerial Rapid Transit Project, Parking Management Implementation Plan.
[56] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

Response GO17-178 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, and Response GO17-177 for discussion of Stantec's Peer Review.

Comment GO17-179 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.

Response GO17-179 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, and Response GO17-177 for discussion of Stantec's Peer Review.

Comment GO17-180 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.

Response GO17-180 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, and Response GO17-177 for discussion of Stantec's Peer Review.

Comment GO17-181 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.

Response GO17-181 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study, and Response GO17-177 for discussion of Stantec's Peer Review.

Comment GO17-182 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.

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.

Response GO17-182 The Coachella Festival shuttle system is different from the Dodger Stadium Express in that the service is spread throughout the day over the multiple days of the festival, not focused on a few hours during urban peak congestion typical of a weekday evening game or event at Dodger Stadium. As a multi-day weekend music festival beginning at noon and ending at approximately midnight to 1:00 AM and with attendees that travel to the Palm Springs area for the festival, the Coachella Festival is fundamentally different than three-hour games at Dodger Stadium with fans coming from their daily places of residence or work. The Coachella Festival access system is designed with limited parking at the festival site and the shuttle system is designed to transport out-of-town attendees from various hotels throughout the Palm Springs area, most of whom do not have alternate transportation to the festival site. Given the amount of parking at Dodger Stadium, a substantial increase in Dodger Stadium event attendees using transit to travel to the Stadium would depend on reduced travel times, which an expanded Dodger Stadium Express service would not provide.

Comment GO17-183 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.

Response GO17-183 As discussed in Response GO17-155, the Dodger Stadium Access Study was prepared 33 years ago and evaluated a tramway, which is a different type of aerial technology than the proposed Project, which is a detachable 3S gondola with a capacity of 5,000 people per hour per direction. Comparisons between the two are not relevant. Refer to Section 4.0, Alternatives, of the Draft EIR and Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for an evaluation of alternatives to the proposed Project.

Comment GO17-184 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.

Response GO17-184 Regarding the comment that the proposed gondola is not an effective way to move large volumes of people in short periods of time, similar modern 3S systems are in use for urban transit systems in a number of cities around the world including Koblenz, Germany, Phu Quoc, Vietnam, and Toulouse, France (see Table 2-1 on page 2-4 in Section 2.0, Project Description of the Draft EIR). Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for a discussion of potential capacity of an expansion of the Dodger Stadium Express shuttle bus system. The commenter does not provide any independent technical analysis to support the allegation in the comment that such an expansion in lieu of the proposed Project would efficiently meet the demand in a cost-effective manner.

Regarding the comment that shuttle buses together with Uber/Lyft/taxi services now serve Dodger Stadium well, as indicated on page 3.17-27, in Section 3.17, Transportation, of the Draft EIR, only 4.7 percent of Dodger Stadium game attendees rode the Dodger Stadium Express in 2019. Furthermore, Dodger Stadium generates traffic congestion and annual VMT and associated emissions.[57]

Comment GO17-185 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.

[57] As shown in Table 3.17-3 on page 3.17-30, in Section 3.17, Transportation of the Draft EIR, Dodger Stadium is estimated to have generated 53,549,000 VMT in 2019. As shown in Table 3.8-1 on page 3.8-17, in Section 3.08, Greenhouse Gas Emissions in the Draft EIR, Dodger Stadium is estimated to have generated 19,655 metric tons of on-road mobile emissions in 2019. As shown in Table 3.3-5 on page 3.3-23, in Section 3.03, Air Quality of the Draft EIR, Dodger Stadium is estimated to have generated an average of 565 daily pounds of CO, 1.15 daily pounds of SO_X, 40.3 daily pounds of NO_X, 34.8 pounds of VOC, 103.4 pounds of PM_{10}, and 26.2 pounds of $PM_{2.5}$ in 2019.

Response GO17-185 Responses GO17-154 through Response GO17-184 respond to each of the comments raised in Enclosure 5 to Letter GO17. The analyses and conclusions in the Draft EIR regarding the transportation impacts of the proposed Project are appropriate and supportable. Reanalysis and reevaluation is not warranted.

Comment GO17-186 Enclosure 6

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

The following are our comments.

Response GO17-186 This comment provides a general introduction to the comments raised in Comments GO17-187 through GO17-201 (Enclosure 6). Responses to these comments are provided below in Responses GO17-187 through GO17-201.

Comment GO17-187 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 43 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 arrived at Dodger Stadium, it would also have to empty every 20 to 30 second. 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.

Response GO17-187 Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). Based on the current design, the calculated characteristics when operating at system capacity (e.g., during Dodger games or events at Dodger Stadium) would be approximately 53 cabins in service on the system. Under this scenario, the cabins would move at an approximate speed of 13.4 miles per hour with headways of approximately 23 seconds, which represents the time between cabins arriving at a station. As one hour consists of 3,600 seconds, approximately 156.5 cabins would arrive every hour (3,600 seconds / 23 seconds). The proposed Project's 3S cabins typically carry between 30 to 40 passengers each, depending on the exact configuration of seating and cabin amenities selected. At a capacity of 35 passengers per cabin, at 156.5 cabins per hour, 5,478 passengers would arrive at each station per hour (35 passengers per cabin x 156.5 cabins per hour). Given that the same headway applies in each direction, the total, calculated system capacity is therefore 5,478 pphpd. To account for variations in the exact configuration of seating and cabin amenities, as well as operational considerations (including, for example, fewer than 35 people boarding a cabin or cabins being either slowed or stopped in the station for boarding purposes), the proposed Project has included an approximately 10 percent reduction in capacity from 5,478 pphpd to 5,000 pphpd. Furthermore, the station boarding process and cabins would comply with all accessibility requirements of the Americans with Disabilities Act ("ADA"). If needed, cabins could be either slowed or stopped in the station for boarding purposes. The time necessary to slow or stop cabins is factored into the overall system capacity of the proposed Project.

Comment GO17-188 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. For example, the proposed Project claims reduction in vehicle miles travelled, therefore, emission reductions were directly attributed to the proposed Project. This would be a correct application for 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).

Response GO17-188 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. CEQA Guidelines section 15125 provides that an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. As the CEQA Guidelines make clear, an EIR normally compares a project's impacts against the "baseline" conditions as they exist at the time the CEQA document is prepared. For air quality and GHG emissions, this translates to evaluating the difference between the existing pre-project emissions and the estimated post-project emissions (as estimated by running air quality modeling). This approach of comparing the project's estimated emissions against the existing "baseline" emissions is consistent with guidance from the South Coast AQMD and represents standard practice for EIRs prepared within the South Coast Air Basin and the state.[58] The Draft EIR appropriately followed this recognized methodology by establishing the baseline as the actual environmental conditions existing at the time of the CEQA analysis. For this proposed Project, the baseline was set to evaluate the conditions that existed in 2019 based on the available air quality data. The proposed Project buildout year is 2026. To accurately estimate the proposed Project's emissions when it commences operations in 2026, the Draft EIR utilized the SCAQMD-recommend model (CalEEMod®), which takes into account vehicle emission factors (EMFAC2021) recommended by the expert agencies. Specifically, EMFAC2021, used to estimate vehicular emissions, is USEPA-approved and developed by the California Air Resources Board to capture statewide efforts to reduce mobile source emissions and accurately project those future emissions. The CalEEMod® model was developed by SCAQMD in coordination with other California air districts and is recommended for use by SCAQMD. These models incorporate existing regulations that require vehicle emissions to decline over time as more stringent air quality mandates are imposed, thereby EIRs accurately estimate emissions at the buildout year. The Draft EIR followed this agency-recommended approach by applying the latest versions of CalEEMod® and EMFAC2021 to estimate the air quality and greenhouse gas emissions impact, as was described in the Draft EIR's methodology sections. See Section 3.03, Air Quality, and Section 3.08,

[58] See, e.g., South Coast Air Quality Management District (SCAQMD). 2021. Quemetco Capacity Upgrade Project. Available at: https://files.ceqanet.opr.ca.gov/8174-2/attachment/7bvblgECW7xJV9wgG2iJtxOnqiCHDXVYZLElXRtEw6yx_ZV_m7nE0LafkaH0CyHRtX_pxrlrz99FgzFP0. Accessed August 2023 (analyzed existing conditions as the baseline compared against future estimated project emissions).

Greenhouse Gas Emissions, of the Draft EIR for an analysis of the proposed Project's air quality and greenhouse gas emissions impacts, respectively.

In addition to aligning with agency-recommended guidance for preparing EIRs, the Draft EIR's baseline methodology is consistent with other net-zero GHG emissions projects that have been approved by the California Air Resources Board—the state expert agency on climate and air quality matters—and the Governor's office under the 2011 Jobs and Economic Improvement Through Environmental Leadership Act (commonly referred to as "AB 900"). Specifically, the California Air Resources Board determined that AB 900 projects achieved net-zero GHG emissions by comparing the estimated future project emissions against the existing conditions at the time the CEQA analysis was prepared—the analogous baseline methodology applied by the Draft EIR.[59]

Therefore, the comment's assertion is not correct that "air quality and GHG emission benefits of the project have been overstated." Rather, the Draft EIR appropriately evaluated the proposed Project's air quality and greenhouse gas emissions consistent with agency guidance and precedent by comparing the pre-Project baseline to the modeled post-Project condition, and identified the emission reductions (i.e. "benefits") based on those calculations. The Draft EIR and supporting appendices included all the relevant calculations and modeling files supporting the analysis and conclusions. Lastly, the comment also incorrectly suggests that "unrelated regulations" are incorporated to the benefit of the proposed Project. The comment itself is not supported by citation or evidence and is not consistent with agency-recommended guidance because any "unrelated regulations" would not impact the proposed Project emissions and therefore should not be taken into account.

Comment GO17-189

- 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.

[59] See, e.g., Eyestone Environmental. 2016. Crossroads Hollywood Project. Available at: https://planning.lacity.org/eir/CrossroadsHwd/Deir/Deir_EX/AgencyCorrespondence/Files/2016.11.18%200201pm%20-%20FW_%20ARB%20Determination%20AB%20900.pdf. Accessed August 2023 (applied existing conditions as the baseline compared against future estimated project emissions). Ramboll. 2018. Portrero Power Plant Mixed-Use development GHG Emissions Methodology and Documentation. Available at: http://docs.ppsmixeduse.com/ppp/AB_900/2018_0831_carb_ab900-determination.pdf. Accessed August 2023 (applied existing conditions as the baseline compared against future estimated project emissions).

Response GO17-189 Refer to Section 3.03, Air Quality, and Appendix D, Air Quality/Health Risk Assessment Technical Report, of the Draft EIR, for discussion of how the emissions from haul truck trips would not result in a significant impact.

The Draft EIR analyzed air quality impacts, including those related to emissions from haul truck trips during construction, in accordance with applicable SCAQMD guidance and using California Emissions Estimator Model® (CalEEMod®), the most current air quality model endorsed by the SCAQMD and the California Air Pollution Control Officers Association.[60] The CalEEMod® model was developed by SCAQMD in coordination with other California air districts and is recommended for use by SCAQMD.[61] Based on this analysis, the Draft EIR concludes that the proposed Project will not cause an exceedance to any SCAQMD significance threshold, including construction emissions.

Specifically, the Draft EIR addressed the assumptions for trip lengths, as being derived from regional data and incorporated in CalEEMod®, in Section 3.03.3 of the Draft EIR, with additional technical details in Section 4.3.2.2 of Appendix D, Air Quality/Health Risk Assessment Technical Report, of the Draft EIR. The analysis presented in the Draft EIR and Appendix D estimating air quality impacts of construction was based on a combination of Project-specific data and CalEEMod® model default data. CalEEMod® technical documentation notes that the default hauling trip length is 20 miles, which is meant to serve as a reasonable approximation for hauling material to and from a project site in the absence of project-specific data.[62]

The comment raises concerns regarding the potential for contaminated soil and the assumed haul trip distance for exported soil. As noted above, the Draft EIR addressed haul trip length assumptions in Section 4.3.2.2 of Appendix D, of the Draft EIR. The final use and/or disposal location of excavated soil is not known at this time; thus the haul trip length used in the analysis was the model default, which represents a reasonable estimate for exported soil (which, as referenced in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, does not necessarily need to be disposed of as waste at a landfill) because some disposal sites may be located closer than the regional 20-mile default assumption and some disposal sites may be located farther away.

An EIR need not identify the exact location of the haul route because those details are frequently determined during construction based on actual excavated soil conditions, which cannot be known at the time of the EIR preparation.

Nevertheless, in response to this comment, additional analysis was prepared of construction emissions based on a potential need to dispose of certain excavated

[60] California Air Pollution Control Officers Association (CAPCOA). 2021. CalEEMod® User Guide Version 2020.4.0. Available at: http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/01_user-39-s-guide2020-4-0.pdf?sfvrsn=6. Accessed: August 2023.

[61] South Coast Air Quality Management District (SCAQMD). 2023. Air Quality Modeling. Available at: https://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-modeling. Accessed: August 2023.

[62] California Air Pollution Control Officers Association (CAPCOA). 2021. CalEEMod® Appendix A: Calculation Details for CalEEMod®. Available at: http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/appendix-a2020-4-0.pdf?sfvrsn=6. Accessed: August 2023.

material as waste at certain identified landfills that may be located farther than the 20-mile default CalEEMod® assumption.

Specifically, Ramboll evaluated how the estimated hauling vehicle emissions provided in Table C.1-1 through Table C.2-4 in Appendix D, would be affected in the event excavated material required disposal at a landfill as either non-hazardous or hazardous waste.[63]

Using historical soil information from prior site evaluations at the proposed Project component locations, Appendix M, Potential Excavated Material Disposal Analysis, of the Final EIR, was prepared, which conservatively estimated that approximately 14,119 cubic yards (cy) of material could potentially require disposal at a landfill as waste. Based on the potential contaminants and their concentrations in the excavated material, such material may be classified as 1) non-hazardous, 2) non-RCRA hazardous, or 3) RCRA hazardous. As summarized in Appendix M, Potential Excavated Material Disposal Analysis, of the Final EIR, it was estimated that 11,802 cy of the 14,119 cy may require disposal at a landfill as non-hazardous waste.

Three landfills, Azusa Landfill (approximately 21.5 miles from the furthest proposed Project component site), Chiquita Canyon Landfill (approximately 39.1 miles from the furthest proposed Project component site), and Waste Management Simi Valley Landfill (approximately 42.3 miles from the furthest proposed Project component site) as potential disposal locations for impacted, non-hazardous material, all of which landfills have adequate capacity to accept the potential export materials. As a conservative assumption, it was assumed that all exported material in this category would be transported to the furthest Waste Management Simi Valley Landfill, even though it is anticipated that some export material in this category could be exported to the more proximate landfills during construction.

It was conservatively estimated that 3,037 cy of the 14,119 cy may require disposal as non-RCRA and/or RCRA hazardous waste. Two landfills, Waste Management Kettleman Hills Landfill (approximately 177 miles from the furthest proposed Project component site) and Clean Harbors Buttonwillow Landfill (approximately 139 miles from the further proposed Project component site), were identified as potential disposal locations for non-RCRA and RCRA hazardous waste, both of which landfills have adequate capacity to accept the potential export materials. All landfill trip distances from the furthest proposed Project component site were obtained from Google Maps. As a conservative assumption, it was assumed that all exported material in this category would be transported to the further Waste Management Kettleman Hills Landfill, even though it is anticipated that some export material in this category could be exported to the more proximate Clean Harbors Buttonwillow Landfill during construction.

[63] Note that excavated material that does not require disposal at a landfill as non-hazardous hazardous or hazardous waste could be sent to Hanson Aggregates in Irwindale and Scholl Canyon in Glendale, both of which are less than 20 miles away from the proposed Project.

The maximum daily construction emissions difference based on these conservative hauling distances is as follows:

	Maximum Daily Construction Emissions (lb/day)					
	ROG	**CO**	**NOx**	**SOx**	**PM_{10}**	**$PM_{2.5}$**
Draft EIR Analysis Using Model Default Model Distances	24	258	51	0.5	11.8	3.8
Additional Analysis Based on Site Conservative Hauling Assumptions	24	258	79	0.7	18.7	5.9
SCAQMD Significance Thresholds	**75**	**550**	**100**	**150**	**150**	**55**
Exceedance of the Threshold for Any Year of Construction?	NO	NO	NO	NO	NO	NO

Accounting for the analysis more conservative hauling distances for exported material does not change the significance conclusions related to the proposed Project's construction emissions, meaning that the proposed Project's construction emissions would not exceed the applicable significance thresholds even assuming the longer hauling distances suggested by the comment and maximum daily construction emissions would remain less than significant.

Comment GO17-190

- 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.
- 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.

Response GO17-190 Refer to Section 3.08, Greenhouse Gas Emissions, and Appendix J, Greenhouse Gas Emissions Technical Report, for a discussion of the proposed Project's potential greenhouse gas emissions from operations. The Draft EIR concludes that the Project would not cause a significant GHG impact and, as an innovative alternative mode of transportation, will reduce GHG emissions over time by reducing VMT. The comment misstates Table 4-8, which is not intended to show "GHG credits" for a mitigation measure. Rather, Table 4-8 shows the GHG emissions from the gondola if power from LADWP's Green Power Program were not used. As discussed in Footnote 5 of Table 4-8, the negative number referenced in the comment does not represent a "GHG credit" but instead shows the emissions benefit gained by the proposed Project by committing to LADWP's Green Power Program pursuant to GHG-PDF-A, which is supplied by 100% renewable resources. The depicted number is "negative" to show the potential emissions that are avoided through the use of renewable resources. If

the proposed Project did not commit to sourcing electricity through this renewable program, the emissions would be positive and would be included within the proposed Project emissions inventory. Thus, the table shows the benefits of utilizing power from 100% renewable resources by comparing emissions from more conventional power supplies. The table does not, as the comment suggest, show a "GHG credit" and the Draft EIR does not rely on GHG credits to reach its determination that the proposed Project results in a less than significant GHG impact.

Refer to Section 3.08, Greenhouse Gas Emissions, and Appendix J, Greenhouse Gas Emissions Technical Report, for a discussion of the proposed Project's potential greenhouse gas emissions from operations. The Draft EIR concludes that the proposed Project would not cause a significant GHG impact and, as an innovative alternative mode of transportation, will reduce GHG emissions over time by reducing VMT. The comment misstates Table 4-10, which is not intended to show "GHG credits" for a mitigation measure. As discussed in Footnote 3 of Table 4-10, emissions are shown as negative to represent the emissions benefit gained by the proposed Project by committing to batteries as the backup power supply. The number is negative because the number represents the emissions that are avoided by avoiding use of conventional diesel backup generators. Thus, the table shows the benefits of using batteries by comparing to emissions from more conventional power supply systems. The table does not, as the comment suggests, show a "GHG credit" and the Draft EIR does not rely on GHG credits to reach its determination that the Project results in a less than significant GHG impact. Accordingly, the incorporation of battery power rather than diesel as a mitigation measure is not required because there is no significant impact requiring mitigation pursuant to CEQA Section 21002.1(a).

Refer to Section 2.0, Project Description, for a discussion of how backup power would be provided by battery storage located at each station and tower and the non-passenger junction.

Comment GO17-191

- 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).

Response GO17-191 This comment is noted and will be provided to the decision makers for review and consideration. Refer to Section 3.03, Air Quality, and Appendix D, Air Quality/Health Risk Assessment Technical Report, of the Draft EIR, for a discussion of the proposed Project's consistency with the 2016 Air Quality Management Plan (AQMP) as that was the adopted AQMP and the AQMP incorporated into the State Implementation Plan (SIP) at the time the Draft EIR was prepared. Furthermore, the Draft EIR addressed the 2022 AQMP in Section 2.3.5.1 of Appendix D and acknowledged the draft status of the plan at the time of the Draft EIR preparation. While the SCAQMD Governing

Board approved the 2022 AQMP, it has not yet been approved by USEPA and thus not yet been incorporated into the SIP. The analysis completed by the Draft EIR is still appropriate in terms of assessing consistency with the 2016 AQMP.

It is noted that the proposed measures of the 2022 AQMP build off similar programs in the 2016 AQMP to reduce mobile source emissions through further adoption of advanced technologies for on-road emissions sources and zero-emission infrastructure for mobile sources. A key goal identified in the 2022 AQMP, as with the 2016 AQMP, is to reduce vehicle-related emissions in the air basin, including through the reduction of VMT. The proposed Project is consistent with the adopted 2022 AQMP for many of the same reasons the proposed Project is consistent with the 2016 AQMP. The proposed Project is an innovative alternative transportation that reduces air pollutants and GHGs by reducing VMT (see Draft EIR, Section 3.8.4), thereby advancing key objectives of the 2016 AQMP and proposed 2022 AQMP. Vehicle emissions are a major source of ozone-forming emissions and reducing ozone is a critical component of the 2022 AMQP; therefore, the proposed Project aligns with and supports the adopted 2022 AQMP's goals, as with the 2016 AQMP.

It is also noted that the 2022 AQMP estimates future emissions inventories and targets assuming growth in population and economic output of the region, as supported by SCAG projections. The purpose of referencing such growth in the 2022 AQMP is to underscore potential challenges to achieving necessary emissions reductions while upholding general growth of the region. The proposed Project would offer a mode of transportation that would support the population and economic growth of the region by enabling regional ridership capacity through an innovative technology with the benefit of reducing emissions.

Comment GO17-192 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.

Response GO17-192 Refer to Section 3.08, Greenhouse Gas Emissions, and Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR. for a discussion of greenhouse gas emissions from operation of the proposed Project. The Draft EIR concludes that the proposed Project will not cause a significant GHG impact and, as an innovative alternative mode of transportation, will reduce GHG emissions over time by reducing VMT.

Because the Draft EIR concludes that the proposed Project's GHG emissions are less than significant, no mitigation measures are needed to reduce the proposed Project's GHG emissions. The proposed Project's use of electricity supplied from LADWP's

Green Power Program is a voluntary commitment by the proposed Project to further demonstrate the proposed Project's leadership towards sustainable transportation and reducing GHG emissions. In response to comments suggesting that this commitment is illusory, an addition to the Draft EIR has been provided for Section 3.08, Greenhouse Gas Emissions, to add this Project commitment as an enforceable Project Design Feature, GHG-PDF-A. The addition of GHG-PDF-A has been incorporated into Section 5.0, Corrections and Additions, of this Final EIR. As discussed in Section 5.0, Corrections and Additions, of this Final EIR, LADWP confirmed that its renewable electricity portfolio would be able to accommodate the proposed Project's demand for electricity, including through the purchase of power under the LADWP Green Power Program.

Comment GO17-193

- 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 is 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.

Response GO17-193 Data used to evaluate baseline conditions were based on the availability of complete data at the time of preparation of the Draft EIR. As described in Section 3.6.2, Environmental Setting, of the Draft EIR, the electricity usage was based on the most currently available data (from 2020) as of the preparation of the Draft EIR. Similarly, the cited fuel usage was based on the most currently available data (from 2016) as of the preparation of the Draft EIR. The comment raises concern regarding the fuel consumption data from 2016 but does not provide any explanation for the concern. The fuel consumption data was the most recent data available at the time the Draft EIR was prepared. Fuel consumption has generally remained relatively steady in California in recent years based on annual natural gas and gasoline consumption data published by the United States Energy Information Administration (EIA); therefore, even if more current data were available at the time the EIR was prepared, it would not likely have a material change in the data presented and would not have changed the significance conclusions because the Project reduces fuel usage over time by reducing VMT.

Comment GO17-194

- 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.

Response GO17-194 Refer to Section 3.6.4.2, Electricity, of Section 3.06, Energy, of the Draft EIR, for the value used for electricity consumption during construction, with further technical details provided in Table 4-6 of Appendix J, Greenhouse Gas Emissions Technical Report. This value reflects the sum of estimated electricity consumption for construction of each gondola station, tower, and non-passenger junction. Electricity demand was estimated by the proposed Project's construction consultant for anticipated sources of electricity consumption including trailers, welders, site lighting, and charging for battery-powered equipment. The construction consultant determined the electricity consumption for each source based on the daily electricity consumption and days of operation for the total quantity of sources. The estimated electricity consumption for sources pertaining to each gondola station, tower, and non-passenger junction were summed to obtain the total electricity consumption value during construction.

Comment GO17-195

- 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 or 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 RENEWBABLE 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.

Response GO17-195 Refer to Response GO17-196 for a discussion of the proposed Project's electricity consumption. Refer to Section 3.06, Energy, and Appendix H, Energy Technical Report, of the Draft EIR, for a discussion of the proposed Projects energy demand. The purpose of the discussion on Draft EIR page 3.6-15 and in Appendix H, Energy Technical Report, was to support the significance determinations made in relation to the Project's energy consumption. Energy significance is defined by two thresholds under CEQA Guidelines Appendix G, which is in turn summarized in Section 3.6.4 of the Draft EIR, providing:

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

Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Comparison of the CEC estimates to the proposed Project's anticipated construction electricity demand was made based on the most currently available data at the time of the Draft EIR preparation. Additionally, future demand projections made by the National Renewable Energy Laboratory (NREL) in March 2021 for LADWP align with the referenced projections made by the CEC. The demand dedicated to proposed Project construction represents a very small fraction of the total estimated electricity demand from LADWP, and the energy significance determinations made for the proposed Project remain consistent when relying upon data from either source.

The availability of electricity is addressed in Section 3.19, Utilities and Service Systems, of the Draft EIR, which confirmed that there would be sufficient electricity available for the proposed Project. , Further, as discussed in Section 5.0, Corrections and Additions, of this Final EIR, LADWP confirmed that its renewable electricity portfolio would be able to accommodate the proposed Project's demand for electricity, including through the purchase of power under the LADWP Green Power Program. The Draft EIR concluded that the proposed Project's GHG emissions are less than significant, and thus there are no required mitigation measures. The proposed Project's use of electricity supplied from LADWP's Green Power Program is a voluntary commitment to further demonstrate the proposed Project's leadership towards sustainable transportation. In response to comments suggesting that this commitment is illusory, an addition to the Draft EIR has been provided for Section 3.08, Greenhouse Gas Emissions, to add this Project commitment as an enforceable Project Design Feature, GHG-PDF-A. The addition of GHG-PDF-A has been incorporated into Section 5.0, Corrections and Additions, of this Final EIR.

Comment GO17-196 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 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.

Footnote 1: LADWP Facts and Figures. https://www.ladwp.com/ladwp/faces/ladwp/aboutus/a-power/a-p-factsandfigures?_adf.ctrl-state=10n9mool8q_4&_afrLoop=494270252036354

Response GO17-196 Refer to Section 3.06, Energy, and Appendix H, Energy Technical Report, of the Draft EIR for a discussion of how the proposed Project's potential energy impacts would be less than significant. The comment suggests that the analysis needs to be redone based on data it has listed regarding peak demand. The data used in the analysis were based on availability of complete data at the time of preparation of the Draft EIR. As previously stated, Appendix H was prepared to evaluate energy significance under CEQA via the CEQA thresholds regarding wasteful, inefficient, or unnecessary consumption of energy resources and regarding conflicting with or obstructing a state or local plan for renewable energy or energy efficiency. The data presented by the comment on peak demand does not change the analysis nor the conclusions of the Energy analysis. Section 5.1.3.1 of Appendix H of the Draft EIR, cited the increase in peak demand from 6,400 to 6,500 MW in the 2024 to 2026 timeframe to demonstrate how the proposed Project would have a negligible effect on LADWP peak demands. The estimated peak electricity demand from Project construction is 2.0 MW, and the peak demand value noted by the commenter further supports the proposed Project's minimal contribution to LADWP peak demand during construction because the Project's construction demands are temporary in nature and are well within LADWP's planned power supplies. LADWP recently published a Draft Power Strategic Long-Term Resource Plan (SLTRP) which serves as a comprehensive roadmap through 2045 that guides the LADWP Power System in its efforts to supply reliable electricity in an environmentally responsible and cost-effective manner. In this SLTRP, LADWP states plans to add approximately 3,000 MW of new renewable projects in order to accelerate its renewable energy target to 80% renewables and 97% zero-carbon resources by 2030. The electricity consumption within LADWP's service territory is forecasted to decrease 0.3% over the next five years as energy efficiency and customer-installed solar photovoltaic (PV) expansion offsets growth from economic activity. As discussed in Section 5.0, Corrections and Additions, of this Final EIR, LADWP confirmed that its renewable electricity portfolio would be able to accommodate the proposed Project's demand for electricity, including through the purchase of power under the LADWP Green Power Program. Refer to Section 3.06 for a discussion of the 2017 SLTRP, and Section 2.2.4.2 of Appendix H, Energy Technical Report, of the Draft EIR, for a discussion of the 2017 SLTRP as an expansion of the existing Power Integrated Resource Plan.

Comment GO17-197 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.

Footnote 2: https://www.gov.ca.gov/wp-content/uploads/2022/08/8.31.22-Heat-Proclamation.pdf?emrc=78e3fc

Response GO17-197 This comment provides a general recitation and characterization of Governor Newsom's Proclamation of a State of Emergency signed August 31, 2022, but does not raise a substantive issue on the content of the Draft EIR. The discussion in this comment on forecasted electricity demand does not provide relevant information that would impact the selection of the baseline conditions used in the proposed Project's energy significance determination. Section 3.6.1.4 of Section 3.06, Energy, and Appendix H, Energy Technical Report, of the Draft EIR, discuss the current LADWP Strategic Long-Term Resource Plan (SLTRP) in place at the time of preparation of the analyses. Since that time, the Draft 2022 SLTRP has been released and provides additional forecasting out to 2045. The LADWP's 2021 load forecast is used to project customer demand for electricity over the next 20 years, and the modeling in the SLTRP set the capacity requirements to ensure that LADWP has sufficient capacity to meet customer load, even during extreme events. As discussed in Section 5.0, Corrections and Additions, of this Final EIR, LADWP confirmed that its renewable electricity portfolio would be able to accommodate the proposed Project's demand for electricity, including through the purchase of power under the LADWP Green Power Program

Comment GO17-198

- 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 system should not only be compared to the projected electricity production in 2042 (which may or may not actually occur).

Response GO17-198 Refer to Section 3.06, Energy, and Appendix H, Energy Technical Report, of the Draft EIR, for a discussion of the proposed Project's potential energy-related impacts, concluding that the proposed Project would result in a less than significant impact. The comment suggests that electricity production is not sufficient to meet current demands; however, it has not provided any new citations or data not previously addressed. Therefore, no new response is required. Furthermore, Section 3.06, Energy, of the Draft EIR, evaluated the proposed Project's energy-related impacts against the relevant significance thresholds from Appendix G of the CEQA Guidelines

and found those impacts to be less than significant. Importantly, it was found that the proposed Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources nor would it conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Refer to Section 3.6.4.2 of the Draft EIR, for an evaluation of how the proposed Project's potential impacts considered the effects of the proposed Project on peak and base period demands for electricity, which included evaluations of the proposed Project's electricity demand against projections of LADWP's future electricity demand. In this analysis, the Draft EIR does not speculate on LADWP's future supply. As discussed in Section 5.0, Corrections and Additions, of this Final EIR, LADWP confirmed that its renewable electricity portfolio would be able to accommodate the proposed Project's demand for electricity, including through the purchase of power under the LADWP Green Power Program.

Comment GO17-199

- 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).

Footnote 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.

Response GO17-199 This comment provides a general recitation and characterization of the changes in the transit network and references studies on regional transit ridership. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model, which is based on extensive data sources and assumptions validated by data. Given the uniqueness of a gondola as a mode of transportation, a model specifically tailored to games and events at Dodger Stadium was developed to estimate ridership of the proposed Project, and the results of this model were used to project ridership and associated potential operational effects including queuing. As detailed in Appendix N, Ridership Model Development Memorandum, of the Draft EIR, the model is based on the statistical relationship between cost and travel time, using data from a variety of sources including mode choice surveys for Angelenos travelling to sporting events in

Downtown Los Angeles, travel time and cost to Dodger Stadium and LAUS for driving and transit, parking costs, value of time, mode of access intercept surveys of Dodger Stadium Express riders, and many other data. As described in Appendix N, the proposed Project transit access model analyzes the proposed Project ridership that is expected to come from the transit system, primarily Metro and Metrolink services connecting to the proposed Project at the Alameda Station or the Chinatown/State Park Station. The park and ride model analyzes proposed Project ridership that would come from riders parking within a ½ mile walking distance of either station, or from vehicle drop-offs at either station from a TNC service such as Uber or Lyft. The existing model was then calibrated to existing conditions for the share of Dodger Stadium Express riders that take transit to LAUS based on data prepared by Metro in reports to the South Coast Air Quality Management District (SCAQMD) for the 2011-2015 Dodger seasons. Metro also provided Fehr & Peers with intercept survey data collected in the 2014 season. Attachment A to Appendix N includes the 2014 data provided by Metro and summarizes the range in mode of access for Dodger Stadium Express across the years that Metro analyzed. Mode of Access to Dodger Stadium ranged from 91% non-auto to 74% non-auto. Fehr & Peers applied the mode of access percentages from the 2014 data, because they offered substantially higher number of samples compared with the data cited in Metro's reports to SCAQMD. Metro's data indicated an evening game non-auto mode of access of 74%, and a daytime game non-auto mode of access of 91.4%. In the vehicle miles travelled (VMT) benefit calculation in the transportation section of the EIR, Fehr & Peers applied the evening mode of access to all evening games, and the daytime mode of access to day games. While transit mode of access is expected to improve with the expansion of the Measure R & M network and improved transit travel time competitiveness, for a more conservative estimate, Fehr & Peers held the 2014 mode of access constant for future forecasts. However, even in 2012 when fewer Metro rail stations were open than at present, Metro's intercept survey data for Dodger Stadium Express riders indicated that 88% of riders arrived via transit, walking, or biking.

Additionally, in contrast to systemwide bus ridership, which represents the vast majority of ridership decline as noted in the SCAG/UCLA study referenced by the commenter, ridership on the Dodger Stadium Express has grown considerably within the same time period indicating strong and growing demand for transit travel between LAUS and Dodger Stadium. As indicated by Metro "In 2010, the [Dodger Stadium Express] service's first year, 122,273 passengers rode the DSE to Dodger Stadium. By 2019, the passenger count increased to 307,124. This is a 250% increase over the service's first year."[64]

Comment GO17-200 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-

[64] Los Angeles County Metropolitan Transportation Authority (LA Metro). 2021. Metro Final Report: MSRC Contract MS21001 Dodger Stadium Express 2019 Season. Available at http://www.cleantransportationfunding.org/sites/default/files/projects-final-reports-2020-04/MS21001_Metro_Dodgers_Final_Report.pdf. Accessed August 2023.

income households, dramatically increased their levels of vehicle ownership. Census data show that 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]

Footnote 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/

Response GO17-200 Refer to Response GO17-199 for a discussion of the proposed Project's estimated ridership model, and how the measured ridership growth in the Dodger Stadium Express in contrast to systemwide bus ridership has declined, indicating strong and growing demand for transit connections between Dodger Stadium and Los Angeles Union Station.

Comment GO17-201 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.

Response GO17-201 The proposed Project's use of electricity supplied from LADWP's Green Power Program is a voluntary commitment to further demonstrate the proposed Project's leadership towards sustainable transportation. An addition to the Draft EIR has been provided for Section 3.08, Greenhouse Gas Emissions, to add this Project commitment as an enforceable Project Design Feature, GHG-PDF-A. The addition of GHG-PDF-A has been incorporated into Section 5.0, Corrections and Additions, of this Final EIR.

Comment Letter GO18 – Coalition for a Safe Community, Dr Clyde T. Williams

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO18

Comment GO18-1 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.

Response GO18-1 Section 2.0, Project Description, of the Draft EIR, included a description of the proposed Project construction, and the potential effects of the proposed Project construction are evaluated throughout Section 3.0, Environmental Setting, Impacts, and Mitigation. The detailed construction assumptions for the proposed Project are set forth in Appendix B, Construction Assumptions, of the Draft EIR. The level of detail and specificity for an EIR should correspond with the nature of the project and the degree of specificity involved in the underlying project (14 Cal. Code Regs. § 15146). CEQA does not require that detailed engineering plans be prepared or circulated publicly for review and comment. The information set forth in the Draft EIR concerning the proposed Project complies with CEQA's requirements.

Environmental review under CEQA is encouraged to occur as early as feasible in the planning process (14 Cal. Code Regs. § 15004). As such, it is common for an EIR to identify the requirement for more detailed design and engineering studies that must occur prior to construction reflecting the further advanced project design and on the ground environmental conditions at the time of construction. Refer also to Topical Response I: Use of Project Design Features and Plans in Mitigation Measures.

Comment GO18-2 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.

Response GO18-2 The Draft EIR addressed the Project Objectives and the Project Description in Section 2.0, Project Description. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project's objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project's fundamental purpose of providing a permanent transit connection to Dodger Stadium. Also refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA.

Comment GO18-3 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.

Response GO18-3 The City of Los Angeles Zone Information and Map Access System (ZIMAS) is a web-based mapping application that links together maps and databases designed to provide zoning related information for specified properties located in the City.[65] ZIMAS is not a distinct land use plan or zoning document. Refer to Section 3.11, Land Use and Planning, for discussion of the proposed Project's potential impacts to land use and consistency with relevant land use plans, policies, and regulations adopted for the purpose of avoiding environmental effects, including City of Los Angeles land use plans, policies, and regulations. The Draft EIR appropriately relies on a comprehensive list of resources listed in Section 9.0, References, of the Draft EIR. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO18-4 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.

Response GO18-4 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. An EIR need not consider every conceivable alternative. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Improving the connection between LAUS and Dodger Stadium via the proposed Project would

[65] City of Los Angeles. ZIMAS User Guide. Available at: http://zimas.lacity.org/webhelp/pdf/ZimasUserGuide.pdf. Accessed September 2023.

provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment GO18-5 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).

Response GO18-5 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-6 ES-2/3 The standards of adequacy of an EIR, defined by Section 15151 of the CEQA Guidelines, are as follows:

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 feasible….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..

Response GO18-6 The comment provides a recitation and characterization regarding the standards of adequacy for an EIR. The issues raised in this comment related to particular impact areas studied in the Draft EIR are provided below in Responses GO18-7 through GO18-120. The general comments regarding the adequacy of the Draft EIR are either not specific to the analysis contained within the Draft EIR or are requesting formatting and content beyond what CEQA requires. Refer to Response GO18-3 regarding ZIMAS.

Comment GO18-7 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.

Response GO18-7 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR, for a description of the proposed Project system, including its design and cables and ropeway technology. The proposed Project would be designed to operate safely with loads which are imbalanced, consistent with comparable aerial transit systems. Ski lifts, for example, are routinely designed for loads which are imbalanced, as the majority of passengers ride uphill and nearly no passengers ride downhill. Designing for this imbalance, as well as other operating and non-operating conditions, involves a variety of load scenarios which would be completed at future design stages of the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.)

Comment GO18-8 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.

Response GO18-8 This comment provides a general recitation and characterization of text from the Draft EIR. Further, CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Nevertheless, refer to Response GO18-7 for a discussion of the proposed Project's design considerations.

Comment GO18-9 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.

Response GO18-9 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response J, Gondola Design and Operations, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). The station boarding process and cabins would comply with all accessibility requirements of the Americans with Disabilities Act ("ADA"). If needed, cabins could be either slowed or stopped in the station for boarding purposes. Station attendants would be located within each station to assure safe boarding and to execute stops for unloading or boarding purposes, 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. A separate operator would be stationed in a control booth monitoring screens, which would show activities in each cabin and station, as well as the system controls. The time necessary to slow or stop cabins is factored into the overall system capacity of the proposed Project.

Comment GO18-10 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.

Response GO18-10 This comment provides a general recitation and characterization of text from the Draft EIR. The proposed Buena Vista project is discussed as a related project in Section 5.0, Other CEQA Considerations, of the Draft EIR. Refer to Table 5-1: Related Projects and Figure 5-1: Related Projects Map. As discussed in Section 5.0, the list of related projects includes projects that are anticipated to be constructed during the same timeframe as the proposed Project and operational at the same time as the proposed Project. The list of related projects is derived from information provided by the City of Los Angeles Department of City Planning and the Los Angeles Department of Transportation (LADOT). The proposed Buena Vista Project was also addressed in several sections of the Draft EIR, including Section 3.11, Land Use and Planning, and Section 4.0, Alternatives. Section 5.2, Cumulative Impacts, discusses potential cumulative impacts of the proposed Project and the related projects, including the proposed Buena Vista project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided

sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO18-11 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.

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.

Response GO18-11 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR for Figure 2-32: Dodger Stadium Station Buildout Conditions, which shows the buildout conditions for Dodger Stadium Station, including the mobility hub, pedestrian esplanade, and landscape improvements. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game and the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the proposed Community Access Plan. Refer to Section 2.6, Ridership, of the Draft EIR for a discussion of how the proposed Project would be configured to operate based on the anticipated ridership for Dodger games and special events at Dodger Stadium, events at the Los Angeles State Historic Park, commuters and residents in adjacent neighborhoods, and visitors to Los Angeles. The proposed Project has the flexibility to operate at varying speeds and capacity

depending on ridership. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd), and the station boarding process and cabins would comply with all accessibility requirements of the Americans with Disabilities Act ("ADA"). As discussed in Section 5.0, Corrections and Additions, of this Final EIR, access to Elysian Park, the City's second largest park, comprising 575 acres, would be provided through a mobility hub at Dodger Stadium Station, where passengers would be able to access a suite of first / last mile multi-modal options, such as a bike share program.

CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-12 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).

Response GO18-12 This comment provides a general recitation and characterization of text from the Draft EIR. Further, refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR for discussion of the safety features and operation of the proposed Project, including boarding and compliance with ADA requirements. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-13 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).

Response GO18-13 This comment provides a general recitation and characterization of text from the Draft EIR. Further, refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd) and how the station boarding process and cabins would comply with all accessibility requirements of the Americans with Disabilities Act ("ADA"). Station attendants would be located within each station to assure safe boarding and to execute stops for unloading or boarding purposes, 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. A separate operator would be stationed in a control booth monitoring screens, which would show activities in each cabin and station, as well as the system controls. The time necessary to slow or stop cabins is factored into the overall system capacity of the proposed Project. Pathways to the boarding areas would be ADA compliant with redundant vertical circulation and appropriately sized passageways. The entry widths and interiors size of each cabin would comply with the requirements of the ADA. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-14 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.

Response GO18-14 This comment provides a general recitation and characterization of text from the Draft EIR. A comprehensive list of the proposed Project's sustainability features, including the sources from which they were drawn, is provided in Section 2.7.9, Sustainability Features, of Section 2.0, Project Description, of the Draft EIR. Cabins would feature a ventilation system and sealed windows for viewing purposes, which, for security reasons, would not open. As a sustainability feature, the stations, junctions, and boarding platforms of the proposed Project would be designed to be open air, allowing for natural ventilation and natural daylighting. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-15 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".

Response GO18-15 This comment provides a general recitation and characterization of text from the Draft EIR. A comprehensive list of the proposed Project's sustainability features, including the sources from which they were drawn, is provided in Section 2.7.9, Sustainability Features, of Section 2.0, Project Description, of the Draft EIR. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-16 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.

Response GO18-16 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR for discussion of construction assumptions, including drilled piles and excavation, of the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-17 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).

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.

Response GO18-17 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a reasonable range of alternatives pursuant to CEQA Guidelines section 15126.6(a), and how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. CEQA does not require the consideration of alternatives to a component of a project, such as the variations on cabins suggested in this comment, and instead should focus on alternatives to a project as a whole. Further, CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-18 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.

Response GO18-18 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of how the environmental benefits of the proposed Project would not be realized through the "No Project Alternative." CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided

sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-19 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.

Response GO18-19 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 4.0, Alternatives, of the Draft EIR for an analysis of how well the proposed Project and each alternative, including the Transportation Systems Management Alternative, would fulfill the Project Objectives and for a summary of the same in Table 4-1: Alternatives Conformance with Objectives. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-20 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.

Response GO18-20 This comment provides a general recitation and characterization of text from the Draft EIR. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. The purpose of Table ES-2 is to provide a summary of the environmental impacts identified in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-21 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.

Response GO18-21 This comment provides a general recitation and characterization of text from the Draft EIR. The purpose of Table ES-2 is to provide a summary of the environmental impacts identified in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR. Section 3.0 examines the potential environmental effects associated with implementation of the proposed Project by issue area. As provided in Table ES-

2, Section 3.0, and Section 5.1, Significant and Unavoidable Adverse Impacts, of Section 5.0, Other CEQA Considerations of the Draft EIR, the only significant and unavoidable impacts associated with the proposed Project are related to construction noise and vibration (human annoyance). Refer to Section 3.13, Noise, of the Draft EIR for discussion of proposed Project mitigation measures applicable to construction noise and vibration. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-22 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.

Response GO18-22 This comment provides a general recitation and characterization of text from the Draft EIR. Further, refer to Response GO18-21, and to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA. The Draft EIR includes 7,877 pages of detailed analysis from experts intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. The shorter executive summary, including the summary of the proposed Project's impacts analysis provided in Table ES-2, explains the Draft EIR's analysis and conclusions in clean and simple language for the public and decisionmakers. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for

the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-23 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.

Response GO18-23 Refer to Response GO18-20.

Comment GO18-24 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 recommendations in support of grading and foundation design….recommended 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 construction.

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 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.

Response GO18-24 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to geology and soils upon implementation of Mitigation Measures GEO-A. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR for discussion of how the proposed Project would have less than significant impacts with implementation of Mitigation Measures HAZ-A and HAZ-B. Also, CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-25 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.

Response GO18-25 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, and Table 7-1, Mitigation Monitoring and Reporting Program (MMRP), of the Final EIR. The Mitigation Monitoring and Reporting Program will prescribe for agency enforcement of mitigation measures for the proposed Project, including Mitigation Measure GEO-B. Further, Mitigation Measure GEO-B prescribes the mandatory elements of the Paleontological Resources Monitoring and Mitigation

Plan (PRMMP), including what deposits and actions are subject to the plan, when monitoring is required, and how monitoring should be conducted. Mitigation Measure GEO-B further outlines potential steps for mitigation, and requires that the Project Sponsor comply the evaluating paleontologist's recommendations. No ground-disturbing activities may continue until these recommendations have been implemented to the paleontologist's satisfaction. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO18-26 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.

Response GO18-26 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible

at the time of CEQA review. Nevertheless, refer to Section 5.0, Corrections and Additions, of the Final EIR, for a discussion of how in response to comments requesting additional clarification on the enforcement mechanisms and standards in Mitigation Measure HAZ-A, an addition to the Draft EIR has been provided to clarify that the Soil and Groundwater Management Plan shall be submitted to the Los Angeles Department of Building and Safety for review prior to the commencement of demolition and construction activities and as a condition of the grading, construction, and/or demolition permit(s). The addition also recognizes that Mitigation Measure HAZ-A requires full compliance with all applicable local, state, and federal regulations (including but not limited to, as applicable, OSHA Safety and Health Standards, Cal/OSHA requirements, federal, state and local waste disposal regulations, SCAQMD Rule 1166, as well as any other applicable requirements of the California Department of Toxic Substances, the Los Angeles Regional Water Quality Control Board, and the City of Los Angeles) related to the identification, excavation, transportation, and disposal of hazardous materials, including those encountered in excavated soil and dewatered groundwater.

Comment GO18-27 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).

Response GO18-27 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA also does not require "a lead agency to conduct every test or perform all research, study, and experimentation

recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-28 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.

Response GO18-28 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted With the Applicable Responsible Agencies, for discussion of how Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Refer to the proposed Project's SB 44 website for documents related to the proposed Project, including the Notice of Availability (NOP) for the Draft EIR: https://laartsb44.net/#!/documents.https://laartsb44.net/#!/documents. The NOP for the proposed Project was released on October 1, 2020, and the Draft EIR for the proposed Project was released on October 17, 2022.

CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.)

Comment GO18-29 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 (SDEIR) for public review and comments.

Response GO18-29 This comment provides a general recitation and characterization of text from the Draft EIR. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR for details on the proposed Project construction. The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-30 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; 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 (SDEIR) for public review and comments.

Response GO18-30 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 9.0, References, of the Draft EIR for a list of references. Refer to page ES-17, in the Executive Summary, and page 5-1, in Section 5.0, Other CEQA Considerations, of the Draft EIR, for a summary of significant and unavoidable impacts. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to

"provide all information requested by reviewers." (Id., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-31 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 (SDEIR) for public review and comments.

Response GO18-31 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.10, Required Permits and Approvals, in Section 2.0, Project Description, of the Draft EIR, for a list of required permits and approvals from responsible agencies for the proposed Project. Refer to Section 1.0, Introduction, of the Draft EIR, for discussion of the CEQA Responsible and Trustee Agencies. The County of Los Angeles is not a responsible agency for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code

Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-32 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 (SDEIR) for public review and comments.

Response GO18-32 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the710ublicc and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-33 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”.

Response GO18-33 This comment provides a general recitation and characterization of text from the Draft EIR. The Draft EIR addressed the Purpose and Need for the proposed Project in Section 2.3.7 and the Project Objectives in Section 2.3.8. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project’s objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project’s fundamental purpose of providing a permanent transit connection to Dodger Stadium.

Comment GO18-34 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 (SDEIR) for public review and comments.

Response GO18-34 This comment provides a general recitation and characterization of text from the Draft EIR. The Draft EIR addressed the Purpose and Need for the proposed Project in Section 2.3.7 and the Project Objectives in Section 2.3.8. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the proposed Project’s objectives were defined in order to assist Metro in considering alternatives that achieve the proposed Project’s fundamental purpose of providing a permanent transit connection to Dodger Stadium. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project’s environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project’s potential environmental impacts. CEQA does not require “a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters” and lead

agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-35 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.

Response GO18-35 This comment provides a general recitation and characterization of text from the Draft EIR. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Mitigation for archaeological resources addresses the potential for encountering archaeological resources during ground disturbing construction activities (see, e.g., Mitigation Measures CUL-A, CUL-C, CUL-D, and CUL-E). Refer to Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR for the Mitigation Monitoring and Reporting Program. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-36 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".

Response GO18-36 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Table 5-1: Related Projects and Figure 5-1: Related Projects Map. As discussed in Section 5.0, the list of related projects includes projects that are anticipated to be constructed during the same timeframe as the proposed Project and operational at the same time as the proposed Project. The list of related projects is derived from information provided by the City of Los Angeles Department of City Planning and the Los Angeles Department of Transportation (LADOT). Refer to Section 5.2.5, Cultural Resources, of the Draft EIR, for discussion of cumulative impacts to cultural resources. Refer to Section 3.07, Geology and Soils, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts to paleontological resources upon implementation of Mitigation Measure GEO-B. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

Comment GO18-37 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.

Response GO18-37 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils upon implementation of Mitigation Measures GEO-A. Refer to Response GO18-3 regarding ZIMAS. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.)

Comment GO18-38 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.

Response GO18-38 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR. Section 3.07 and Appendix I discuss the location of the Stadium Tower and Dodger Stadium Station in a City-designated hillside area for the purposes of evaluating their susceptibility to landslides. Further, Figure 3.7-2, Seismic Hazards with the Project Area, maps the earthquake-induced landslide zones in the proposed Project area. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test

or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id.*, § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-39 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, 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.

Response GO18-39 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report of the Draft EIR for discussion of subsidence. As discussed in 3.07, Mitigation Measure GEO-A would require development of a site-specific geotechnical investigation and report that would include geotechnical recommendations for project design and construction based on grading conditions and foundation capacities, including an evaluation of risk of subsidence. The submittal and approval of the final geotechnical report would be a condition of the grading and construction permits issued by the City of Los Angeles and recommendations would be implemented during project design and construction. Also, refer to Section 3.10, Hydrology and Water Quality, for a discussion of groundwater. 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. CEQA does not require extensive detail beyond that

needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-40 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.

Response GO18-40 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of the Elysian Park Fault. As discussed in Section 3.07, the Elysian Park Fault is not capable of producing surface rupture and the Alquist-Priolo Earthquake Fault Zoning Act is not applicable, including the requirement to prepare a geologic investigation. Refer to Response GO18-3 regarding ZIMAS. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-41 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 (SDEIR) for public review and comments.

Response GO18-41 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, and Appendix F, Memo on Structural Engineering, of the Final EIR for discussion of how the proposed Project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to geology and soils, including liquefaction, landslides, subsidence, and seismic shaking, upon implementation of Mitigation Measures GEO-A. As discussed on page 3.7-8 and page 17 of Appendix I, 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. This reference to the U.S. Geological Survey Quaternary fault and fold database on page 3.7-8 of Section 3.07 and page 17 of Appendix I, has been incorporated into Section 5.0, Corrections and Additions, of this Final EIR. Refer to Response GO18-3 regarding ZIMAS.

In addition, the detailed construction assumptions for the proposed Project are set forth in Appendix B, Construction Assumptions, of the Draft EIR. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-42 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.

Response GO18-42 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR for discussion of how the proposed Project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to subsidence and liquefaction upon implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-43 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 (SDEIR) for public review and comments.

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..

Response GO18-43 This comment provides a general recitation and characterization of text from the Draft EIR. The comment questions the consistent use of the terms "younger Quaternary or Holocene or <11,700 years old." The term "younger Quaternary" in the cited text describes how the term is employed in Figure 3.7-1. Figure 3.7-1 is based on Figure 3 in Appendix I, Los Angeles Aerial Rapid Transit Geotechnical Document in Support of the Environmental Impact Report. The data used in Figure 3 are derived from the Preliminary Geologic Map of the Los Angeles 30'x 60' Quadrangle, California, produced by the California Geological Survey. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to archaeological resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project. As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project would not impermissibly defer mitigation. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0,

Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Not only are the requested borings unnecessary to evaluate potential environmental impacts, such borings are impracticable. As discussed in Topical Response I, as noted on page 3.7-19, of Section 3.07, Geology and Soils, of the Draft EIR, "[c]onstruction 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." Therefore, monitoring described in Mitigation Measure GEO-B is appropriately reserved as part of the construction in order to avoid the need to excavate more than once in connection with the proposed Project. Likewise, as discussed in Section 3.09, Hazards and Hazardous Materials, Appendix K, Phase I Environmental Site Assessment, and Appendix L, Hydrology Technical Report, of the Draft EIR, the Draft EIR conducted an extensive preliminary investigation of the proposed Project's sites to determine whether the site exhibited contamination from hazardous materials or would otherwise have impacts to groundwater. Based on this investigation, the Draft EIR concluded that additional investigation may be appropriate, although a full investigation is impracticable at this time because the Project Sponsor does not have access agreements for all the underlying properties and would have to obtain these agreements prior to testing. Moreover, it is appropriate for the Project Sponsor to test soils for contamination at the time the soil is disturbed and properly handle and remove any contaminated soil or groundwater at this time for off-site disposal and/or recycling, as outlined in Mitigation Measure HAZ-A. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id.*, §15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-44 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 (SDEIR) for public review and comments.

Response GO18-44 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts to paleontological resources upon implementation of Mitigation Measure GEO-B. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified. Refer to Response GO18-43 for a discussion of why boring sampling for paleontological resources is impracticable at this juncture.

Comment GO18-45 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.

Response GO18-45 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils, including liquefaction and subsidence, upon implementation of Mitigation Measure GEO-A. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR for discussion of how the proposed Project would have less than significant impacts related to hazards and hazardous materials upon implementation of Mitigation Measures HAZ-A and HAZ-B. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-46 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.

Response GO18-46 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils, including liquefaction and subsidence, upon implementation of Mitigation Measures GEO-A.

Comment GO18-47 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.

Response GO18-47 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils, including liquefaction and subsidence, upon implementation of Mitigation Measures GEO-A. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA.

The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified. This comment also does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO18-48 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, would be required. The geotechnical investigation and report would include geotechnical recommendations for project design and construction. With compliance to existing standards and codes and implementation of Mitigation Measure GEO-A, impacts related to the strong seismic ground shaking, seismic-related ground failure, and/or liquefaction during construction of the proposed Project would be reduced to less than significant.

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.

Response GO18-48 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time

the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO18-49 3.7-15/1 Therefore, impacts related to earthquake-induced slope failure could be 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 design plans and specifications, including applicable site stabilization based on grading conditions and foundation capacities, would prevent instability of the slope during construction, and reduce impacts to less than significant 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.

Response GO18-49 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed project would meet applicable standards, requirements, and building

codes and would have less than significant impacts related to seismic-related ground failures upon implementation of Mitigation Measure GEO-A, as well as for a discussion of regional seismic hazards and seismic hazards within the proposed Project area (depicted in Figure 3.7-2, Seismic Hazards within the Project Area). Section 3.7.1, Regulatory Setting, recognizes that the Elysian Park fault is the fault located closest to the Project alignment. The Elysian Park fault is a blind thrust fault, which means it is not capable of surface fault rupture. As discussed in Section 3.07, the proposed Project would result in less than significant impacts with mitigation for construction impacts and less than significant impacts for operational impacts related to the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefication or landslides. Refer to Response GO18-48 for a discussion of how mitigation measures may appropriately include additional studies, how CEQA does not require the EIR to include all information requested by commenters, and how recirculation or a supplemental or subsequent EIR is not required.

Comment GO18-50 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.

Response GO18-50 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR, and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how

the proposed Project is equipped with security features. For example, to provide added security to system passengers, each gondola cabin would have a security camera on board with a feed to the control room, as well as a "push to talk" button, which would open two-way communications with the control room. The control room would be able to address all cabins at once, or an individually selected cabin. Control room operators would have the ability to contact local security, law enforcement or other emergency response agencies as needed. The Emergency Operations Plan for the proposed Project would also include emergency response protocols and safety procedures developed in conjunction with the operator, system provider, and local authorities, and would address operational changes and communication protocols required in response to a range of potential emergencies such as a medical emergency in a cabin or in a station or a fire near the alignment. The plan would consider a wide range of scenarios for which default operational responses would be determined. In addition, the plan would include communication protocols with local authorities for further instruction and coordination. Refer to Topical Response J, Gondola Design and Operations, for discussion of how an Evacuation Plan would be developed as part of the Emergency Operations Plan for the proposed Project. Refer to Section 3.07, Geology and Soils, of the Draft EIR and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the structural design of the proposed Project's stations, junction, and towers would meet the rigorous safety standards of applicable standards, requirements, and building codes, including all mandated standards addressing environmental factors such as wind and seismic effects and gravity forces, including all impacts from the height and tilt of the structures, to ensure structural integrity and safety. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO18-51 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.

Response GO18-51 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the depth of the piles is not described relative to the ground surface but indicates that the piles would reach depths of 125 feet. The piles would be driven from excavation depths of 10 feet with the exception of Dodger Stadium, where the excavation depth would be 42 feet. Refer to Section 3.05, Cultural Resources, Section 3.07, Geology and Soils, and Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, for discussion of how the proposed Project would have less than significant impacts related to geology and soils, including paleontological resources, upon implementation of Mitigation Measures GEO-A and GEO-B. Further, as discussed in Section 3.5.6 of the Draft EIR, Mitigation Measure CUL-A provides for development of a Cultural Resources Monitoring and Mitigation Plan by a qualified archaeologist. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research,

study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-52 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 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.

Response GO18-52 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for a discussion of how mitigation measures may appropriately include additional studies and how CEQA does not require the EIR to include all information requested by commenters. Refer to Response GO18-25 for further discussion of the sufficiency of Mitigation Measure GEO-B.

Comment GO18-53 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.

Response GO18-53 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to geology and soils upon implementation of Mitigation Measures GEO-A. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. Further, no feasible project alternative or mitigation measure considerably different from those previously analyzed in Section 4.0, Alternatives, of the Draft EIR, or outlined in Table ES-2, Summary of Environmental Impacts, of the Draft EIR, that could clearly lessen the proposed Project's environmental impacts has been proposed. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5.

Comment GO18-54 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.

Response GO18-54 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to geology and soils and paleontology upon implementation of Mitigation Measures GEO-A and GEO-B. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-55 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 (SDEIR) for public review and comments.

Response GO18-55 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, and Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hazards and hazardous materials upon implementation of Mitigation Measures HAZ-A and HAZ-B. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) Refer to Response GO18-43 for a discussion of why boring sampling for contamination is impracticable at this juncture. Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-56 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.

Response GO18-56 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*. § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-57 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 architectural 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.

Response GO18-57 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR for discussion of the construction of the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Finally, the CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-58 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 if properly monitored and controlled per Cal/OSHA regulations….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.

Response GO18-58 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting

data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. Refer to Figure 3.9-1, Methane Zones Within the Project Area, in Section 3.09 of the Draft EIR. As shown, Alameda Station is not located within a Methane Zone. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. Finally, this comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-59 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.

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.

Response GO18-59 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. As indicated on page 3.9-18 to 3.9-19 of the Draft EIR, the City of Los Angeles Department of Building and Safety's Los Angeles Methane Zone Map lists and categorizes Methane Zones and Methane Buffer Zones. The proposed Project would be designed and constructed to comply with regulations of Division 71 of the Los Angeles Municipal Code. Compliance with Division 71 Section 91.7104.1, which includes appropriate methane exposure or release identification protocols based on a site-specific evaluation of the risk during construction, would be required to ensure worker health and safe construction as applicable. Anecdotal information regarding an unrelated project is noted for the record. Refer to Response GO18-58 for discussion of how an MMRP is not required to be provided with the Draft EIR under CEQA, but has been provided with the Final EIR. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-60 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.

Response GO18-60 Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. As stated on page 3.9-19, Figure 3.9-1, Methane Zones Within the Project Area, is a City of Los Angeles Department of Building and Safety map, which lists and categorizes Methane Zones and Methane Buffer Zones. As stated on page 42 of Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, this information was

referenced on March 31, 2022 from the City of Los Angeles (2004). Refer to Response GO18-3 regarding ZIMAS. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-61 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.

Response GO18-61 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. Refer to Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of Metro/MTA construction sites. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the

time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure.

CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented. Furthermore, per section 15097(a) of the CEQA Guidelines, the preparation of an MMRP is required only when a public agency has made findings related to an EIR in conjunction with approving a project. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-62 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.

Response GO18-62 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the proposed Project relative to Methane Zones and Methane Buffer Zones and for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) Refer also to Response GO18-61 for further discussion of when an MMRP is required. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA

Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented. Furthermore, per section 15097(a) of the CEQA Guidelines, the preparation of an MMRP is required only when a public agency has made findings related to an EIR in conjunction with approving a project. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-63 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 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.

Response GO18-63 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Responses GO18-61 and GO18-62 for further discussion of Methane Zones and Methane Buffer Zones, as well as the proposed Project's MMRP.

Comment GO18-64 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.

Response GO18-64 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Responses GO18-61 and GO18-62 for further discussion of Methane Zones and Methane Buffer Zones, as well as the proposed Project's MMRP.

Comment GO18-65 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.

Response GO18-65 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Direct citations and documented values for water and groundwater have been drawn from Appendix L. As indicated beginning on page 3.10-18 of the Draft EIR, citations 27 through 39 provide data and mapping related to groundwater. As discussed on page 3.10-30 of the Draft EIR, the proposed Project would have less than significant impacts on sustainable groundwater management of the basin from construction activities. The proposed Project would include excavation and concrete work, and installation of drilled piles that would generate less than significant volumes of nuisance water. These activities would be limited to the construction phase only. Additionally, no large volumes of groundwater would be extracted that could decrease groundwater supplies. With adherence to existing regulations, potential impacts to groundwater supply and recharge during construction would be less than significant. As discussed on page 3.9-25, in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, further construction activities and workers would be required to comply with OSHA and Cal/OSHA regulations. As discussed on page 3.9-46, in Section 3.09, Hazards and Hazardous Materials of the Draft EIR, the Project Sponsor shall prepare a Soil and Groundwater Management Plan (Mitigation Measure HAZ-A) prior to re-grading, decommissioning, or construction activities. The Soil and Groundwater Management Plan shall include methods and procedures for sampling and analyzing soils and/or groundwater at identified Project component locations in order to classify soils and/or groundwater as 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 included 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. The Mitigation Monitoring and Reporting Program (MMRP) for the proposed Project was prepared consistent with the requirements of CEQA Guidelines section 15097. As demonstrated in Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, the MMRP prescribes for agency enforcement of mitigation measures for the proposed Project, which will ensure supervision by the various responsible agencies. The MMRP designates which agencies are responsible for future enforcement of mitigation measures, based on the agency with the regulatory authority to enforce a given mitigation measure. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are

not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. Release of a draft MMRP as part of the Draft EIR is not required under CEQA and an MMRP for the proposed Project will be prepared and adopted consistent with the requirements of CEQA Guidelines section 15097. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented. Refer to Responses GO18-61 and GO18-62 for further discussion of Methane Zones and Methane Buffer Zones, as well as the proposed Project's MMRP.

Comment GO18-66 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.

Response GO18-66 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Response GO18-65 for further discussion of hydrology and water quality, as well as the proposed Project's MMRP.

Comment GO18-67 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.

Response GO18-67 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. As discussed on page 39 of Appendix L, Hydrology and Water Quality Technical Study, to the Draft EIR, specific files from Metro related to groundwater and water quality were accessed through databases such as Geotracker. Further, as indicated beginning on page 3.10-18, citations 27 through 39 provide data and mapping related to groundwater. Citations to general documents are sufficient because the reference documents were used holistically rather than for only specific

data. Moreover, CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-68 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.

Provide revised descriptions and assessments along with appropriate mitigation or compensation and then circulate a revised-subsequent/supplemental DEIR for public review and comments.

Response GO18-68 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Response GO18-67 for discussion of how databases such as Geotracker were accessed as part of the Draft EIR. Refer to Appendix L, Section 3.0, Regulatory Setting, for the publicly available data sources and information, including

accessible databases for roads and construction information along the proposed alignment, reflected in the baseline methodology.

The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (14 Cal. Code Regs. § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-69 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.

Response GO18-69 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Section 2.0, Project Description and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the proposed Project construction. Environmental review under CEQA is encouraged to occur as early as feasible in the planning process (CEQA Guidelines section 15004). As such, it is common for an EIR to identify the requirement for more detailed design and engineering studies that must occur prior to construction, reflecting the further advanced project design and on the ground environmental conditions at the time of construction. Refer to Table 2-4: Proposed Project Construction Details, on page 2-51 in Section 2.8, Construction, for details on piles and caps included in the proposed Project. Table 2-4 identifies the maximum depth of drilled piles, the maximum depth

of excavation, amount of excavation, and amount of materials exported. Refer also to Exhibit 1 in Appendix B, Construction Assumptions, of the Draft EIR. As shown therein, Appendix B maps the locations of all foundations and piles for construction of each component. Moreover, CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-70 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.

Response GO18-70 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Section 3.10.4, Environmental Impacts, of the Draft EIR, for discussion of groundwater. Refer to Exhibit 1 in Appendix B, Construction Assumptions, of the Draft EIR. As shown therein, Appendix B maps the locations of all foundations and piles for construction of each component. Refer to Section 3.10, Hydrology and Water Quality. Refer to Response GO18-39 for discussion of how based on groundwater depths, none of the proposed excavations for foundations are

anticipated to encounter groundwater. Furthermore, as stated in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, a Soil and Groundwater Management Plan would be prepared to specify methods for handling, sampling, and disposal of contaminated groundwater in the event it is encountered during construction (Mitigation Measure HAZ-A). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (Id., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-71 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.

Response GO18-71 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Table 2-4, Proposed Project Construction Details, in Section 2.0, Project Description, for maximum depth of drilled piles. Refer to Exhibit 1 in Appendix B, Construction Assumptions, of the Draft EIR. As shown therein, Appendix B maps the locations of all foundations and piles for construction of each component. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g.,

14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-72 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.

Response GO18-72 This comment provides a general recitation and characterization of text from the Draft EIR. The detailed construction assumptions for the proposed Project are set forth in Appendix B, Construction Assumptions, of the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-73 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.

Response GO18-73 Refer to Section 3.10, Hydrology and Water Quality, and Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Response GO18-39 for discussion of how based on groundwater depths, none of the proposed excavations for foundations are anticipated to encounter groundwater. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, for discussion of how Mitigation Measure HAZ-A, would require that a Soil and Groundwater Management Plan be prepared to sample and analyze soils and groundwater encountered during construction and would require the identification and implementation of methods and procedures necessary for proper handling and removal of impacted soils and/or groundwater for off-site disposal if required. CEQA

does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-74 3.10-27/1 Additionally, as stated in Section 3.9, Hazards and Hazardous Materials, a Soil 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.

Response GO18-74 As indicated in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, the Project Sponsor shall prepare the Soil and Groundwater Management Plan prior to re-grading, decommission, or construction activities. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Response GO18-39 for further discussion of groundwater. CEQA does not require extensive

detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-75 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.

Response GO18-75 This comment provides a general recitation and characterization of text from the Draft EIR. As discussed on page 2 of Appendix L, Hydrology and Water Quality Technical Study, to the Draft EIR, nuisance water is water generated during construction that seeps into boreholes. As discussed in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, the Project Sponsor shall prepare the Soil and Groundwater Management Plan prior to re-grading, decommission, or construction activities. The Soil and Groundwater Management Plan shall include methods and procedures for sampling and analyzing soils and/or groundwater at identified Project component locations in order to classify soils and/or groundwater as 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. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be

developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. Refer also to Response GO18-73 above regarding this issue.

Comment GO18-76 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.

Response GO18-76 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10.1, Regulatory Setting, of Section 3.10, Hydrology and Water Quality, for applicable laws and regulations applicable to hydrology and water quality. Applicable laws and regulations would include, but not be limited to, the Clean Water Act of 1972 (including 1977 and 1987 Amendments); Antidegradation Policy of 1968; Porter-Cologne Water Quality Control Act of 1969; State of California Antidegradation Polices – State Water Resources Control Board Resolution 68-16; 3.2.540 CFR 131.38 – California Toxics Rule; NPDES General Construction Permit regulations; MS4 Permit regulations; Los Angeles Regional Water Quality Control Board Basin Plan; City of Los Angeles General Plan; the City of Los Angeles LID Ordinance; the City of Los Angeles Municipal Code; the City of Los Angeles Water Quality Compliance Master Plan; and all other applicable regulations for all construction activities. The existing Construction Stormwater General Permit expired

on September 2, 2014, and is administratively extended until the effective date of a reissued permit. The proposed Project would comply with the statewide NPDES Construction General Permit (CGP) for stormwater discharges associated with construction activities in effect at the time of construction. In accordance with the CGP, the proposed Project Sponsor would be required to prepare and submit a construction Stormwater Pollution Prevention Plan (SWPPP) to the State Water Resources Control Board (SWRCB) prior to—and adhered to during—construction, as referenced in Appendix L, Section 3.0, Regulatory Setting (pages 16 to 24). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-77 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.

Response GO18-77 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time

the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. As discussed in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, the Project Sponsor shall prepare the Soil and Groundwater Management Plan prior to re-grading, decommission, or construction activities. The Soil and Groundwater Management Plan shall include methods and procedures for sampling and analyzing soils and/or groundwater at identified Project component locations in order to classify soils and/or groundwater as 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. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-78 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.

Response GO18-78 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10.1, Regulatory Setting, for laws and regulations applicable to Hydrology and Water Quality. Refer to Response GO18-76 for discussion of applicable laws and regulations related to hydrology and water quality. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts.

CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-79 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.

Response GO18-79 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, for discussion of the Soil and Groundwater Management Plan. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that

the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-80 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.

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.

Response GO18-80 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10.1, Regulatory Setting, of Section 3.10, Hydrology and Water Quality, for laws and regulations applicable to Hydrology and Water Quality. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-81 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.

Response GO18-81 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Responses GO18-76 through GO18-80 regarding applicable laws, regulations, and industry standards. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., §15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-82 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.

Response GO18-82 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for Figure No. 7, Regional Oil Wells and Methane Zones. Refer to Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for analysis of historic well-sites and on-ground facilities. CEQA does not require extensive detail beyond that needed for evaluation and review of the

proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.). The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-83 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.

Response GO18-83 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.12, Mineral Resources, of the Draft EIR for discussion of how the proposed Project would not result in the loss of availability of a known mineral resource. 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, with the nearest active well situated approximately 1.5 miles west of the proposed Project alignment. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by

commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) CEQA does not require speculation as to possible future environmental consequences, and the Draft EIR need not analyze uncertain, hypothetical future events. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-84 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 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.

Response GO18-84 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR and Topical

Response J, Gondola Design and Operations, of the Final EIR, for discussion of the proposed Project's safety features, maintenance, evacuation plans, and applicable industry standards. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-85 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 will be designed 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.

Response GO18-85 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would comply with the accessibility requirements of the ADA. The station boarding process and cabins would comply with all accessibility requirements of the ADA. If needed, cabins could be either slowed or stopped in the station for boarding purposes. Station attendants would be located within each station to assure safe boarding and to execute stops for unloading or boarding purposes, 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. A separate operator would be stationed in a control booth monitoring screens, which would show activities in each cabin and station, as well as the system controls. The time necessary to slow or stop cabins is factored into the overall system capacity of the proposed Project. Pathways to the boarding areas would be ADA compliant with redundant vertical circulation and appropriately sized

passageways. The entry widths and interior size of each cabin would comply with the requirements of the ADA. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-86 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.

Response GO18-86 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 2.0, Project Description, for a discussion of the purpose and need for the proposed Project, and the Project Objectives. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. Section 4.0, Alternatives, also discusses alternatives considered

but dismissed from detailed analysis during the scoping process due to infeasibility, as required by CEQA Guidelines section 15126(c). CEQA Guidelines section 15126(f)(1) provides that the factors taken into account to address the feasibility of alternatives include "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." Section 4.0's assessment of impact areas for each alternative studied is in compliance with CEQA and the Guidelines, and to the extent this comment requests further numerical or quantified details for each alternative, this is not what CEQA requires. (See CEQA Guidelines, § 15126.) Table 4-1, Alternatives Conformance with Objectives, and Table 4-3, Alternative Impact Comparison, of the Draft EIR, provide a comparison of the proposed Project and the Project Alternatives impacts, and the Project Alternatives' ability to meet the Project Objectives. Refer to Topical Response H: The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for further discussion of the CEQA requirements for an Alternatives analysis, the basis and range of alternatives evaluated in the Draft EIR, and the purpose and basis for the stated project objectives. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-87 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 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.

Response GO18-87 This comment provides a general recitation and characterization of text from the Draft EIR. The directions described on page 1979 of Appendix K, Phase I Environmental Site Assessment, to the Draft EIR, was provided in the EDR Environmental Database Report. Site addresses are provided as part of the EDR Radius Map, beginning on page 652 in Appendix K, Phase I Environmental Site Assessment, to the Draft EIR. Historic aerial photographs are provided beginning on page 342 in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified. This comment does not raise any significant new information requiring recirculation of the Draft EIR prior to certification pursuant to CEQA Guidelines section 15088.5. No new significant environmental impact would result from the proposed Project or from a new mitigation measure proposed to be implemented.

Comment GO18-88 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.

Response GO18-88 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to page 31 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for references to documents used in preparation of Appendix I. Refer to Section 3.7.1, Regulatory Setting, of the Draft EIR, for discussion of laws and regulations applicable to geology, soils, and seismic conditions in the proposed Project study area. Refer to Section 3.7.5, Mitigation Measures, of the Draft EIR, for discussion of Mitigation Measure GEO-A. Mitigation Measure GEO-A would require the Project Sponsor to 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). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-89 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).

Response GO18-89 Refer to Section 3.07, Geology and Soils, of the Draft EIR, with supporting data in Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils upon implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Refer to Response GO18-43 for a discussion of why excavation for geotechnical borings is impracticable at this juncture.

Comment GO18-90 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.

Response GO18-90 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, of the Draft EIR, with supporting data in Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils upon implementation of Mitigation Measure GEO-A. Refer to Section 3.7.2.5, Regional Seismic Hazards, in the Draft EIR, and Section 4.2.1.1 in Appendix I, Geotechnical Document in Support of the Environmental Impact Report,

to the Draft EIR, for discussion on the Elysian Park Fault. The proposed Project area is in a seismically active region in southern California, but the proposed Project alignment is not in a State of California Earthquake Fault Zone (Alquist-Priolo Earthquake Fault Zone) for known Holocene active faults capable of fault surface rupture. The Elysian Park fault does traverse the proposed Project area, but it is a blind thrust fault and is not capable of surface fault rupture. Therefore, the risk of surface rupture due to faulting is considered low and construction of the proposed Project would not directly or indirectly cause potential substantial adverse effects. Refer to Response GO18-3 for discussion on the ZIMAS tool. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.)

Comment GO18-91 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.

Response GO18-91 This comment provides a general recitation and characterization of text from the Draft EIR. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.)

Comment GO18-92 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.

Response GO18-92 This comment provides a general recitation and characterization of text from the Draft EIR. As stated on page 13 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, "West of North Broadway, the

alignment is underlain by Holocene to Pleistocene alluvial fan deposits (Qyf1) fed by southeast-trending drainages including Chavez Ravine emanating from the highlands of the Elysian Park area." Appendix I states "Holocene *to* Pleistocene," not "Holocene and Pleistocene," as noted in the comment.

Comment GO18-93 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.

Response GO18-93 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to page 31 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for reference to the Preliminary Geologic Map of the Los Angeles 30'x 60' Quadrangle, California, produced by the California Geological Survey. Refer also to Figure 3.7-1 in Section 3.7.2.2, Local Geology, of the Draft EIR, and Figure 3 in Appendix I, for a depiction of a subset of the referenced map focused on the proposed Project area which includes areas of Late Pleistocene and Holocene deposits. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-94 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.

Response GO18-94 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. As noted on page 3 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, the report was prepared by a certified geologist. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id.*, § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-95 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.

Response GO18-95 This comment provides a general recitation and characterization of text from the Draft EIR. The nomenclature employed in Table 4.2.1.1-1: Nearby Active Faults (USGS 2008) Latitude = 34.065019; Longitude = - 118.235495, is derived from the U.S. Geological Survey fault database.

Comment GO18-96 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.

Provide description and assessments reflecting the LACity-DCP ZIMAS info-base.

Response GO18-96 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of this Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to geology and soils, including seismic shaking, upon implementation of Mitigation Measure GEO-A. The proposed Project area is in a seismically active region in southern California, but the proposed Project alignment is not in a State of California Earthquake Fault Zone (Alquist-Priolo Earthquake Fault Zone) for known Holocene active faults capable of fault surface rupture. The Elysian Park fault does traverse the proposed Project area, but it is a blind thrust fault and is not capable of surface fault rupture. Refer to page 31 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for references to documents used in preparation of Appendix I. As indicated beginning on page 3.7-8, citations 11 through 18 provide data and mapping related to surface zones, liquefaction, and landslides. Refer to Response GO18-3 regarding ZIMAS. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-97 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.

Response GO18-97 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS.

Comment GO18-98 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.

Response GO18-98 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, for discussion of how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. As discussed on page 6-18 of Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, the California Department of Conservation’s online Geologic Energy Management Division (CalGEM) was accessed to identify potential methane releases within the proposed Project area. As noted on page 19 of Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, the proposed Project is located just beyond the eastern end, but not within, what is designated as the Los Angeles City Oil Field. The proximity to the proposed Project is noted in Figure 7, Regional Oil Wells and Methane Zones, which also shows the location of some proposed Project elements within Methane and/or Methane Buffer Zones. As stated on page 3.9-19, Figure 3.9-1, Methane Zones Within the Project Area, is a City of Los Angeles Department of Building and Safety map, which lists and categorizes Methane Zones and Methane Buffer Zones. As stated on page 42 of Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, the information was referenced on March 31, 2022, from the City of Los Angeles (2004). Refer to Response GO18-3

regarding ZIMAS. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-99 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

Response GO18-99 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to geology and soils, including liquefaction, upon implementation of Mitigation Measure GEO-A. As discussed in Section 3.7.5, Mitigation Measures, of the Draft EIR, Mitigation Measure GEO-A provides for preparation of Site-Specific Final Geotechnical Report that will include recommended measures to reduce potential impacts related to liquefaction induced by the proposed Project. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-100 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.

Response GO18-100 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, with supporting data provided in Appendix K, Phase I Environmental Site Assessment, for discussion of the proposed Project relative to the Methane and Methane Buffer Zones and how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. As discussed, beginning on page 3.9-25, in Section 3.09, Hazards and Hazardous Materials, of the Draft EIR, during construction, ground-moving activities such as excavation for the foundations of the stations and towers would include disturbance of soils and pass through Methane Zones and/or Methane Buffer Zones. Methane exposure to workers during construction can be hazardous at high levels, but it is anticipated that construction methods for the proposed Project would involve relatively shallow and wide excavations and would not be considered confined spaces, which therefore reduces the likelihood of construction workers being exposed to gas concentration that would be hazardous due to inhalation. Further,

construction activities and workers would be required to comply with OSHA and Cal/OSHA regulations. As discussed on page 3.9-27 in Section 3.09 of the Draft EIR, although the stations, junction, and towers are open-aired structures, enclosed vertical circulation elements (stairwells and/or elevators) would be required to be designed and constructed to comply with Division 71 of the LAMC and Cal/OSHA regulations to ensure worker health and safety. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-101 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 (SDEIR) for public review and comments.

Response GO18-101 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to geology and soils, including liquefaction, with implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-102 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.

Response GO18-102 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for data and mapping related to surface zones, liquefaction, and landslides and for discussion of how the proposed Project would have less than significant impacts related to geology and soils, including liquefaction, with implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-103 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.

Response GO18-103 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or

prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in the proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-104 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.

Response GO18-104 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail

beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-105 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.

Response GO18-105 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.09, Hazards and Hazardous Materials, of the Draft EIR with supporting data provided in Appendix K, Phase I Environmental Site Assessment, for discussion of the proposed Project relative to the Methane and Methane Buffer Zones and how, with adherence to OSHA, Cal/OSHA, and Division 71 of the Los Angeles Municipal Code, the proposed Project would have less than significant impacts related to methane gas exposure or release. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental

impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-106 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.

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.

Response GO18-106 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed Project would meet applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils upon implementation of Mitigation Measures GEO-A. The proposed Project area is in a seismically active region in southern California, but the proposed Project alignment is not in a State of California Earthquake Fault Zone (Alquist-Priolo Earthquake Fault Zone) for known Holocene active faults capable of fault surface rupture. The Elysian Park fault does traverse the proposed Project area, but it is a blind thrust fault and is not capable of surface fault rupture. Refer to Response GO18-3 regarding ZIMAS. Refer to Topical Response J, Gondola Design and Operations, for discussion of how an Evacuation Plan would be developed as part of the Emergency Operations Plan of the proposed Project. CEQA does not require

extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-107 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.

Response GO18-107 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Response GO18-106. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-108 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.

Response GO18-108 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Response GO18-3 regarding ZIMAS. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of the Final EIR, for discussion of how the proposed project would meet applicable standards, requirements, and building codes and would have less than significant impacts related to seismic-related ground failures upon implementation of Mitigation Measure GEO-A. As indicated beginning on page 3.7-8, of Section 3.07, Geology and Soils, citations 11 through 18 provide data and mapping related to surface zones, liquefaction, and landslides. Moreover, CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-109 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.

Response GO18-109 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, with supporting data in Appendix I, Geotechnical Document in Support of the Environmental Impact Report, for discussion of how the proposed Project would have less than significant impacts related to geology and soils upon implementation of Mitigation Measure GEO-A. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation

Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-110 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.

Response GO18-110 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of this Final EIR, for discussion of the structural design of the proposed Project and how the proposed Project would have less than significant impacts related to geology and soils, including seismic shaking, upon implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id.*, § 15204.) The

CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-111 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.

Response GO18-111 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of this Final EIR, for discussion of the structural design of the proposed Project and how the proposed Project would have less than significant impacts related to geology and soils, including seismic shaking, upon implementation of Mitigation Measure GEO-A. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact.

Comment GO18-112 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.

Response GO18-112 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA. CEQA does not require plans and studies contemplated in mitigation measures to be developed during the Draft EIR process or prior to project approval, and recognizes that the development of plans or future studies may be appropriate in order to reflect on-the-ground conditions at the time the potential impact may occur, as well as further developments in proposed Project design during the post-entitlement phase. This allows the mitigation to be appropriately tailored to the potential impact. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of this Final EIR, for discussion of the structural design of the proposed Project and how the proposed Project would have less than significant impacts related to geology and soils, including seismic shaking, upon implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id.*, § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-113 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

Response GO18-113 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Topical Response I, Use of Plans in Mitigation Measures and Project Design Features, for discussion of how the use of plans in mitigation measures does not constitute impermissible deferral. Such actions are commonplace under CEQA where additional study is required but is not appropriate or otherwise feasible at the time of CEQA review. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, and Appendix F, Memo on Structural Engineering, of this Final EIR, for discussion of the structural design of the proposed Project and how the proposed Project would have less than significant impacts related to geology and soils upon implementation of Mitigation Measure GEO-A. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-114 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.

Response GO18-114 This comment provides a general recitation and characterization of Senate Bill 44. Refer to Section 1.0, Introduction, Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, and Section 3.17, Transportation, of the Draft EIR, for discussion and quantitative analysis demonstrating how the proposed Project is consistent with the requirements of SB 44. Refer to Topical Response A, SB 44, for discussion of the proposed Project's consistency with the requirements of Senate Bill (SB) 44. Refer to Appendix R, Senate Bill 44 (Public Resources Code Section 21168.6.9), of the Draft EIR, and Appendix E, Senate Bill 44 (Public Resources Code Section 21168.6.9), of the Final EIR. Refer to Topical Response A, SB 44, for discussion of how the proposed Project would reduce emissions by no less than 50,000 metric tons of greenhouse gas emissions directly in the proposed Project's corridor as defined within the EIR over the useful life of the proposed Project, and without using offsets the proposed Project's lifetime VMT reduction over its useful life (30 years based on SCAQMD's guidance for GHG significance thresholds) would be a reduction of greater than 30,000,000 VMT at 129,629,500 VMT saved, substantially more VMT saved than is required under SB 44. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-115 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.

Response GO18-115 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, in the Draft EIR, with supporting data provided in Appendix L, Hydrology and Water Quality Technical Study, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. As discussed on page 3.10-29, in Section 3.10, Hydrology and Water Quality, Table 3.10-3: Existing and New Impervious Surface Area, indicates numerical results of the changes in impervious surface area affecting surface water quality. The proposed Project would be designed to incorporate several sustainability features for the proposed Project's post-

construction design to control/treat runoff. The proposed Project would incorporate best management practices (BMPs) to ensure the treatment of the first flush or the equivalent of the greater between the 85th percentile storm and first 0.75-inch of rainfall for any storm event. The proposed Project and low impact development (LID) Plan incorporating BMP design features would comply with all applicable federal, State, regional, and local agency water quality protection laws and regulations, as well as commonly used industry standards. Refer to Response GO18-76 for discussion of laws and regulations applicable to hydrology and water quality. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-116 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.

Response GO18-116 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, with supporting data provided in Appendix L of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Response GO18-115 for a discussion of the proposed Project's hydrology and water quality impacts. Each drainage area on the proposed Project site would include design elements that serve to capture and re-use stormwater in accordance with current LID requirements—thereby minimizing the potential for both on- and off-site erosion, siltation, and flooding while simultaneously providing irrigation supply and reducing potable water consumptive use. LID design features slow (detain or retain) stormwater that reduces the runoff volume discharged from the proposed Project and decreases the peak runoff discharge velocity for design storms—also ultimately

reducing the amount of stormwater runoff burden into the City's stormwater conveyance systems. As a result, less flow with fewer pollutants would be transported through the conveyance systems and ultimately into surface waters, including ancillary exfiltration to the groundwater table. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.)

Comment GO18-117 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.

Response GO18-117 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Responses GO18-115 and GO18-116 for a discussion of the proposed Project's hydrology and water quality impacts. Refer to Section 3.10, Hydrology and Water Quality, with supporting data provided in Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA.

Refer to Response GO18-76 for discussion of laws and regulations applicable to hydrology and water quality. CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-118 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.

Response GO18-118 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.10, Hydrology and Water Quality, with supporting data provided in Appendix L, Hydrology and Water Quality Technical Study, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts related to hydrology and water quality. Refer to Responses GO18-115 through GO18-117 for a discussion of the proposed Project's hydrology and water quality impacts.

Comment GO18-119 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.

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.

Response GO18-119 This comment provides a general recitation and characterization of text from the Draft EIR. The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related

to archaeological resources would be either less than significant or reduced to less than significant with mitigation. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR, for discussion of how the proposed Project would implement Mitigation Measure GEO-B, requiring the preparation of a Paleontological Resources Monitoring and Mitigation Plan (PRMMP). CEQA does not require extensive detail beyond that needed for evaluation and review of the proposed Project's environmental impact. (See, e.g., 14 Cal. Code Regs. § 15124.) The Draft EIR provided sufficient information in order for the public and decision makers to meaningfully evaluate the proposed Project's potential environmental impacts. CEQA does not require "a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters" and lead agencies are not required to "provide all information requested by reviewers." (*Id*., § 15204.) Refer to Response GO18-43 for a discussion of why boring sampling for paleontological resources is impracticable at this juncture. Boring sampling for archaeological resources is impracticable for similar reasons. As discussed in Topical Response I, as acknowledged on page 3.5-2, Section 3.05, Cultural Resources, of the Draft EIR, "an archaeological resource may not be recognizable or even observable without ground-disturbing activities." Mitigation Measures CUL-A and CUL-C through CUL-E accordingly outline actions that would be taken in the unlikely event that archaeological resources are discovered once excavation begins on-site. Excavation or other such ground disturbance prior to approval of the proposed Project to discover any potential additional resources is impracticable at this juncture. The CEQA Guidelines specify that the standards for preparation of a subsequent or supplemental EIR apply only after an EIR has been certified or a negative declaration has been adopted for a project. (*Id*., § 15162(a).) The EIR for the proposed Project has not been certified.

Comment GO18-120 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.

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.

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.

Response GO18-120 This comment provides a general recitation and characterization of text from the Draft EIR. Refer to Section 3.07, Geology and Soils, and Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, of the Draft EIR, for discussion of how the proposed Project would have less than significant impacts to paleontological resources with the implementation of Mitigation Measure GEO-B. 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.

Comment Letter GO19 – Maria S. Salinas

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO19

Comment GO19-1 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.

Response GO19-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world and their features to enhance and provide additional benefitS to the surrounding communities, including increased mobility options, greater accessibility, shorter travel times, and traffic and emissions reductions for surrounding communities.

Comment GO19-2 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.

Response GO19-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first and last mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station. The proposed Project would also provide new connections to and between currently underserved neighborhoods and uses along the proposed alignment, including El Pueblo, Chinatown, Mission Junction, the Los Angeles State Historic Park, Elysian Park, and Solano Canyon. To facilitate this

transportation connectivity, the proposed Project would include pedestrian access enhancements including pedestrian improvements between Metro's L Line (Gold) Station and Chinatown/State Park Station consistent with the Connect US Action Plan, shade structure, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. As discussed in Topical Response N, Environmental Justice, the proposed Project would be free to ride for anyone with a ticket to a Dodger game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO19-3 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.

Response GO19-3 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. As discussed in Section 2.0, Project Description, the proposed Project will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. As detailed in Appendix N, Potential LA ART Tourist Ridership of the Draft EIR, tourism related ridership is estimated from an analysis prepared by HR&A, which determined the potential for the proposed Project to capture a share of the tourism attraction market in the County of Los Angeles.

Comment GO19-4 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.

Sincerely,

Maris S. Salinas
President & CEO

Response GO19-4 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical C, Project Features, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Refer to Responses GO19-1 to GO19-3 for discussion of the proposed Project's pedestrian improvements, economic benefits to local businesses, and mobility enhancements.

Comment Letter GO20 – Arts District Community Council, Todd Terrazas

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO20

Comment GO20-1 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 reserving 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.

Response GO20-1 This comment provides a general introduction regarding the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO20-2 through GO20-24.

Comment GO20-2 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.

Response GO20-2 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO20-3 through GO20-24. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provides detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response A, SB

44, for discussion of how the proposed Project is public transportation. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures and project design features is consistent with the requirements of CEQA.

Comment GO20-3 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.

    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.

Response GO20-3 This comment provides a general recitation and characterization of the CEQA statute, case law, and regulations. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of public outreach during the Draft EIR public review period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. For example, after initially offering two options for the proposed Project alignment in the Notice of Preparation, responding to stakeholder input, the Project Sponsor announced it would proceed with the proposed Project alignment studied in the Draft EIR, including the intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park. This decision was in direct response to both State Park and Chinatown stakeholders. Located within a short walk to many Chinatown businesses and Metro's L Line (Gold), this station also addresses the goal of creating a stronger connection with the Metro L Line and would also enhance transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River.

As discussed in Appendix A, Public Outreach Report, of the Final EIR, during the Draft EIR public review period, eight public meetings were held immediately preceding, during, and immediately following the public review period, with four held in-person in the Project area at Los Angeles Union Station and Cathedral High School, and four

held virtually via Zoom webinar. Project materials and information were provided at both the in-person meetings and on Metro's website in English, Spanish, Chinese (Traditional), and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings.

The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR

Comment GO20-4

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.

Response GO20-4 Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public during this period led directly to changes to the proposed Project to incorporate public feedback. The two virtual public outreach meetings conducted by the Project Sponsor in June 2021 were held via Zoom Webinar with a maximum attendance of 500 participants. These meetings included a question and answer session, and attendees could ask questions using the Zoom Q&A and chat functions. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project's use of mitigation measures is consistent with the requirements of CEQA. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how Section 6.0, Design and Use Options, of the Draft EIR includes design and use options responsive to public comments and stakeholder feedback and describes how environmental impacts from implementation of each design and use option would differ from the proposed Project's potential environmental impacts described in the Project Description and analyzed in Section 3.0, Environmental Setting, Impacts, and Mitigation, of the Draft EIR, with respect to the particular project component variation. The design and use options provide flexibility for decision makers to potentially adopt one or more minor variations to components of the proposed

Project should the decisionmaker determine such a minor variation is desirable as part of the proposed Project.

Comment GO20-5

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.

Response GO20-5 Refer to Appendix A, Scoping Report, of the Draft EIR, for a copy of the Notice of Preparation of the proposed Project, which initially offered two options for the proposed Project alignment. In response to stakeholder input during the public scoping period, the Project Sponsor announced it would proceed with the proposed Project alignment studied in the Draft EIR, including the intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park. Located within a short walk to many Chinatown businesses and Metro's L Line (Gold), this station addresses the goal of creating a stronger connection with the Metro L Line (Gold) and would also enhance transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. The Draft EIR also considered the Spring Street Alignment Alternative and the Transportation Systems Management Alternative. Further, Section 4.2.1, Alternatives Considered but Dismissed from Detailed Analysis, of the Draft EIR, considered five potential alternatives, including alignment and station location alternatives and direct alignment alternatives. Refer to Section 5.0, Corrections and Additions, of this Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project, in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis in the Final EIR because it did not meet most of the basic objectives of the proposed Project.

Comment GO20-6

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.

Response GO20-6 As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable cumulative impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. The proposed Project would not result in any significant and unavoidable operational impacts.

Comment GO20-7 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.

Response GO20-7 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. KOPs critical or representative of the visual character of the area were identified within each Landscape Unit (LU) and utilized for before and after photorealistic and true to scale visual simulations and locations of sensitive viewers that potentially would be visually impacted by the proposed Project. KOPs within each LU were selected based on existing knowledge of important viewsheds and through consultation with responsible agencies. KOPs selected for simulation will appear larger and more distinct than visual elements further in the distance even though the foreground element may be of a smaller dimension, consistent with how pedestrians experience their surrounding environment. Further, visual simulations were created to reflect the proposed project components within the existing landscape and, as such, include the existing landscape planting, buildings, and other visual elements such as open space resources, trees, and building frontages as they existed at the time the photos were taken. Refer to Appendix C, Visual Impact Assessment, of the Draft EIR, for detailed discussion about the implementation and results of the visual simulation. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for additional visual simulations of the proposed Project, including simulations provided for additional clarity regarding ropeway cable design for the gondola cabins. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for a discussion of how the view simulations were prepared, including discussion of how the ropes

would be 1.75 to 2.5 inches in diameter, but are shown in the model with a 6-inch diameter so that they would be visible in the renderings. Additionally, renderings include 3 cables, though some imagery may show only 2 visible cables due to perspective. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant.

Comment GO20-8 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.

Response GO20-8 Refer to Topical Response D, Metro Is the Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of why Metro is the proper lead agency for the proposed Project because Metro has primary responsibility for implementation of the proposed Project as the region's transportation authority. Under CEQA, a lead agency is the public agency with the greatest responsibility for supervising or approving the project as a whole." (CEQA Guidelines, §15051(b).) Under state law, Metro has broad authority over public transportation planning and coordination for the Los Angeles region's transportation system and is authorized to do "any and all things" to carry out these purposes. (Public Utilities Code, § 130105(f).) For the proposed Project, Metro is tasked with considering approval of all plans for design, construction, and implementation under Public Utilities Code section 130252, as well as with consideration of the written approvals to operate the proposed Project, pursuant to its authority under Public Utilities Code Section 130252. Thus, Metro has primary responsibility for implementing the proposed Project and integrating it into the regional transportation system, consistent with

Metro's statutory purpose. Metro is the appropriate lead agency for the proposed Project. Contrary to this commenter's assertion, CEQA does not require a lead agency to be an elected decision-making body. (See generally Pub. Resources Code, § 21067; CEQA Guidelines, § 15367.) Further, CEQA's various requirements for consultation with agencies and for public review and comment ensures the full transparency and accountability of the lead agency.

Comment GO20-9 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.

Response GO20-9 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. The proposed Project is not included on federal funding bundle lists. Refer to Response GO20-12 for discussion of the proposed Project's capital, operation, and maintenance costs and planned sources of funding.

Comment GO20-10 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.

Response GO20-10 Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the mitigation measures for the proposed Project would not impermissibly defer mitigation. Refer to Section 7.0, Mitigation Monitoring and Reporting Program, of the Final EIR, for an overview of the mitigation measures required to mitigate or lessen the proposed Project's potential environmental impacts, including the enforcement mechanisms for each mitigation measure. This comment does not propose any specific mitigation measures that were not incorporated into the Draft EIR, and accordingly no further analysis is warranted.

Comment GO20-11 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.

Response GO20-11 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. ARTT LLC's donation of LA ARTT LLC and the proposed Project includes ARTT LLC's continued support of the proposed Project with financial support and expertise,

including funding for consultant and technical work for the EIR. As set forth in Section 8.0, List of Preparers, of the Draft EIR, and Section 9.0, List of Preparers, of the Final EIR, consultant and technical work for the EIR would include analysis by a team of qualified experts, consultants, and engineers, including Fehr & Peers as to transportation; SCJ Alliance as to gondola systems; PCL Construction Services, Inc. as to construction; and Nabih Youssef Associates Structural Engineering as to structure engineering. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment GO20-12 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.

The right for communities not to be assaulted by backroom deals should override tainted officials.

Response GO20-12 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. As part of this process, Metro has not undertaken any actions or "backroom dealing" that would absolve Metro of its independent judgment in considering the proposed Project and its potential environmental impacts. The proposed Project is not included on federal funding bundle lists.

Comment GO20-13 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.

Response GO20-13 Refer to Section 5.0, Corrections and Additions, of this Final EIR for a discussion of Chavez Ravine. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice, how the proposed Project supports Metro's goal of prioritizing equity opportunities, is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, how the public outreach for the proposed Project was designed with environmental justice principles in mind, how the proposed Project would not preclude development of uses including housing, grocery stores, and/or healthcare facilities in the surrounding communities, and would itself address a need for a permanent transit connection to one of the region's most visited venues and would alleviate existing congestion on surrounding neighborhood streets, arterial roadways, and freeways, thereby reducing associated air pollution and improving safety, and how the proposed Project is designed to be ADA compliant. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding communities, and how the Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community engagement during the Draft EIR public review period, including opportunities for public testimony. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and in writing or verbally during the four public hearings.

Comment GO20-14 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.

Response GO20-14 The fundamental goals of environmental review under CEQA are to provide information and allow for a meaningful opportunity for the public to participate in the environmental review process. Metro has and will continue to comply with CEQA and any other applicable statutes or Metro policies regarding public participation and access to information in the decision-making process. As part of this process, Metro has not undertaken any actions or "backroom dealing" that would absolve Metro of its independent judgment in considering the proposed Project and its potential environmental impacts.

Comment GO20-15 9. Over 75 mature-growth trees ranging between 15 and 50' are slated to be removed to accommodate thousands of pounds of concrete.

Response GO20-15 Refer to Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, for discussion of tree removal and replacement. The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located.

Comment GO20-16 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.

Response GO20-16 The comment cites California's 30x30 initiative, following Governor Newsom issuing the October 2020 Executive Order N-82-20, which committed California to the goal of conserving 30% of its lands and coastal waters by 2030.[66] Under that goal, "an area is considered a '30x30 Conservation Area' if it meets the following definition: land and coastal water areas that are durably protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support. 'Durably protected and managed areas' within California's 30x30 initiative encompass" areas under government ownership or control or under perpetual easements that are designated to protect species and their habitat. (Pathways to 30x30 California, p. 25.) In implementing this initiative, the California Natural Resources Agency recognizes that the "best available datasets for identifying 30x30 Conservation Area lands in California assign protected areas into [USGS GAP Analysis Program] codes based on the degree of biodiversity protection for conserved areas. GAP status codes 1 and 2 are generally consistent with" the definition of 30x30 Conservation Areas "as they include areas with a high degree of durable protection and management for biodiversity or ecosystem values." "Examples of lands and waters that are often coded as GAP 1 in California include most national parks, wilderness areas, ecological reserves, and wild and scenic rivers . . . Areas coded as GAP 2 in California include most national wildlife refuges, state parks, state conservation areas national seashores, as well as some local and regional open space, private conservation lands and easements." (Pathways to 30x30 California, p. 29.) Based on a search of the California Protected Areas Database[67] and California

[66] Administration of Governor Gavin Newsom. 2022. Pathways to 30x30 California. Available at: https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf. Accessed July 2023.

[67] Map Collaborator. 2023. California Conservation Easement Database. Available at: https://www.mapcollaborator.org/cpad/?base=map&y=37.51844&x=-123.95874&z=6&layers=notes%2Ccced&opacs=100%2C100. Accessed September 2023.

Conservation Easement Database,[68] and their associated GAP codes,[69] the proposed Project alignment is not located within a 30x30 Conservation Area.

The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. As discussed on page 3.4-23, in Section 3.04, Biological Resources, of the Draft EIR, it is anticipated that mitigation ratios for trees on land administered or managed by responsible agencies would be agreed to as part of the approvals required for implementation of the proposed Project. The proposed Project would provide a minimum replacement ratio of 1:1 for all trees removed in the Los Angeles State Historic Park and a replacement ratio of 1:1 for all large trees removed in the State Route (SR) 110 California Department of Transportation (Caltrans) ROW. As discussed in Section 4.1.3, Impacts to Wildlife from Tree Removal, of Appendix G, the quality of wildlife habitat provided by the trees proposed for removal is relatively low, given that the trees are primarily non-native tree species. In addition, the only areas of tree removal that could be potentially described as wooded habitat are the following: the small grove of Fremont cottonwood trees at the western end of the Los Angeles State Historic Park, the non-native woodland at the Stadium Tower and associated fire buffer, and the non-native woodland at the Dodger Stadium Station location. The total area of wooded habitat that would be removed in each of these areas is 0.24, 1.02, and 0.39 acres, respectively. This area of wooded habitat is relatively small compared to the amounts available in the immediately surrounding areas, such as Elysian Park (approximately 600 acres alone, much of which is wooded), Radio Hill Gardens, Victory Memorial Grove, and Point Grand View Park. Accordingly, while the removal of trees will result in a marginal reduction of suitable tree habitat in the short-term, such habitat loss would not result in substantial population level impacts. Moreover, in the long-term, the replacement of trees proposed for removal would more than offset any realized impacts associated with the proposed Project.

[68] http://www.mapcollaborator.org/cpad/?base=map&y=37.50973&x=-123.94775&z=6&layers=notes%2Cced&opacs=100%2C100 (last accessed July 6, 2023).

[69] USGS Protected Areas Database of the United States, https://www.arcgis.com/home/item.html?id=e20f27c6af5a49b289bea1ba05b4986b (last accessed July 6, 2023).

Comment GO20-17 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.

Response GO20-17 Although forms of aerial transit technology have been available and utilized for the last 100 years, modern applications have seen the evolution of the technology as a feasible mode of urban rapid transit. As discussed in Section 2.0, Project Description, of the Draft EIR, 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. As discussed in Appendix D, Technology Penetration Analysis, of Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and will introduce the first aerial gondola system to the Los Angeles area, which represents the first aerial gondola system in a densely populated area of the United States since 2007. The proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation.

Comment GO20-18 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.

Response GO20-18 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of

the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express.

Comment GO20-19 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.

Response GO20-19 Refer to Topical Response C, Project Features, discussing how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses along the proposed Project alignment while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. Additionally, the proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first/ last-mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station, and would include signage to support wayfinding for transit passengers. Refer to Section 3.17, Transportation, and Section 3.11, Land Use and Planning, of the Draft EIR, for discussion of how mult-imodal access—for both local and emergency response—to local businesses, neighborhoods, LAUS, and the Los Angeles State Historic Park would be maintained throughout construction of the proposed Project, and disruptions to local businesses would be minimized. The Project Sponsor would create a Business and Community Support Program to assist local businesses financially affected by proposed Project construction activities.

These features of the proposed Project, including the intermediate Chinatown/State Park Station closer to the core of Chinatown, were provided in direct response to input from the public during the public scoping period for the Draft EIR in October 2020 hosted by Metro, and the June 2021 virtual public outreach meetings conducted by the Project Sponsor. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. For example, after initially offering two options for the proposed Project alignment in the Notice of Preparation, responding to stakeholder

input, the Project Sponsor announced it would proceed with the proposed Project alignment studied in the Draft EIR, including the intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park. Located within a short walk to many Chinatown businesses and Metro's L Line (Gold), this station also addresses the goal of creating a stronger connection with the Metro L Line and would also enhance transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River.

As discussed in Topical Response C, Project Features, while not proposed as part of the proposed Project, the Draft EIR includes an analysis of the State Park's proposed bike and pedestrian bridge as part of Design and Use Option E. The bridge would provide important connections for students at Cathedral High School, as well as between the park and the Chinatown, Savoy, and Solano Canyon neighborhoods to support convenient access for the community. The analysis serves to provide environmental clearance for the bike and pedestrian bridge as a benefit to the Los Angeles State Historic Park, as while the bike and pedestrian bridge was mentioned in the Los Angeles State Historic Park General Plan and studied in the State Park's Bridge Feasibility Study, the bike and pedestrian bridge was never environmentally cleared. Support for the Los Angeles State Historic Park bike and pedestrian bridge would otherwise be provided as part of the proposed Project. Accordingly, the proposed Project is furthering the bike and pedestrian bridge by providing the necessary environmental clearance and support for the bridge.

Comment GO20-20 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.

Response GO20-20 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Response GO20-11 for discussion of the preparation of the Draft EIR.

Comment GO20-21 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.

Response GO20-21 Refer to Section 3.09, Hazards and Hazardous Materials, and Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, for discussion of the potential for soil contamination. The Draft EIR acknowledges and discloses the historical use of the Los Angeles State Historic Park site, including past use and storage of petroleum products and other materials that resulted in impacts to soil and groundwater. The status of remediation efforts and the potential for encountering contaminated soils at this location is disclosed on pages 3.9-16, 3.9-17, 3.9-23 and 3.9-24. Additional information, including a summary of database search results, remediation efforts, and reviewed documents related to the Los Angeles State Historic Park site is set forth in Appendix K, Phase I Environmental Site Assessment, of the Draft EIR, on pages 6-8, 6-9, and 10-2.

Mitigation Measure HAZ-A requires implementation of a Soil and Groundwater Management Plan (Management Plan) during work at the Los Angeles State Historic Park site. The Management Plan will include the methods and procedures for sampling and analyzing soil and groundwater during construction to classify them as either hazardous or nonhazardous; and if identified as hazardous, the Management Plan will specify the applicable methods and procedures (1) for the proper handling and removal of impacted soils and/or groundwater for offsite disposal and/or recycle in accordance with current federal, state, and local regulations, and (2) to be protective of workers and the environment.

Comment GO20-22 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.

Response GO20-22 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's

underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Refer to Responses GO20-16 and GO20-17 for discussion of how impacts to biological resources from construction and operations of the proposed Project would be less than significant with implementation of mitigation. Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR, for discussion of the environmental setting of the proposed Project and the lack of wildlife habitat and native vegetation within the Biological Survey Area (BSA). No native plant communities occur within or adjacent to the BSA and there are no wildlife corridors within the BSA to support movement of wildlife species. No sensitive habitats such as wetlands, oak woodlands, or coastal sage scrub habitat are present within the BSA. Refer to Response GO20-16 for a discussion of how although the removal of trees in connection to the proposed Project will result in a marginal reduction of suitable tree habitat in the short-term, such habitat loss would not result in substantial population level impacts. Moreover, in the long-term, the replacement of trees proposed for removal would more than offset any realized impacts associated with the proposed Project.

Comment GO20-23 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.

Response GO20-23 This comment provides a general summary regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO20-2 through GO20-22. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical C, Project Features, for

discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefit to the surrounding community. Metro sought to engage with stakeholders in neighborhoods along the proposed Project alignment in each stage of the environmental review process. Further, the Draft EIR complied with CEQA's requirements, providing the necessary analysis to adequately inform the public and decision makers regarding the proposed Project and its potential environmental impacts.

Comment GO20-24 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.

Response GO20-24 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Responses GO20-16 and GO20-17 for discussion of how impacts to biological resources from construction and operations of the proposed Project would be less than significant with implementation of mitigation.

Comment GO20-25 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."

Sincerely,

Todd Terrazas
President

Cc: Supervisor Hilda Solis
Mayor Karen Bass
Congressmember Jimmy Gomez
Assembly Member Miguel Santiago

Response GO20-25 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO20-2 through GO20-24.

Comment Letter GO21 – LA River State Park Partners

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO21

Comment GO21-1 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, Rio 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.

As Executive Director of LARSPP, I have extensive on-the-ground experience with the day-to-day operations of these parks, as well as knowledge of their creation, development, and ongoing needs.

Response GO21-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO21-2 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…

Response GO21-2 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade

where pedestrians are present – eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.04, Biological Resources of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

Comment GO21-3 …and would permanently alter the carefully designed vistas of the park, key features identified in the park's 2005 General Plan.

Response GO21-3 Refer to Response S2-5 for a discussion of aesthetic impacts to the park. The Draft EIR addressed aesthetic impacts in Section 3.01, Aesthetics, with supporting data provided in Appendix C, Visual Impact Assessment of the Draft EIR. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. The Draft EIR included thirty Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project. With respect to views from within

the park, the Draft EIR concluded that certain southwest-facing views of the downtown Los Angeles skyline, particularly close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the Draft EIR noted that these views are already partially interrupted by trees and intervening development, and the nature of the proposed Project (i.e., cables with similar characteristics to prevalent existing powerlines and cabins that are constantly moving in and out of view) means that the proposed Project would not significantly impact views from the park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. The Final EIR includes additional KOPs to further analyze viewshed impacts to Los Angeles State Historic Park. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. In addition, refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the park and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the park.

Comment GO21-4 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.

Response GO21-4 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Response GO21-5 for a a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan and Mitigation Measure LUP-A.

Comment GO21-5 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 mitigated 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.

This notion that the impacts to the park will disappear with a General Plan amendment is absurd on its face.

Response GO21-5 Refer to Response GO21-4 for a discussion of how the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO21-6 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 located 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.

Response GO21-6 This comment provides a general recitation and characterization of the Draft EIR. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. While the Chinatown/State Park Station's footprint will occupy 2,195 square feet within the park, through continued collaboration with State Parks, which has been ongoing and will continue through the General Plan Amendment process, the proposed Project would be fully integrated into the park such that it would add to, rather than take away from the park's purpose and objectives. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. In addition, the Chinatown/State Park Station would also include a mobility hub where passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program. Pedestrian access enhancements could include pedestrian improvements between Metro's L Line (Gold) Station and the

Chinatown/State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex. In addition, the station canopy would provide much needed shade. As discussed in Topical Response F, Los Angeles State Historic Park, the Project Sponsor would work with State Parks through the General Plan Amendment process to develop an "Interpretation Plan" to identify unique ways to use the proposed Project to provide interpretation for the park and its history. The Interpretation Plan would help ensure that the proposed Project is a benefit to Los Angeles State Historic Park by providing visitors with, consistent with the park's existing General Plan, an engaging and informative experience that deepens their understanding and appreciation of Los Angeles State Historic Park's culture and history as a former and current (should the proposed Project be developed) transportation hub.

Comment GO21-7 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 and 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.

Response GO21-7 Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO21-8 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.

Response GO21-8 Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the legal framework that allows the California Department of Parks and Recreation to permit the proposed Project's use of Los Angeles State Historic Park.

Comment GO21-9 2. Tree Removal

The DEIR states that 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.

It is not possible to simply plant 81 trees on the remaining property without potentially altering the use patterns of the park.

Response GO21-9 The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.04, Biological Resources of the Draft EIR, and in Appendix K.1, Updated Tree Inventory Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. Refer to Section 4.1.2, Location of Tree Replacement, of Appendix G, for a discussion of how replacement trees would be planted as near to the location of removal as possible, and that tree replacement locations would be coordinated with the landowner or party responsible for managing the land, including the California Department of Parks and Recreation.

Refer to Response GO21-11 for a discussion of how over time, replacement trees would obtain similar carbon sequestration benefits as the existing trees.

Comment GO21-10 In addition, the ratio of tree replacement should not be a 1:1 ratio, but rather, a mitigation ratio such as 5:1. In 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 free 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.

Response GO21-10 Refer to Response GO21-9 for a discussion of how the proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

Comment GO21-11 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.

Response GO21-11 Refer to Response GO21-9 for a discussion of tree removal and replacement in the Los Angeles State Historic Park. Refer to Section 3.08, Greenhouse Gas Emissions, of the Draft EIR for discussion of how the proposed Project would result in a net decrease of in GHG emissions compared to existing conditions. While there may be short-term losses in carbon sequestration related to the removal of trees, the proposed Project would implement BIO-PDF-F and would comply with applicable tree replacement requirements, based on the jurisdiction of the property where each tree is located. Accordingly, the short-term losses in carbon sequestration would occur only in the interim as replacement trees grow to the size of the existing trees. Nevertheless, over time, replacement trees would obtain similar carbon sequestration benefits as the existing trees and would be coupled with a net decrease of approximately 6,375 metric tons of CO2e per year in GHG emissions from the proposed Project. Even if the sequestration achieved from replacement trees is less than the sequestration that would have occurred from the existing trees, it would not change the impact conclusion related to Greenhouse Gas Emissions because the proposed Project will not result in a net increase in GHG emissions. As indicated in Section 3.08, Greenhouse Gas Emissions, the proposed Project is an innovative

alternative transportation development with the benefit of reducing VMT, which reduces air pollutants and GHG emissions associated with vehicle trips. The Draft EIR demonstrates that the proposed Project would result in a net decrease of approximately 6,375 metric tons of CO2e per year at its horizon operational year 2042, resulting in a less than significant impact related to GHG emissions.

Comment GO21-12 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.

Response GO21-12 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources, including the Zanja Madre, would be either less than significant or reduced to less than significant with mitigation. The exposed section of the Zanja Madre located northwest of the Los Angeles State Historic Park near the intersection of North Broadway and Bishops Road is denoted as P-19-190309. This resource will not be directly impacted by construction given that it is located outside of the proposed Project footprint. Further, operational impacts to the setting, including potential visual impacts, are less than significant because the resource's setting has already been substantially altered from its historic state. Refer to pages 42, 52, and 91 of Appendix F for further information about P-19-190309. The views of the Zanja Madre would not be impacted by the proposed Project. Refer to Response S2-5 for a discussion of how the proposed Project would not substantially impact views, and how the proposed Project would provide a view of the exposed Zanja Madre, which is currently not visually apparent from the park.

Comment GO21-13 There has also been a long-standing interest in looking for other elements of the original Zanja Madre in El Pueblo Historic Monument. This archaeology 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.

Response GO21-13 Refer to Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project of the Draft EIR for a discussion of the proposed Project's potential impacts to archaeological resources, including the Zanja Madre. As noted on page 3.5-58, the section of the Zanja Madre recorded within the western area of the proposed Alameda Station is denoted as P-19-000887. This segment was capped in 1978 for preservation, is currently denoted by decorative pavement, and would not be impacted by the proposed Project. As noted on pages 3.5-58 and -59, the proposed Project has potential to significantly impact buried, unrecorded material in other portions of P-19-000887 and, as such, mitigation measures related to archaeological testing and recovery have been proposed that will reduce impacts to the resource to less than significant. Refer to Section 3.5.6 for a list of proposed mitigation measures for cultural resources for the proposed Project, including Mitigation Measure CUL-A, which requires a Cultural Resources Monitoring and Mitigation Plan (CRMMP) be prepared by a qualified archaeologist prior to project construction. Additionally, Mitigation Measure CUL-A requires the CRMMP be applicable to all ground disturbance extending into native soil with known archaeological sites and other areas of high sensitivity, and accounts for the unanticipated encounter of previously unknown and undocumented archaeological resources, requiring protocols for such an event. Mitigation Measure CUL-A also would incorporate specific requirements related to the Alameda Station, requiring monitoring for ground-disturbance activities to the maximum depth of planned excavations at Alameda Station. In addition, Mitigation Measure CUL-C requires an archaeological testing plan to mitigate potential impacts to portions of the Zanja Madre. The testing plan will propose limited archaeological excavations to identify the location, integrity, and significance of archaeological deposits that may be impacted by the proposed project and, if preservation in place is not feasible, require data recovery excavations and a data recovery plan if significant archaeological remains are encountered that appear to contribute to the significance of the overall site.

Comment GO21-14 As an organization committed to preserving the history of Los Angeles as embedded in the elements of the 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.

Response GO21-14 Refer to Section 3.05, Cultural Resources, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR), of this Draft EIR for discussion outlining the proposed Project's potential construction and operational impacts to the Los Angeles Plaza Historic District. As discussed on pages 3.5-45 to 3.5-46 of the Draft EIR, the only direct impacts from the proposed Project would be to a non-contributing feature, the Placita de Dolores, which was constructed after the historic district was designated, and accordingly impacts would be less than significant. With respect to indirect impacts, while the proposed Project's Alameda Station would add another non-original element to the broader setting, mere visibility of a new building, structure, or feature from certain vantage points alone would not result in an indirect impact. The proposed Project would introduce a visible new feature to the historic district's setting, but Alameda Station, with the exception of the vertical circulation and associated alterations to the non-contributing plaza space, would be located outside of the historical resource's boundary, and contributing buildings would retain their visual and physical relationships with one another. As discussed in Section 3.05, construction and operational impacts associated with the proposed Project will not cause a "substantial adverse change" to the significance of this historical resource and, therefore, impacts will be less than significant. Moreover, while the "Great Places in America" list does not have any CEQA or historical significance, as it is simply a listing of a professional, educational organization's (the American Planning Association) recognition of 303 "great places" that "make communities stronger and bring people together through good planning,"[70] the proposed Project would help strengthen Olvera Street's placement on this list. The APA recognized that "[t]he adjacent Union Station Master Plan work will continue to improve pedestrian connections between Olvera Street and the key transit hub of the greater Los Angeles area."[71] Further, the website recognizes that "Los Angeles's Union Station is directly east of Olvera Street, and has become the hub of the city's Metro Rail system. Implementation of the Union Station Master Plan will link the revitalized transit hub directly to Olvera Street and the Plaza." As discussed in Section 2.0, Project Description, of the Draft EIR, the Alameda Station location was selected because of its safe and convenient pedestrian connection to and from the LAUS passenger terminal and El Pueblo, inclusive of Olvera Street. The proposed Project would also include a new pedestrian plaza at El Pueblo. Accordingly, the proposed Project would bolster pedestrian and transit connections to El Pueblo and Olvera Street, consistent with the APA's recognition of Olvera Street as a "great place." Additionally, as the comment notes, the Los Angeles Plaza Historic District (El Pueblo National Monument) is located along two historic trails, the Juan Bautista de Anza National Historic Trail, and the Old Spanish National Historic Trail. The Juan Bautista de Anza National Historic Trail is a trail comprising the

[70] American Planning Association (APA). 2023. Great Places In America. Available at: https://www.planning.org/greatplaces/. Accessed August 2023.

[71] American Planning Association (APA). 2015. Olvera Street Great Places. Available at: https://www.planning.org/greatplaces/streets/2015/olverastreet.htm. Accessed August 2023.

overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California. The Old Spanish National Historic Trail is an approximately 2,700-mile-long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848. The proposed Project would serve to provide greater access to these historic trails. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents.

Comment GO21-15 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 River Station, built in 1875. Often referred to as "LA's Ellis Island, the Station was where many 19th- and early 20th-Century 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).

Response GO21-15 Refer to Section 3.05, Cultural Resources, and Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, of the Draft EIR for a discussion of archaeological resources at the Los Angeles State Historic Park. As discussed in Section 3.05, the Chinatown/State Park Station footprint is entirely located within the boundary of Resource 19-003120 (consisting of the remains of the Southern Pacific Railroad's River Station). Extensive archaeological work has been conducted at the site, and when the Chinatown/State Park Station (including the construction staging area) is overlaid on an archaeological sensitivity map developed by California State Parks, it appears that the Chinatown/ State Park Station is located in an area not identified as low sensitivity for archaeological resources by State Parks. The Draft EIR therefore concluded that impacts related to construction of the Chinatown/State Historic Park Station could be potentially significant if an unknown archaeological resource is identified during construction. To mitigate for these potential impacts of an inadvertent discovery of the resources known to exist in the resource boundary, Mitigation Measure CUL-E would be required, which would necessitate an archaeological testing plan be prepared and implemented, and a data recovery plan be prepared and implemented if significant archaeological remains are encountered during test excavations which cannot be avoided (i.e., if preservation in place is determined to be infeasible). This would be done in consultation with California State Parks and consultation with SHPO would also be required pursuant to Public Resources Code section 5024.5.. This consultation would be specific to the possible archaeological features that might be encountered at the Chinatown/State Historic Park Station and the park amenities. The testing plan would propose limited archaeological excavations of a portion of the

site overlapping the Area of Direct Impacts intended to identify the location, integrity, and significance of archaeological deposits that may be impacted by the proposed Project. If significant archaeological remains are encountered within the footprint of the Station foundation and columns, rendering preservation in place infeasible, a data recovery plan would be implemented to mitigate the impacts to less than significant. The data recovery plan would specify what is to be excavated, describe the specific tools, screening size, and methods to be used, and describe how structural remains, if any, would be exposed and mapped. If significant archaeological remains are encountered that appear to contribute to the site's NRHP and CRHR eligibility during the test excavations, that contribute to the significance of 19-003120 are identified in the area where the park amenities (e.g., the concessions and restrooms) are proposed, Mitigation Measure CUL-F would provide for a redesign for those structures to attempt to avoid the remains. If redesign is not possible, then the above data recovery plan would cover this area as well in order to mitigate impacts to less than significant. With implementation of Mitigation Measures CUL-A, CUL-B, CUL-E, and CUL-F construction of the proposed Chinatown/State Park Station would result in a less than significant impact related to a substantial adverse change in the significance of archaeological Resource 19-003120, as discussed in further detail on pages 3.5-61 to 3.5-62 of the Draft EIR.

Comment GO21-16 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.

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.

Response GO21-16 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain

viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including at Los Angeles State Historic Park. Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relates to aesthetics.

Comment GO21-17 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.

Response GO21-17 Refer to Response GO21-16 and Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. As discussed in Section 3.01, the Chinatown/State Park Station location in the southernmost portion of the park would not block any designated scenic vistas, alter scenic resources, or block panoramic views, including views of Elysian Park and the Broadway Bridge to the north. Impacts to scenic or panoramic views would be less than significant.

Comment GO21-18 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.

Response GO21-18 Refer to Response GO21-2 for a discussion of how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the noise impacts from the proposed

Project, including in the Los Angeles State Historic Park. As detailed therein, operational noise impacts would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, to this Final EIR for a discussion of how the KOPs were prepared. The renderings were not altered and accurately depict how the proposed Project will appear in the existing environment. The "after" KOPs are visual simulations that reflect the proposed project components and were prepared using a digital model to accurately place the proposed Project into context without distortion. Because the proposed Project is rendered in perspective to match the pedestrian eye level vantage point of the existing photographs, visual elements in the foreground of the KOP will appear larger than visual elements further in the distance, consistent with how pedestrians experience their surrounding environment. As such, visual elements that are in the foreground can sometimes block the full view of visual elements at a distance even though the foreground element may be of a smaller dimension. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including additional visual simulations of the Park to further analyze viewshed impacts to the Park, in response to comments received on the Draft EIR during the public review period.

Comment GO21-19 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.

Response GO21-19 Refer to Response GO21-2 for a discussion of the footprint and location of the proposed Project within the park; how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project; and the proposed Project's additional benefits to the Park. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Comment GO21-20 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.

Response GO21-20 Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.4, Biological Resources of the Draft EIR, and in Appendix K.1, Updated Tree Inventory Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO21-21 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.

Response GO21-21 Refer to Response GO21-2 for how, as discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the

vast majority of the Park for kite flying would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO21-22 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.

Response GO21-22 Refer to Topical Response C, Project Features, for discussion of how the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. The proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first / last-mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station. Moreover, compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less Refer to Response GO21-2 for a discussion of the footprint and location of the proposed Project within the park; how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project; and the proposed Project's additional benefits to the Park. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO21-23 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 limit the number of large events so as to maximize revenues while minimizing park access restrictions.

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.

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.

Response GO21-23 Refer to Response GO21-2 for a discussion of the footprint and location of the proposed Project within the park and how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Section 5.5.2, Special Events at the Los Angeles State Historic Park, of Section 5.0, Other CEQA Considerations, of the Draft EIR, for a discussion of how due to the location of the proposed Project alignment, which crosses over a small portion of the park not typically used for screens and stages, and because events can still take place under the majority of the proposed Project alignment, the proposed Project does not significantly reduce the event space area within the Los Angeles State Historic Park. Refer to Response GO21-24 for a discussion of the potential stage locations for events at the Los Angeles State Historic Park, and how it will continue to be possible for most events to take place under the majority of the alignment within the park and adjacent to the alignment. In addition, the access road currently used for event set-up and breakdown would continue to be available for use. The proposed Project could affect the ability to use areas directly beneath the alignment for certain specific special event structures, however, the proposed Project alignment over the park is largely over a hill where it is difficult to stage special events, and the park does not include in their planned locations for special events. Due to the location of the proposed Project alignment, which crosses over a small portion of the park not typically used for screens and stages, and because events can still take place under the majority of the proposed Project alignment, the proposed Project would not significantly reduce the event space area within the Los Angeles State Historic Park or limit the number of people that can attend events at the park.

Comment GO21-24 As noted in section 3 of this letter, the roundhouse is a significant archaeological 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 archaeological 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.

Thus, the gondola path effectively eliminates the second stage, thereby reducing the size of events that 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 on 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.

Response GO21-24 Refer to Response GO21-2 for a discussion of the footprint and location of the proposed Project within the park and how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Section 5.5.2, Special Events at the Los Angeles State Historic Park, of Section 5.0, Other CEQA Considerations, of the Draft EIR, for a discussion of how due to the location of the proposed Project alignment, which crosses over a small portion of the park not typically used for screens and stages, and because events can still take place under the majority of the proposed Project alignment, the proposed Project does not significantly reduce the event space area within the Los Angeles State Historic Park. The referenced Figure 5-3 was obtained from the California Department of Parks and Recreation and the aerial easement required for the proposed Project was layered on top. The map sent by the California Department of Parks and Recreation shows the "typical layout options for large events based on past experience." Indeed, as an example, the event diagram from the 2018 La Tocada Music Festival shows stages in approximately the same locations as displayed in Figure 5-3.



Comment GO21-25 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.

Response GO21-25 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The Los Angeles State Historic Park has and would continue to have the ability to implement parking management of its parking lot.

Comment GO21-26 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.

Response GO21-26 Refer to Response S2-4 regarding how the proposed Project would be integrated into the park. The proposed Project does not propose to demolish, nor does it need to demolish the Cargo Snack Shack concession or restrooms. The Project Sponsor would coordinate with State Parks and the concessionaire on the potential to provide alternative seating locations during construction. Through continued collaboration with State Parks which has been ongoing and will continue through the General Plan Amendment process, the proposed Project would be fully integrated into the park such that it would add to, rather than take away from the park's purpose and objectives. For example, in addition to the concessions, restrooms, and breezeway, the Chinatown/State Park Station would also include a mobility hub where passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program. Pedestrian access enhancements could include pedestrian improvements between Metro's L Line (Gold) Station and the Chinatown/State Park Station consistent with the Connect US Action Plan, including hardscape and landscape improvements, shade structures, and potential seating, as well as support for the future Los Angeles State Historic Park bike and pedestrian bridge. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex.

Comment GO21-27 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.

Response GO21-27 As discussed in Topical Response C, Project Features, while not proposed as part of the proposed Project, the Draft EIR includes an analysis of the State Park's proposed bike and pedestrian bridge as part of Design and Use Option E. The bridge would provide important connections for students at Cathedral High School, as well as between the park and the Chinatown, Savoy, and Solano Canyon neighborhoods to support convenient access for the community. The analysis serves to provide environmental clearance for the bike and pedestrian bridge as a benefit to the Los Angeles State Historic Park, as while the bike and pedestrian bridge was mentioned in the Los Angeles State Historic Park General Plan and studied in the State Park's Bridge Feasibility Study, the bike and pedestrian bridge was never environmentally cleared. Support for the Los Angeles State Historic Park bike and pedestrian bridge would otherwise be provided as part of the proposed Project. Accordingly, the proposed Project is furthering the bike and pedestrian bridge by providing the necessary environmental clearance and support for the bridge

Comment GO21-28 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.

Response GO21-28 Refer to Response GO21-27 regarding Design and Use Option E.

Comment GO21-29 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.

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?

Response GO21-29 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities. The Draft EIR also considered and analyzed the proposed Project's consistency with land use policies related to environmental justice. The proposed Project is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, providing connections to Metro's growing regional public transit system. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Further, public outreach for the proposed Project was designed with environmental justice principles in mind and the proposed Project provided translated materials in four different languages, and interpretation services in five different languages, to reflect the surrounding community, and provided opportunities for in-person and virtual meetings with toll-free dial in options and ADA accessibility features. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger

Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. On the other hand, this commenter mentions New York City's Central Park, which already is served by multiple modes of public transportation including bus and subway.

Comment GO21-30 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.

Response GO21-30 As discussed in more detail in Topical Response F, Los Angeles State Historic Park, in response to Los Angeles State Historic Park stakeholders' comments on the proposed Project's Notice of Preparation and discussions with State Parks, numerous design considerations have been incorporated into the proposed Project to minimize the aesthetic effect of the proposed Project on Los Angeles State Historic Park, including reducing the size and scale of the station to be further in line with the neighborhood characteristics, integrating the existing historic granite pavers, and carefully considering the optimal location for the station.

Comment GO21-31 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 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.

With sincere regards,

Kathleen Johnson
Executive Director
Los Angeles River State Park Partners

Cc: Karen Bass
Eunisses Hernandez
Kevin de Leon

Response GO21-31 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Response S2-4 for additional discussion regarding the impact of the proposed Project on the park.

Comment Letter GO22 – Latino Outdoors

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO22

Comment GO22-1 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 service 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.

Response GO22-1 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO22-2 through GO22-6.

Comment GO22-2 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.

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 Angelinos? What is Los Angeles? A 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 sits 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)

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 shared 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".

Response GO22-2 This comment provides a recitation and characterization of text from the Los Angeles State Historic Park General Plan and Final Environmental Impact Report. Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit

organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO22-3 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.

Response GO22-3 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Accordingly, the Draft EIR complied with CEQA's requirements to analyze the proposed Project's potential environmental impacts. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR. As lead agency, Metro has and will continue to comply with all of CEQA's requirements.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be

implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO22-4 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.

Response GO22-4 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice, how the proposed Project supports Metro's goal of prioritizing equity opportunities, is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment, how the public outreach for the proposed Project was designed with environmental justice principles in mind, how the proposed Project would not preclude development of uses including housing, grocery stores, and/or healthcare facilities in the surrounding communities, and would itself address a need for a permanent transit connection to one of the region's most visited venues and would alleviate existing congestion on surrounding neighborhood streets, arterial roadways, and freeways, thereby reducing associated

air pollution and improving safety, and how the proposed Project is designed to be ADA compliant.

Comment GO22-5 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.

Response GO22-5 Refer to Response GO22-3. As lead agency, Metro has and will continue to comply with all of CEQA's requirements.

Comment GO22-6 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.

Respectfully,

Richard A. Rojas, Immediate Past-Chairperson
Latino Outdoors – Advisory Board

Response GO22-6 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO22-2 through GO22-5.

Comment Letter GO23 – Old Spanish Trail, Conchita Marusich

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO23

Comment GO23-1 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.

Response GO23-1 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO23-2 through GO23-4.

Comment GO23-2 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 their 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.

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.

Response GO23-2 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to historic resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the proposed Project's potential construction and operational impacts to historic resources, including the Los Angeles Plaza Historic District (referred to as El Pueblo de Los Angeles would be less than significant. As discussed on pages 3.05-45 to 3.05-46 of the Draft EIR, the only direct impacts from the proposed Project would be to a non-contributing feature, the Placita de Dolores, which was constructed after the historic district was designated, and accordingly impacts would be less than significant. With respect to indirect impacts, while the proposed Project's Alameda Station would add another non-original element to the broader setting, mere visibility of a new building, structure, or feature from certain vantage points alone would not result in an indirect impact. The proposed Project would introduce a visible new feature to the historic district's setting, but Alameda Station, with the exception of the vertical circulation and associated alterations to the non-contributing plaza space, would be located outside of the historical resource's boundary, and contributing buildings would retain their visual and physical relationships with one another. As discussed in Section 3.05, construction and operational impacts associated with the proposed Project would not cause a "substantial adverse change" to the significance of this historical resource and, therefore, impacts would be less than significant. Refer to Appendix C, Visual Impact Assessment, of the Draft EIR, and Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, for existing and simulation views looking east at the proposed Project from the courtyard of the Avila Adobe.

Comment GO23-3 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.

Response GO23-3 Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. Refer to Section 3.07, Geology and Soils, and Appendix I, Geotechnical Document in Support of the Environmental Impact Report, of the Draft EIR and Appendix F, Memo on Structural Engineering, of the Final EIR for discussion of how the proposed Project would meet

applicable standards, requirements, and building codes, including all standards addressing environmental factors such as seismic effects, and would have less than significant impacts related to geology and soils upon implementation of Mitigation Measure GEO-A. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of how comparable urban aerial transit systems operate safely in seismically active areas.

Comment GO23-4 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.

Response GO23-4 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources, including the Zanja Madre, would be either less than significant or reduced to less than significant with mitigation.

As noted on page 3.5-58, there is no overlap between the known locations of the Zanja Madre within El Pueblo and the proposed ground disturbance for the proposed Alameda Station. The segment of the Zanja Madre, Resource 19-000887, was capped in 1978 for preservation, is currently denoted by decorative pavement, and will not be impacted by the proposed Project. As noted on pages 3.5-58 and -59, the proposed Project has potential to significantly impact buried, unrecorded material in other portions of Resource 19-000887 and, as such, mitigation measures related to archaeological testing and recovery have been proposed that will reduce impacts to the resource to less than significant. Specifically, Mitigation Measure CUL-C notes that although the proposed Project is designed to not impact the portion of the Zanja Madre within Resource 19-000887, but nevertheless requires a testing plan to be prepared for portions of the site that will be impacted outside of the known Zanja location.

Comment GO23-5 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.

Sincerely,

Conchita Marusich
President, Old Spanish Trail Association

Response GO23-5 This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO23-2 through GO23-4.

Comment Letter GO24 – Jon Christensen

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO24

Comment GO24-1 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.

My concerns about the DEIR arise from the lack of adequate analysis in four crucial areas:

Response GO24-1 This comment provides a general introduction to the comments raised in this letter. Responses to comments contained in this letter are provided below in Responses GO24-2 through GO24-20.

Comment GO24-2 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.

Response GO24-2 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. No improper segmentation has occurred and the independent utility of the proposed aerial gondola project – the first permanent transit connection to one of the region's most visited venues– has been well established. As discussed in Topical Response G, the adoption of the CC&Rs

over a decade ago does not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. Actions from over a decade ago, and speculative comments attempting to assign a motive to such actions, do not evidence a firm and specific commitment to develop the property surrounding Dodger Stadium. The proposed Project is solely comprised of an aerial gondola system connecting LAUS to Dodger Stadium and associated improvements. Accordingly, the Draft EIR did not omit "foreseeable" development from its analysis, and CEQA expressly discourages such speculation. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Response GO24-11 for a response to the "report" attached to this letter.

Comment GO24-3 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 proposed gondola and the sample size is too small to be statistically significant. Thus, the DEIR analysis is incomplete and inaccurate.

Response GO24-3 The proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel are discussed in Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR. Stantec is an internationally-respected global design and delivery firm that provides transportation engineering and planning

services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR. The comment alleges that the ridership model's travel data were gathered from cell phone data for two zip codes. This is not accurate. As shown on Figure 1 and Table 1 on pages 3 and 4 of Appendix N, Ridership Model Development, the model used Dodger ticket purchases and GIS ESRI's "Routable Network" data by zip code for all zip codes in the Southern California region from which tickets were purchased. The misperception that only two zip codes were used could arise from two "examples" included in Appendix N to describe how the model produces different transit mode share results for different zip codes based on the travel time and cost characteristics associated with each individual zip code. As examples, the two sample zip codes presented in Table N were not intended to represent the full set of calculations from the model. The model produced custom mode share results for each of hundreds of zip codes in the ticket purchase database. Furthermore, as discussed on page 3.17-28, in Section 3.17, existing mobile source data collected and aggregated by Teralytics and consisting of approximately 2.1 million trip samples was used to calculate average trip length for vehicles traveling to and from Dodger Stadium on game days for zip codes within a 50-mile radius of Dodger Stadium. The sample sizes used in the analysis were robust. The Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO24-4 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.

Response GO24-4 Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR and does not appear to have been prepared for that purpose. On January 13, 2023, the Mobility Lab issued the following statement regarding the Mobility Lab Study:

Statement from the UCLA Mobility Lab Regarding LA Gondola Ridership Projection

The UCLA Mobility Lab is an engineering and technology lab dedicated to scientific research and innovation around mobility technologies. The lab's data on projected transit ridership of a proposed Dodger Stadium gondola is preliminary in nature. More research would be necessary to draw conclusions about potential use of the gondola. The lab takes no view on whether the project should be built.
Jiaqi Ma
Director, UCLA Mobility Lab
Faculty Associate Director, UCLA Institute of Transportation Studies

Refer to Response GO24-3 for a discussion of how the ridership model, assumptions, and estimates in the Draft EIR were prepared by constructing a detailed model utilizing accepted and tested data from a variety of sources as described in Appendix N, Transportation Appendices, of the Draft EIR, as well as peer reviewed by a respected international consulting firm and found to be appropriate and reasonable. Any differences between the findings in the Mobility Lab Study and the Draft EIR are therefore to be expected and are explainable. Nothing in the review of the preliminary Mobility Lab Study suggests that the ridership modeling and results in the Draft EIR are unreasonable or inappropriate for use.

Comment GO24-5 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.

Response GO24-5 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the underlying factors that would influence post-game/event travel conditions and ridership which are built into the ridership model developed for the proposed Project based on extensive data sources and assumptions validated by data. . Based on current behaviors, game attendees gradually start leaving the game around 30 minutes before the end of the game. While most people would leave the stadium at the end of the game, given the crowd in the stadium and the distances from the various seating locations in the stadium, it would naturally take people seated the furthest away from the Dodger Stadium Station more time to walk to the station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, gondola passengers who would rather not join the line immediately to board the proposed Project in the post-game period

could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. Regarding the queue waiting time, Dodger Stadium Express riders today wait in queues to board the service. As discussed in Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, the queues to board, loading times, and travel times for the Dodger Stadium Express are significantly longer and more variable as compared to the proposed Project. In order to quantify the existing service time needed to transport Dodger Stadium Express riders, Fehr & Peers observed four post-game time periods during the 2023 season. These observations indicate that riders are willing to wait for substantial periods of time after a game to board the Dodger Stadium Express, despite its slower travel time and long waits between buses, supporting the concept that riders would also be willing to wait after a game to board the proposed Project with its improved level of service. Moreover, based on 2019 season data, there is an approximate 8 percent reduction in post-game riders of the Dodger Stadium Express on weekday evenings compared to pre-game. The proposed Project model assumed this same reduction for the post-game ridership estimates for the proposed Project. To be conservative, the full reduction of post-game ridership is assumed to shift to TNCs, which are estimated to generate more VMT than private vehicle trips due to the VMT generated by the driver traveling to the pick-up location at Dodger Stadium. Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. As shown in Table 1 of the 1990 Dodger Stadium Transit Access Study (1990 study) referenced in the comment,[72] the gondola technology evaluated in that study was a reversible tramway system consisting of two 125-passenger cars, similar to the Portland Aerial Tram in Portland, Oregon and the Roosevelt Island Tramway in New York, New York. An aerial tram system typically has two cabins that shuttle back and forth between two end terminals. The proposed Project is a detachable gondola system. An aerial gondola system includes multiple cabins that travel on a continuously circulating cable, which allows for an overall higher system capacity and ability to move more people per hour in each direction than an aerial tram. Furthermore, the proposed Project would be a modern 3S system with the capacity to move approximately 5,000 people per hour per direction with a travel time from LAUS to Dodger Stadium of seven minutes, far greater than the 2,800 persons per hour capacity estimated in the 1990 Study for the two-car reversible tramway system. As such, the two systems are not comparable, and findings in the 1990 Study comparing the tramway system to other modes as analyzed in that 33-year-old study are not relevant to the current proposed Project. The proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel are discussed in Section 3.3, Air Quality, Section 3.6, Energy, Section 3.8, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix H, Energy Technical Report, Appendix J,

[72] Gruen Associates. 1990. Dodger Stadium Transit Access Study. Available at: https://libraryarchives.metro.net/dpgtl/lactc/dodger_stadium_access_study.pdf. Accessed August 2023.

Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO24-6 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.

Response GO24-6 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, including the No Project Alternative, Spring Street Alignment Alternative, and the Transportation Systems Management (TSM) Alternative. For each alternative carried forward, the alternative was assessed against applicable environmental impact areas and the Project Objectives. Discussion of energy consumption and efficiency was discussed on Page 4-66 for each alternative, including the Transportation Systems Management Alternative, which includes a potential expansion of the Dodger Stadium Express. Refer to Response GO24-20 for further detail as to why the efficiency analysis alluded to in this comment is flawed. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express. The Draft EIR considered a range of reasonable alternatives to the proposed Project in compliance with CEQA and the CEQA Guidelines. The Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO24-7 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.

Response GO24-7 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. The Draft EIR addressed aesthetic impacts in Section 3.01, Aesthetics, with supporting data provided in Appendix C, Visual Impact Assessment of the Draft EIR. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. The Draft EIR included 30 Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project. With respect to views from within the park, the Draft EIR

concluded that certain southwest-facing views of the downtown Los Angeles skyline, particularly close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the Draft EIR noted that these views are already partially interrupted by trees and intervening development, and the nature of the proposed Project (i.e., cables with similar characteristics to prevalent existing powerlines and cabins that are constantly moving in and out of view) means that the proposed Project would not significantly impact views from the park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. The Final EIR includes additional KOPs to further analyze viewshed impacts to Los Angeles State Historic Park. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. In addition, refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the park and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the park.

Comment GO24-8 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 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.

Response GO24-8 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade where pedestrians are present – eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom

of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. The Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR.

Comment GO24-9 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.

Response GO24-9 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment. Refer to Topical Response D, Metro Is the

Proper Lead Agency for the Proposed Project As the Region's Transportation Authority; Metro Named and Consulted with the Applicable Responsible Agencies, for discussion of Metro's consultation with CEQA responsible agencies. Refer to Appendix A, Scoping Report, of the Draft EIR, and Appendix A, Public Outreach Report, of the Final EIR, for documentation of notice to responsible agencies at various stages in the environmental review process. Metro has complied, and will continue to comply, with the CEQA requirements for consultation with responsible agencies at each stage of the environmental review process. This consultation process has included meetings with Metro and the responsible agencies to discuss the scope of environmental review, additional consultation with State Parks as Draft EIR preparers, and comments from responsible agencies on the Draft EIR. This consultation process will continue throughout the course of the environmental review process. Accordingly, State Parks engaged in the consultation process as a responsible agency to ensure that the scope and content of the environmental information that it needs to have included in the EIR for its actions related to the proposed Project pursuant to CEQA section 21080.4(b) and CEQA Guidelines section 15104. Therefore, should the EIR be certified, State Parks will then consider this Final EIR, but retains its own independent judgment whether to approve the action before it pursuant to CEQA Guidelines section 15096.

Comment GO24-10 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.

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.

Response GO24-10 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for a discussion how the proposed Project, as a transit project, will not exacerbate gentrification or result in displacement of residents in the surrounding neighborhoods and is consistent with Metro's considerations regarding gentrification and displacement. Refer to Topical Response N, Environmental Justice, for a discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road

vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities. Further, the Draft EIR analyzed the proposed Project's consistency with General Plan policies related to environmental justice, and the proposed Project is consistent with General Plan policies related to environmental justice, including by reinforcing or encouraging the establishment of strong pedestrian orientation in the surrounding communities and facilitating multi-modal access to and from the stations with pedestrian network improvements, and by ensuring quality pedestrian access by facilitating multi-modal access to and from the stations with pedestrian network improvements. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language. Accordingly, the Draft EIR more than adequately complies with CEQA's requirements for a Draft EIR. No recirculation of the Draft EIR is required pursuant to Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5 because this comment does not raise any significant new information regarding a substantial adverse environmental effect.

Comment GO24-11 Investigative Report

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.

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 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 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 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.

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 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 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 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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Footnote 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.

Footnote 2: Vincent, Roger & Bensinger, Ken. “Developing Chavez Ravine is likely in play for new Dodgers owner” Los Angeles Times, 16 Apr. 2012.

Footnote 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.

Footnote 4: Wharton, David. “Dodgers’ New Owner Steps Up to the Plate” Los Angeles Times, 30 Jan 2004.

Footnote 5: Smith, Dakota. “New Dodgers Stadium Reveal: We Got Trees!” Curbed LA, 24 Apr. 2008.

Footnote 6: Hernandez, Dylan & Shaikin, Bill. “Stadium makeover is unveiled” Los Angeles Times, 25 Apr. 2008.

Footnote 7: Vincent, Roger. “Naming rights could turn Dodger diamond into gold” Los Angeles Times, 14 Oct. 2008.

Footnote 8: Hernandez, Dylan & Shaikin, Bill. “Stadium makeover is unveiled”

Footnote 9: Shaikin, Bill. "Frank McCourt appears close to agreeing he'll sell Dodgers" Los Angeles Times, 31 Oct. 2011.

Footnote 10: Shaikin, Bill. "Few new details in Dodgers' sale court documents" Los Angeles Times, 6 Apr. 2012.

Footnote 11: "Plan Supplement" for Case No. 11-12010 (KG) in the Delaware Bankruptcy Court, filed 6 Apr. 2012.

Footnote 12: Shaikin, Bill. "L.A. Times objects to Dodgers' bid to seal conditions of land use" Los Angeles Times, 11 Apr. 2012.

Footnote 13: "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 4.1, Los Angeles County Recorder's Office, Document #20120642991.

Footnote 14: "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 14.3, Los Angeles County Recorder's Office, Document #20120642991.

Footnote 15: Shaikin, Bill. "Dodgers' owners to pay $14 million a year to rent parking lots from McCourt entity" Los Angeles Times, 4 May 2012.

Footnote 16: "Declaration of Covenants, Conditions, Restrictions, and Easements of Chavez Ravine" Section 5.1.2, Los Angeles County Recorder's Office, Document #20120642991.

Footnote 17: "Our Company" McCourt Global, http://web.archive.org/web/20210724150915/https://www.mccourt.com/mccourt-global-overview Accessed via The Wayback Machine.

Footnote 18: "FAQs" LA ART, http://www.laart.la/faqs/

Footnote 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.

Footnote 20: See footnote 17.

Response GO24-11 Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Mere statements on a website are not evidence that such development is currently proposed, nor are they sufficiently firm or committed to such that environmental analysis is required. No improper segmentation has occurred and the independent utility of the proposed

aerial gondola project – the first permanent transit connection to one of the region's most visited venues – has been well established. In addition, refer to Topical Response G for a discussion of how the proposed Project addresses the need for a permanent transit connection to Dodger Stadium for Dodger games and special events at the Dodger Stadium property, and how the Dodger Stadium property is approved only for Dodger Stadium and ancillary uses and structures as set forth in the Conditional Use Permit for the Dodger Stadium property, with restrictive designations and zoning not consistent with the uses speculated by commenters. Further, the adoption of the CC&Rs over a decade ago does not constitute a currently proposed development project at the Dodger Stadium property; rather, as is customary, the CC&Rs provide regulations and standards to maintain the existing stadium uses, including parking, if approvals are sought for additional improvements by the owner of the parking areas. No such development is proposed, and no environmental analysis is required of the speculations of commenters. In addition, refer to Topical Response G for a discussion of how the "Next 50" project is not required to be included as a related project in the Draft EIR or analyzed as part of the proposed Project in Draft EIR. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodger game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment GO24-12 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.

Response GO24-12 Refer to Response ML-1 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-13 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.

Response GO24-13 Refer to Response ML-2 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-14

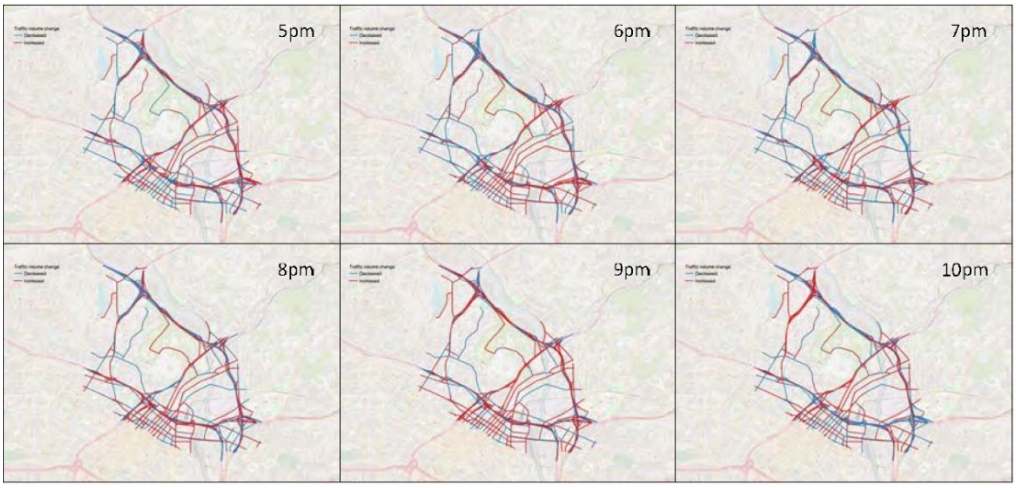


Figure 1: Traffic simulation results by the hour

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 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.

Response GO24-14 Refer to Response ML-3 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-15 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 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.

Response GO24-15 Refer to Response ML-4 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-16 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.

Response GO24-16 Refer to Response ML-5 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-17 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.

Response GO24-17 Refer to Response ML-6 in Topical Response O, UCLA Mobility Lab Study.

Comment GO24-18 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.

Response GO24-18 Refer to Response ML-7 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-19 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.

Response GO24-19 Refer to Response ML-8 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-20 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 (UTS), 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.

Response GO24-20 Refer to Response ML-9 in Topical Response O, Response to UCLA Mobility Lab Study.

Comment GO24-21 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.

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.

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Response GO24-21 Refer to Response GO24-4, Responses GO24-12 through GO24-20, and Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study.

The comment compares the electricity usage of the proposed Project to the Dodger Stadium Express with electric buses and to individual electric vehicle transportation. The initial basis of the calculations in the comment is flawed as the comment relies upon an incorrect estimate of ridership from the UCLA Mobility Lab Study; refer to Topical Response O, Response to UCLA Mobility Lab Study. Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR, for a discussion of how the ridership estimates for the proposed Project were developed. This included analysis of actual data, including a database of Dodger Stadium ticket sales, and accounted for the various modes of access that attendees choose to use. As reported in Table 3.17-4, Proposed Project Estimated Daily Riders, the estimated number of passengers traveling to Dodger Stadium for a sold-out night game (including Dodger employees) is estimated to be 6,140 for 2026 and 10,140 for 2042.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon,

and the Los Angeles State Historic Park. In addition, as discussed in Topical Response H, electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express.

The comment provides no citation for the assumed electricity usage per mile of an average electric bus or individual electric vehicle, and it is unclear if the values provided incorporate the effects of congested traffic and queuing times as would be expected on the roadways surrounding Dodger Stadium on game days. It is also unclear if the values provided incorporate the potential effects of the hilly terrain surrounding Dodger Stadium. It would also be inaccurate to assume that each Dodger Stadium Express bus would operate at full capacity for the full extent of its route and full duration of its operations. Specifically, the buses would be mostly empty for one leg of the trip (e.g., during the pregame period after dropping off passengers at Dodger Stadium and returning to LAUS). Further, the number of passengers on the Dodger Stadium Express buses would be expected to fluctuate and diminish in off-peak hours leading to reduced efficiency values. It is also important to note that through the Transportation Systems Management Alternative, the Draft EIR evaluated the potential expansion of the existing Dodger Stadium Express and found that the alternative would not meet the majority of the proposed Project's objectives in full or in part. Additionally, the Draft EIR concluded that the Transportation Systems Management Alternative would not provide the same level of benefits as the proposed Project, such as providing a direct transit connection between LAUS and the Dodger Stadium property via an aerial rapid transit system and improving connectivity for the surrounding communities by linking to the Los Angeles State Historic Park, Elysian Park, and the region's rapidly growing regional transit system at LAUS. These findings would not change should the Dodger Stadium Express buses run on electricity.

Regarding the commenter's assessment of individual passenger vehicles, it is not logical to compare the electricity usage of the proposed Project to the use of individual electric vehicles, since only a small fraction of those driving to Dodger Stadium are traveling in electric vehicles. Instead, one should compare the proposed Project to the passenger vehicle fleet as a whole, were the proposed Project not adopted. This type of analysis is evaluated through the No Project Alternative in Section 4.0, Alternatives, of the Draft EIR. The Draft EIR concludes that the No Project Alternative would result in higher long-term air quality emissions and increased GHG emissions in comparison to the proposed Project.

Unlike the Dodger Stadium Express with electric buses and to individual electric vehicle transportation noted in the comment, as a breakthrough and innovative technology for the region, the proposed Project would advance future alternative transportation systems and technology in the Los Angeles region while providing a template for other innovative aerial projects elsewhere in California and the United

States. The proposed Project would exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure. It would also demonstrate integration of all transportation modes. Specifically, passengers will be able to transfer from transit at LAUS to the adjacent gondola station. These qualities of the proposed Project would help show that new transportation technology can successfully operate in concert with other existing modes of transportation.

Comment Letter GO25 – Coalition for a Beautiful Los Angeles, Barbara Broide and Wendy-Sue Rosen

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO25

Comment GO25-1 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.

Response GO25-1 This comment provides a general introduction to the Coalition for a Beautiful Los Angeles as well as a summary of the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO25-2 through GO25-7.

Comment GO25-2 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.

Response GO25-2 Refer to Topical Response K, Signage and Lighting, for a discussion of the proposed Project's signage. The proposed Project's Sign Concept Plan included at Appendix B of the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR, provides that across the entire proposed Project, including stations, the junction, towers, and cabins, the proposed Project is proposing static signage and digital signage. The digital signage would be limited to the Alameda Station and the Dodger Stadium Station. No digital signage is proposed on the exterior of the cabins. Signage proposed for the exterior of the cabins is static non-illuminated naming rights signage. In addition to the naming rights signage, the proposed Project is proposing that two cabins be designated for the display of community programming graphics and that one cabin be designated for the display of artwork by local arts collaborators.

Signage would be designed to complement the proposed Project design and use and would be consistent with the existing urban condition, as illustrated in Appendix H.2, Supplemental KOPs in Response to Comments, of the Final EIR, which includes Key Observation Points (KOPs) updated in part to incorporate the proposed Project's signage program, as depicted in the signage package included in the Lighting Study. Refer to Section 3.01, Aesthetics, and the Lighting Study of the Draft EIR and Appendix H.1, Memo Regarding Preparation of View Simulations, of the Final EIR, for discussion of how the proposed Project's signage would result in less than significant impacts.

Comment GO25-3 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.

Response GO25-3 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project which would be less than significant, including at the Los Angeles State Historic Park. The Lighting Study analyzed the entire proposed Project alignment including the Los Angeles State Historic Park. The analysis of light trespass impacts to the Los Angeles State Historic Park is reflected in the analysis at VP-S4 and detailed on pages 41 – 42, 44 – 48 of the Lighting Study and the analysis of glare impacts to the Los Angeles State Historic Park is reflected in the analysis at M4 and detailed on pages 49 – 53 of the Lighting Study. As explained in Section 3.01, Aesthetics, of the Draft EIR, at p. 3-1-32, with respect to light and glare, the proposed Project would have a significant impact if it would "[c]reate a new source of substantial light or glare which would adversely affect day or nighttime views in the area." The Lighting Study evaluated the potential for impacts related to light and glare using the City of Los Angeles CEQA Thresholds Guide and the California Vehicle Code significance thresholds, and also evaluated the proposed Project for compliance with a number of regulatory standards including the Los Angeles Municipal Code (LAMC), CALGreen, the CASP, and the RIO, to support the conclusion that light trespass impacts would be less than significant. Refer to Response P700-37 for a detailed discussion of compliance with these regulatory standards. CEQA Guidelines section 15064.7(b) encourages lead agencies to adopt and publish thresholds of significance for use in determining whether environmental impacts are significant. While agencies are encouraged to adopt such thresholds of significance for general use, they are not required to do so and have the authority to determine the significance of environmental impacts on a project-by-project basis. Consistent with CEQA, Metro used the thresholds of significance from Appendix G to the CEQA Guidelines in the Draft EIR. As noted above, the analysis of light trespass impacts to the Los Angeles State Historic Park is reflected in the analysis at VP-S4 and evaluated the proposed Project in that location based on the Los Angeles Municipal Code (LAMC), CALGreen, and the CASP, which are the relevant thresholds and

regulatory standards that apply to the proposed Project's lighting in the vicinity of Los Angeles State Historic Park. In sum, the proposed Project would incorporate project design features related to lighting and would not create a substantial source of light or glare that would result in adverse effects to day/nighttime views of the area, and would comply with applicable City regulations related to light and glare. And, as detailed in the Lighting Study, light trespass and glare impacts to the Los Angeles State Historic Park would be less than significant. Refer to Topical Response K, Signage and Lighting, for discussion of the proposed Project's signage and lighting, with additional technical detail and information regarding the applicable regulatory framework for review and consideration of aesthetic impacts provided in the Lighting Study.

Comment GO25-4 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)

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.

Response GO25-4 Refer to Response GO25-2 for discussion of the proposed Project's signage and lighting. Refer to the proposed Project's Sign Concept Plan included at Appendix B of the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. The Sign Concept Plan includes detailed drawings showing the proposed location for each sign and a signage schedule that provides sign numbers; sign types; information on whether the sign is static or digital; information on whether the sign is illuminated or non-illuminated; sign design, e.g., platform mounted, hanging, wall-mounted, wrap, etc.; information on whether the sign is interior or exterior facing; sign area including the width and height; and description of each sign.

Comment GO25-5 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.

Response GO25-5 Refer to Response GO25-2 for discussion of the proposed Project's signage and lighting. Refer to the proposed Project's Sign Concept Plan included at Appendix B of the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR. The Sign Concept Plan includes detailed drawings showing the proposed location for each sign and a signage schedule that provides sign numbers; sign types; information on whether the sign is static or digital; information on whether the sign is illuminated or non-illuminated; sign design, e.g., platform mounted, hanging, wall-mounted, wrap, etc.; information on whether the sign is interior or exterior facing; sign area including the width and height; and description of each sign. The proposed Project's signage would be designed to be consistent with Metro requirements including Metro's Advertising Content Guidelines as applicable, which are updated from time to time.

Comment GO25-6 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.

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.

Response GO25-6 Refer to Section 3.01, Aesthetics, and the Lighting Study, which is included in Appendix C, Visual Impact Assessment, of the Draft EIR, and Topical Response K, Signage and Lighting, of this Final EIR for discussion of the proposed Project's lighting. The Lighting Study concluded that the proposed Project would not create a substantial source of light or glare that would result in adverse effects to day/nighttime views of the area and would comply with applicable City regulations related to light and glare. Therefore, impacts would be less than significant. Refer to Topical Response K, Signage and Lighting, for discussion of how digital signage would be limited to the Alameda Station and the Dodger Stadium Station. No digital signage is proposed on the exterior of the cabins. Signage proposed for the exterior of the cabins is static non-illuminated naming rights signage.

Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR. As stated on page 3.4-19 of the Draft EIR, proposed Project lighting could result in indirect impacts to birds and bats. However, the Draft EIR found that, "Lighting would be low-level and primarily integrated into the architectural features. Exterior lighting would be shielded and/or directed toward the areas to be lit, limiting spillover into adjacent habitats potentially suitable for birds and bats. Due to the high level of exterior lighting currently present in the urbanized BSA, lighting proposed by the Project is not anticipated to have an indirect impact on bird and bat species. Due to the high level of exterior lighting currently present in the urbanized BSA, lighting proposed by the Project is not anticipated to have an indirect impact on bird and bat species. Therefore, operation of the proposed Project would have a less than significant impact on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS." Thus, impacts on wildlife as a result of lighting were analyzed by the Draft EIR and no further analysis is required. Furthermore, refer to Appendix G, Supplemental Biological Resources Report, of this Final EIR, for discussion of how development in the entire LA Basin provides a major source of light pollution, and there is no evidence that light in the vicinity of the proposed Project would draw migrant wildlife to the area, any more than similar lighting in other areas over the LA Basin would be expected to.

Comment GO25-7 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.

Response GO25-7 Refer to Response GO25-2 for discussion of the proposed Project's signage and lighting.

Comment GO25-8 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.

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 Wendy-Sue Rosen
Co-President Co-President

Response GO25-8 Refer to Response GO25-2 for discussion of the proposed Project's signage and lighting. Refer to Topical Response I, Use of Project Design Features and Plans in Mitigation Measures, for discussion of how the proposed Project would not impermissibly defer mitigation measures. Metro has and will comply with its obligations under CEQA.

Comment Letter GO26 – Chinese American Museum, Gay Q. Yuen, Ph.D.

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO26

Comment GO26-1 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.

Response GO26-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment GO26-2 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.

Response GO26-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. The proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel are discussed in Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR. The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime emissions of the proposed Project over the useful life of the project would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles traveled. As discussed in the

Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO26-3 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.

Response GO26-3 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical C, Project Features, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Metro sought to engage with stakeholders in neighborhoods along the proposed Project alignment in each stage of the environmental review process. Input from the public, including local community stakeholders, led directly to the selection of the proposed Project alignment, including an intermediate station in Chinatown (the Chinatown/State Park Station), as well as to the redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements.

Comment GO26-4 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.

Response GO26-4 Refer to Topical Response C, Project Features for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to, sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage,

utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The proposed Project would also provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. The proposed Project could partner, for example, with the Chinese American Museum to help in addressing visitor, educational, and customer access to the Museum. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features.

Comment GO26-5 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?

Response GO26-5 Refer to Topical Response C, Project Features, for discussion of how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area and will be discussed with identified stakeholder groups. In addition, to reflect the diversity of Los Angeles, the Project Sponsor would convene stakeholder groups to identify unique ways to use the proposed Project to provide additional interpretation of the adjacent neighborhood culture and history, particularly aimed at a diverse visitor community.

Comment GO26-6 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?

Response GO26-6 Refer to Topical Response C, Project Features, for discussion of how the Project Sponsor would also utilize local artists for site specific artwork at each station reflective of the unique neighborhood culture, and would create numerous opportunities to collaborate with and showcase local artists, including convening stakeholder groups to coordinate on issues including utilization of local artists and identification of sites along the proposed Project alignment to showcase the work of local artists.

Comment GO26-7 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 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.

Thank you,Dr. Gay Yuen

??? ??Gay Q. Yuen, Ph.D.
Board Chair,Friends of the Chinese American Museum

Response GO26-7 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter GO27 – Trust for Public Land

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO27

Comment GO27-1 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.

Response GO27-1 This comment provides a general summary of the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO27-3 through GO27-10.

As stated on page ES-17, Executive Summary of the Draft EIR, there would be significant and unavoidable impacts regarding construction period noise and vibration (human annoyance). Page ES-17 of the Draft EIR states the proposed Project would not result in significant and unavoidable operational impacts.

The Draft EIR identifies several required mitigation measures. Table ES-2: Summary of Environmental Impacts, which begins on page ES-22 of the Draft EIR details the required mitigation measures for each potentially significant impact. Page ES-21 clarifies, “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 Section 3.0 of this document. Where applicable, Mitigation Measures are described on Table ES-2.” Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment GO27-2 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.

Response GO27-2 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO27-3

GO27-3A 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."

GO27-3B 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.

GO27-3C 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

Response GO27-3

GO27-3A Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. With implementation of Mitigation Measure LUP-A,

impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

GO27-3B Refer to Response GO27-3B for a discussion of the Los Angeles State Historic Park General Pan Amendment.

GO27-3C Refer to Response GO27-3A. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Comment GO27-4 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.

Response GO27-4 The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.04, Biological Resources of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all

existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

Refer to Response S2-2 regarding the Chinatown/ State Park Station and proposed Project alignment within the Park. While there may be short-term losses in carbon sequestration related to the removal of trees, the proposed Project would implement BIO-PDF-F and would comply with applicable tree replacement requirements, based on the jurisdiction of the property where each tree is located. Accordingly, the short-term losses in carbon sequestration would occur only in the interim as replacement trees grow to the size of the existing trees. Nevertheless, over time, replacement trees would obtain similar carbon sequestration benefits as the existing trees, and would be coupled with a net decrease of approximately 6,375 metric tons of CO2e per year in GHG emissions from the proposed Project.

As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO27-5 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.

Response GO27-5 The Draft EIR fully analyzed and addressed the proposed Project's potential impacts to cultural resources in Section 3.05, Cultural Resources, with supporting data provided in Appendix F, Archaeological and Paleontological Resources Assessment for the Los Angeles Aerial Rapid Transit Project, and Appendix G, Historical Resource Technical Report for the Los Angeles Aerial Rapid Transit Project (HRTR). As discussed in Section 3.05, the Draft EIR's analysis concludes that all potential impacts related to historical resources would be less than significant, and all potential impacts related to archaeological resources, including the Zanja Madre, would be either less than significant or reduced to less than significant with mitigation. The exposed section of the Zanja Madre located northwest of the Los Angeles State Historic Park near the intersection of North Broadway and Bishops Road is denoted as P-19-190309. This resource will not be directly impacted by construction given that it is located outside of the proposed Project footprint. Further, operational impacts to the setting, including potential visual impacts, are less than significant because the resource's setting has already been substantially altered from its historic state. Refer to pages 42, 52, and 91 of Appendix F for further information about P 19 190309. The views of the Zanja Madre would not be impacted by the proposed Project. Refer to Response S2-5 for a discussion of how the proposed Project would not substantially impact views, and how the proposed Project would provide a view of the exposed Zanja Madre, which is currently not visually apparent from the park.

Comment GO27-6 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.

Response GO27-6 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix C, Visual Impact Assessment, for detailed discussion about the implementation and results of the visual simulation of the proposed Project using Key Observation Points (KOPs) critical or representative of the visual character of the area within each Landscape Unit (LU) utilized for before and after photorealistic and true to scale visual simulations and locations of sensitive viewers that potentially would be visually impacted by the proposed Project. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including at Los Angeles State Historic Park. Refer to Response S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics.

Comment GO27-7 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 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.

Response GO27-7 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the noise impacts from the proposed Project, including in the Los Angeles State Historic Park. As detailed therein, operational noise impacts would be less than significant.

As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade where pedestrians are present – eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Refer to Response GO27-6 for discussion of how the aesthetics impacts of the proposed Project would be less than significant, including at the Park. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, to this Final EIR for a discussion of how the KOPs were prepared. The renderings were not altered and accurately depict how the proposed Project will appear in the existing environment. The "after" KOPs are visual simulations that reflect the proposed project components and were prepared using a digital model to accurately place the proposed Project into context without distortion. Because the proposed Project is rendered in perspective to match the pedestrian eye level vantage point of the existing photographs, visual elements in the foreground of the KOP will appear larger than visual elements further in the distance, consistent with how pedestrians experience their surrounding environment. As such, visual elements that are in the foreground can sometimes block the full view of visual elements at a distance even though the foreground

element may be of a smaller dimension. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. Refer to Response S2-5.

Comment GO27-8 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.

Response GO27-8 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park. The Chinatown/State Park Station would provide passenger access to Chinatown, LASHP, and to nearby neighborhoods and land uses, including the Mission Junction neighborhood, which includes the William Mead Homes public housing complex. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems for a discussion of how other urban aerial transit systems have been successfully incorporated into their surroundings, including public open space and public parks.

Comment GO27-9 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.

Response GO27-9 Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Refer to Response S2-2 for a discussion of the minimal ways the proposed Project would affect park operations. The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.4-23, in Section 3.04, Biological Resources of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio. Refer to Response GO27-8 for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Responses S2-4 for additional discussion regarding the ability of uses to continue at the park.

Comment GO27-10 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 every day by the gondola, not the private entity that stands to benefit from its proceeds.

With sincere regards,

Robin Mark
Los Angeles Program Director
Trust for Public Land

Response GO27-10 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the proposed Project maintenance.

Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area.

Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, and Appendix A, Scoping Report, of the Draft EIR, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefit to the surrounding community. The Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities.

Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefit to the surrounding community, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features.

Comment Letter GO28 – California State Park Rangers Association, David Carle

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO28

Comment GO28-1 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.

Response GO28-1 This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO28-2 through GO28-12.

Comment GO28-2 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.

Response GO28-2 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade where pedestrians are present –

eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, State Parks has determined that the proposed Project would be inconsistent with the Los Angeles State Historic Park General Plan because the identified land uses in the General Plan's Preferred Park Concept Elements did not contemplate a transit station like the proposed Project's Chinatown/State Park Station. State Parks considers this inconsistency a potentially significant impact. Therefore, Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain an amendment to the Los Angeles State Historic Park General Plan. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority related to the proposed Project. Refer to Topical Response F, Los Angeles State Historic Park, for a discussion of the Los Angeles State Historic Park General Plan Amendment. As discussed in Topical Response F, the LASHP General Plan identifies transportation as a "primary theme" of the park, recognizing the site's long history of transportation uses. The General Plan states: "The movement of people and products has enabled Los Angeles to become the megalopolis it is today. The Park site has been a route of transportation and commerce throughout its history. Located within bustling transportation and river corridors, the Park provides a place to reflect on the commercial and industrial activities that have shaped the city." (LASHP General Plan, p. 86.) As a safe, zero-emissions, environmentally friendly, and high-capacity transit option which operates daily to link the Dodger Stadium property, Elysian Park, and the neighborhoods along the proposed alignment to the region's rapidly growing regional transit system at

LAUS, the proposed Project advances this historical transportation theme while simultaneously providing the community a 21st century transportation option.

Comment GO28-3 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.

Response GO28-3 The Draft EIR does not state or include an analysis result that 3,000 cars would be removed from the streets. The Draft EIR does not analyze "cars from the street" as it is not a transportation-related metric under the California Environmental Quality Act Appendix G or metric under the City of Los Angeles Transportation Assessment Guidelines (TAG). Refer to Topical Response O, Response to UCLA Mobility Lab Study, for detailed responses to the items in the Mobility Lab Study. The Mobility Lab Study was not submitted by its authors at the Mobility Lab as a comment on the proposed Project's Draft EIR and does not appear to have been prepared for that purpose. The proposed Project's ability to reduce vehicular travel is discussed in Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR. The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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. The lifetime VMT reduction of the project would be a reduction of 129,629,500 VMT. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express.

Comment GO28-4 LASHP was created more than two decades ago, in a successful effort by a coalition of farsighted 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.

Comments follow about specific concerns in the DEIR.

Response GO28-4 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. Responses to the comments contained in this letter are provided below in Responses GO28-5 through GO28-13.

Comment GO28-5 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.

Response GO28-5 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Refer to Section 3.11, Land Use and Planning, of the Draft EIR, for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. As discussed therein, the proposed Project's Chinatown/State Park Station would be consistent with the goals and guidelines of the Los Angeles State Historic Park General Plan, including those that focus on recreation, aesthetics, interpretation, and access and circulation and thus would not conflict with its goals, policies, and objectives that were adopted for the purpose of avoiding or mitigating an environmental effect. However, State Parks considers there to be an inconsistency between the proposed Project and the Los Angeles State Historic Park General Plan and therefore a potentially significant impact because the Los Angeles State Historic Park General Plan does not identify transit as a use for the Park. Mitigation Measure LUP-A would be implemented to require the proposed Project to obtain a Los Angeles State Historic Park General Plan Amendment. The General Plan Amendment is subject to the review and approval by the State Park Commission, which retains its independent authority

related to the proposed Project. With implementation of Mitigation Measure LUP-A, impacts related to inconsistencies with the Los Angeles State Historic Park General Plan would be reduced to a less than significant level. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment.

Comment GO28-6 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."

Response GO28-6 Refer to Response GO28-2 for a discussion of the proposed Project's consistency with the Los Angeles State Historic Park General Plan. The Draft EIR analyzed the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics (see pages 3.11-39 to 3.11-41). As detailed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, consistent with the General Plan's Aesthetic Goal, the proposed Project would protect and enhance scenic viewsheds and features and preserve the visitor's experience of the surrounding landscape by minimizing impacts to aesthetic resources. The proposed Project's design would incorporate appropriate urban design elements at the neighborhood level, preserve natural viewsheds of hillside areas, as well as protect additional open space and aesthetics resources consistent with policies from the Los Angeles State Historic Park General Plan. The proposed Project's design and building materials would complement the architectural themes of the neighborhood and would complement the visual character of the existing buildings in the area. The proposed Project's Chinatown/State Parks Station location would not block any designated scenic vistas, alter scenic resources, or block panoramic views.

Additionally, potential impacts to visual quality and character are minimized by the location of the Chinatown/State Park Station, which is in the southernmost portion of the park, away from the open passive park areas. The Chinatown/State Park Station would consist of a neutral light-tone gray color scheme that would provide visual lightness to the form and the design would complement the existing buildings in the area, as well as not distract from the visually distinct Chinese architecture within this area. In addition, the new amenity building intended for use by proposed Project riders and park visitors alike are designed to reflect the scale and materiality of the existing visitor amenity buildings located within the Los Angeles State Historic Park.

Comment GO28-7 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.

Response GO28-7 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Response S2-5 for discussion of the LASHP General Plan. The Draft EIR included thirty Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the park. Nevertheless, the the Final EIR includes additional KOPs to further analyze viewshed impacts to Los

Angeles State Historic Park. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. As demonstrated by these supplemental KOPs, views from the park toward the surrounding existing urban landscape exhibit various visual values, and the proposed Project would not substantially impact these views. Further, The location of the proposed cables and cabins would be adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The cabins would be constantly moving in and out of view, and the cables have similar characteristics to the overhead power lines that are prevalent in views in this area. As such, the proposed cables and cabins would not significantly impact views in this area.

Comment GO28-8 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.

Response GO28-8 Refer to Response GO28-2 for discussion of the location of the proposed Project within the Los Angeles State Historic Park; how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park would not be affected by the proposed Project; and the Los Angeles State Historic Park General Plan Amendment. Through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Comment GO28-9 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 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.

Response GO28-9 Refer to Response GO28-7 for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Response GO28-8 regarding the additional benefits to the Los Angeles State Historic Park.

Comment GO28-10 Unmentioned here is how many currently growing park trees would be removed nearby to accomplish this installation.

Response GO28-10 The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

Comment GO28-11 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.

Response GO28-11 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. While not proposed as part of the proposed Project, the Draft EIR includes an analysis of the State Park's proposed bike and pedestrian bridge as part of Design and Use Option E. The bridge would provide important connections for students at Cathedral High School, as well as between the park and the Chinatown, Savoy, and Solano Canyon neighborhoods to support convenient access for the community. The analysis serves to provide environmental clearance for the bike and pedestrian bridge as a benefit to the Los Angeles State Historic Park, as while the bike and pedestrian bridge was mentioned in the Los Angeles State Historic Park General Plan and studied in the

State Park's Bridge Feasibility Study, the bike and pedestrian bridge was never environmentally cleared. Support for the Los Angeles State Historic Park bike and pedestrian bridge would otherwise be provided as part of the proposed Project. Accordingly, the proposed Project is furthering the bike and pedestrian bridge by providing the necessary environmental clearance and support for the bridge.

Comment GO28-12 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.

Response GO28-12 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. As discussed in Section 4.0, Alternatives, of the Draft EIR, the No Project Alternative would not meet the majority of the Project's Objectives in full or in part, and the environmental benefits of the proposed Project would not be realized through the No Project Alternative.

Comment GO28-13 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.

David Carle

CSPRA President
www.cspra.com

*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.

Response GO28-13 This comment provides a general conclusion of the comments raised within this letter. Responses to the comments contained in this letter are provided above in Responses GO28-2 through GO28-12.

Comment Letter GO29 – Clockshop, Sue Bell Yank

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO29

Comment GO29-1 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.

Response GO29-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment GO29-2 "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.

Response GO29-2 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero

Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provides detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice, and how the proposed Project supports Metro's goal of prioritizing equity opportunities and is designed to extend affordable, regional access and mobility options to the communities adjacent to the proposed Project alignment.

Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property.

Comment GO29-3 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.

Response GO29-3 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. ANSI B77.1 requires the following vertical clearances: vehicles – five feet; vegetation or terrain – five feet; at-grade where pedestrians are present – eight feet; buildings – five feet; and roadways or railways – to be determined with the authority having jurisdiction. The proposed Project's vertical clearance to the bottom of the cabins would range from 26 to 53 feet with an average of approximately 40 feet from ground level over the park. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, including the Kite Festival, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the park.

Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice.

Comment GO29-4 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.

Response GO29-4 Refer to Response GO29-3 for discussion of how with the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project.

Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Regarding scenic vistas, as analyzed in the Draft EIR, there are no designated scenic vistas present in the area of potential impact. However, the Project area provides views that are considered scenic by certain viewers, including views of the downtown Los Angeles skyline, LAUS, El Pueblo, Los Angeles State Historic Park, Arroyo Seco Parkway, Dodger Stadium, and the mountains that make up the Transverse Ranges, including the San Gabriel and San Bernardino Mountains. Specifically, as it pertains to Los Angeles State Historic Park, the open views of the Park, as well as the view of the downtown Los Angeles skyline, make the Park "visually memorable." As discussed in Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, views considered to be scenic locally would not be substantially impacted. In addition, while views from the Park toward the surrounding existing urban landscape exhibit various visual values, the proposed Project would not substantially impact these views as shown in the simulated views. Therefore, the proposed Project would not block any designated scenic views, alter a designated scenic area, or block panoramic views, and impacts to scenic or panoramic views would be less than significant. Refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including at Los Angeles State Historic Park. Refer to Response to Comment S2-5 for a discussion of the proposed Project's consistency with Goals and Guidelines from the Los Angeles State Historic Park General Plan that relate to aesthetics. Refer to Response S2-5 discussing how the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park.

Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the noise impacts from the proposed Project, including to the Los Angeles State Historic Park. Operational noise impacts would be less than significant.

Comment GO29-5 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.

Response GO29-5 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Response GO29-4 for discussion of the aesthetic impacts of the proposed Project, which would be less than significant.

Comment GO29-6 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.

Response GO29-6 The proposed Project would implement BIO-PDF-F and adhere to ordinances and requirements applicable to tree replacement, based on the corresponding jurisdiction of the property where each tree is located. As discussed on page 3.04-23, in Section 3.04, Biological Resources, of the Draft EIR, and in Appendix K.1, Updated Tree Report, and in Appendix G, Supplemental Biological Resources Report, of this Final EIR, the removal of the 75 trees within Los Angeles State Historic Park would require a permit or approval from the California Department of Parks and Recreation, and all existing trees required to be removed on California Department of Parks and Recreation property would be replaced at a minimum 1:1 ratio within the Park or as agreed to as part of the approvals required for implementation of the proposed Project from the Department. In addition, 6 trees within the public ROW located near the Los Angeles State Historic Park would be replaced at a ratio specified by the Urban Forestry Division, typically, at a 2:1 ratio.

As discussed in Section 4.1.3, Impacts to Wildlife from Tree Removal, of Appendix G to the Final EIR, the quality of wildlife habitat provided by the trees proposed for removal is relatively low, given that the trees are primarily non-native tree species. In addition, the only areas of tree removal that could be potentially described as wooded habitat are the following: the small grove of Fremont cottonwood trees at the western end of the Los Angeles State Historic Park, the non-native woodland at the Stadium Tower and associated fire buffer, and the non-native woodland at the Dodger Stadium Station location. The total area of wooded habitat that would be removed in each of these areas is 0.24, 1.02, and 0.39 acres, respectively. This area of wooded habitat is relatively small compared to the amounts available in the immediately surrounding areas, such as Elysian Park (approximately 600 acres alone, much of which is wooded), Radio Hill Gardens, Victory Memorial Grove, and Point Grand View Park. Accordingly, while the removal of trees will result in a marginal reduction of suitable tree habitat in the short-term, such habitat loss would not result

in substantial population level impacts. Moreover, in the long-term, the replacement of trees proposed for removal would more than offset any realized impacts associated with the proposed Project.

The comment cites California's 30x30 initiative, following Governor Newsom issuing the October 2020 Executive Order N-82-20 which committed California to the goal of conserving 30% of its lands and coastal waters by 2030. Under that goal, "an area is considered a '30x30 Conservation Area' if it meets the following definition: land and coastal water areas that are durably protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support. 'Durably protected and managed areas' within California's 30x30 initiative encompass" areas under government ownership or control or under perpetual easements that are designated to protect species and their habitat. (Pathways to 30x30 California, p. 25.) The California Natural Resources Agency recognizes that the "best available datasets for identifying 30x30 Conservation Area lands in California assign protected areas into [USGS GAP Analysis Program] codes based on the degree of biodiversity protection for conserved areas. GAP status codes 1 and 2 are generally consistent with" the definition of 30x30 Conservation Areas "as they include areas with a high degree of durable protection and management for biodiversity or ecosystem values." "Examples of lands and waters that are often coded as GAP 1 in California include most national parks, wilderness areas, ecological reserves, and wild and scenic rivers . . . Areas coded as GAP 2 in California include most national wildlife refuges, state parks, state conservation areas national seashores, as well as some local and regional open space, private conservation lands and easements." (Pathways to 30x30 California, p. 29.) Based on a search of the California Protected Areas Database and California Conservation Easement Database, and their associated GAP codes, the proposed Project alignment is not located within a 30x30 Conservation Area.

Comment GO29-7 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.

Response GO29-7 As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable cumulative impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. The proposed Project would not result in any significant and unavoidable operational impacts.

Comment GO29-8 6. The aerial tramway is not needed and is not a public infrastructure project.

This is a private project, benefiting 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.

Response GO29-8 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodger game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Refer to Topical Response A, SB 44, for discussion of how the proposed Project is public transportation because it will be open to the general public for service at regular, scheduled operating times, operating daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to

achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Electrification of the Dodger Stadium Express buses would not negate the operational issues associated with substantially expanding the Dodger Stadium Express.

As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.16, Public Services, 3.17, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO29-9 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,

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

Response GO29-9 This comment indicating opposition to the Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The public input during this period led directly to changes to the proposed Project to incorporate public feedback, including changes to the proposed Project alignment to include the intermediate Chinatown/State Park Station, redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community engagement during the Draft EIR public review period and community engagement efforts during the preparation of the Final EIR. This comment also provides a general summary of the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO29-2 through GO29-8.

Comment Letter GO30 – Los Angeles Union Station Historical Society, Thomas R. Savio

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR, for reference.

Responses to GO30

Comment GO30-1 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.)

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:

Response GO30-1 This comment indicating opposition to the proposed Project is noted and will be provided to the decision makers for review and consideration. This comment provides

a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO30-2 through GO30-8.

Comment GO30-2 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.)

Response GO30-2 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The public input during this period led directly to changes to the proposed Project to incorporate public feedback, including changes to the proposed Project alignment to include the intermediate Chinatown/State Park Station, redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of outreach and community engagement during the Draft EIR public review period and community engagement efforts during the preparation of the Final EIR. This comment also raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

Comment GO30-3 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?

Response GO30-3 The Draft EIR addresses potential airport hazards in Section 3.09, Hazards and Hazardous Materials, Section 5.5.5, Heliports, in Section 5.0, Other CEQA Considerations, and in Appendix O, Airspace Analysis Technical Memo. The determination on page 3.9-30 of the Draft EIR – that the proposed Project alignment is not in an area covered by an airport land use plan nor located within two miles of a "public airport" – is based on facts and the specific language of CEQA's thresholds of significance for this issue. This threshold is stated in the Draft EIR under Impact HAZ-5, which asks the question: "For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard…?" The Draft EIR concludes that the proposed Project alignment is not within two miles of a "public use airport" as that term is defined under CEQA. Regardless of any distinction between heliports and airports, the Draft EIR immediately follows this conclusion with a clear disclosure that the city-owned Jay Stephen Hooper Heliport is within 0.38 miles of the proposed Project. According to the LAPD and AirNav.com1, the Hooper Heliport is a city-owned, private use facility. As a private use facility, it does not meet the "public use airport" description in the CEQA threshold. Note that the determination is based on the distinction between public and private facilities, not the definition of "airport." Thus,

comparison to federal or state case law or regulations relying on a different definition of "airport" is irrelevant to the analysis required by CEQA. The analysis in Appendix O, Airspace Analysis Technical Memo, of the draft EIR, is based on FAA analysis standards, and concludes with substantial evidence that construction and operation of the proposed Project is clear of the airspace associated with the existing heliports, including the Hooper Heliport, in the proposed Project's vicinity. As such, no adverse effects related to aeronautical hazards are predicted based on these findings, and no notification is required for the proposed Project construction unless the FAA makes a specific request to the Project Sponsor. In addition, refer to Appendix I, Firefighting Helicopter Response Memo, of this Final EIR, for discussion of how helicopter flight paths would not be impeded as a result of the proposed Project.

Comment GO30-4 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."

Response GO30-4 Refer to Response GO30-3 for a detailed discussion of Hooper Heliport. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which

would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area. As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

Comment GO30-5 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.

Response GO30-5 Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed Project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives, which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction,

Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. While some riders of the Dodger Stadium Express are likely motivated by traveling in more sustainable ways than driving, the Dodger Stadium Express already uses clean natural gas (CNG) buses, which are more environmentally friendly than driving. Switching from CNG to a Zero Emissions Bus (ZEB) would have no bearing on the travel time or capacity limitations of the Dodger Stadium Express, so is not expected to materially increase the ridership of the service, and therefore would reduce fewer vehicle miles traveled (VMT) to Dodger Stadium than the proposed Project, which would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program, pursuant to GHG-PDF-A.

Comment GO30-6 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.

Response GO30-6 Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. Refer to Topical Response G, No Improper Project Segmentation: The Proposed Project Is Intended to Create a Transit Connection from Metro's Union Station Transportation Hub via an Aerial Gondola System to the Dodger Stadium Property, for a discussion of how the proposed Project solely proposes an aerial gondola system. The proposed Project does not include other development, and neither the Project Sponsor nor any other applicant has applied for other development unrelated to the existing stadium uses on the Dodger Stadium property. Refer to Response GO30-4 for discussion of the aesthetic impacts of the proposed Project, which would be less than significant including at LAUS. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment GO30-7 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.)

Response GO30-7 Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of Metro's LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt.

Comment GO30-8 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."

Response GO30-8 Refer to Response GO30-7 for discussion of how the proposed Project does not include a water fountain in the planned LAUS Forecourt. As described on page 2-49 in Section 2.0, Project Description, of the Draft EIR, the proposed Project includes

several sustainability and water efficiency measures, including drought tolerant landscaping and use of reclaimed water for irrigation where available.

Comment GO30-9 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.

Respectfully,

/s/
Thomas R. Savio Executive Director
Los Angeles Union Station Historical Society

Cc: Karen Bass, Mayor of Los Angeles Stephanie Wiggins, Metro CEO

Response GO30-9 This comment indicating opposition to the proposed Project is noted and will be provided to the decision makers for review and consideration. This comment provides a general conclusion regarding the comments raised in this letter. Responses to the comments contained in this letter are provided above in Responses GO30-2 through GO30-8.

Comment Letter GO31

This comment number has intentionally been skipped.

Comment Letter GO32 – Sue Bell Yank

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO32

Comment GO32-1 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.

Response GO32-1 The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Accordingly, the Draft EIR public review period was for the 90 days requested in this comment.

Comment GO32-2 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.

Response GO32-2 The Draft EIR was released on October 17, 2022, for a 60-day public review period. Refer to Response GO32-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO32-3 for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period.

Comment GO32-3 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.

Response GO32-3 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Eight public meetings were held immediately preceding, during, and immediately after the Draft EIR public review period, with four held in-person in the Project area at Los Angeles Union Station and Cathedral High School, and four held virtually via Zoom webinar. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four public hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each of the four public hearings. At virtual public hearings, comments could be given verbally. In light of the disruptions at the January 12, 2023, public hearing, Metro provided a fourth public hearing by way of a virtual public

hearing held on February 8, 2023. Verbal comments made at the virtual February 8, 2023 public hearing were deemed timely submitted for the purposes of the Draft EIR public review period. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings.

Comment GO32-4 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.

Response GO32-4 Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language.

Comment GO32-5 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.

Response GO32-5 The Draft EIR was released on October 17, 2022, for a 60-day public review period. Refer to Response GO32-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO32-3 for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. Refer to Response GO32-3 for discussion of the opportunities for public comment during the public review period.

Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public participation opportunities during the Draft EIR public review period. The format of the in-person public meetings immediately preceding, during, and immediately following, the Draft EIR public review period was an Open House, consistent with standard Metro practice, where attendees could learn more about the proposed Project and the key analyses and conclusions of the Draft EIR, and also a public comment opportunity. Twelve stations were set up throughout the venue, with ten stations focused on specific subject matter areas of the Draft EIR. Attendees could walk around to each station and ask questions to subject-matter experts about the proposed Project. Each station had large, printed boards summarizing the subject matter of that station, including: the Project Description, Aesthetics, Air Quality, GHG, and Energy, Cultural (Archaeology and Historical Resources), Parks and Recreation, Noise, Transportation, and Parking. Each station also included printed materials that attendees could review and/or take with them, including fact sheets in English, Spanish, and Chinese (Simplified) and printed copies of the presentation from the virtual public hearing in English, Spanish, Chinese (Simplified) and Chinese (Traditional). A hard copy of the Draft EIR was also available at the Summary of Impacts station for attendees to review. The meeting was staffed by Metro and AECOM staff, experts on subject matter areas including Transportation and Parking; Archaeology; Historical Resources; Air Quality, Greenhouse Gas, and Energy; Ropeway Engineering; Noise; and Aesthetics, and the Project team, who answered questions from attendees on the Draft EIR key analyses and conclusion. During the two in-person public meetings that were public hearings, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings.

Comment GO32-6 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.

Response GO32-6 Refer to Response GO32- 1 for discussion of how Metro extended the Draft EIR public review period an additional 30 days for a 90-day public review period ending on January 17, 2023.

Consistent with CEQA Guidelines section 15004(b), the Draft EIR was "prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." Under CEQA, the purpose of a Final EIR

is to respond to comments received on the Draft EIR during the public review period and incorporate changes to a proposed project in response to such comments. (CEQA Guidelines, § 15088). Consistent with CEQA, comments received on the Draft EIR were responded to in the Final EIR.

Comment GO32-7 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.

Please do the right thing by extending the comment period to a total of 90-days.

Sincerely,

Sue Bell Yank

Response GO32-7 Refer to Response GO32- 1 for discussion of how Metro extended the Draft EIR public review period an additional 30 days for a 90-day public review period ending on January 17, 2023.

Comment Letter GO33 – Sue Bell Yank

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO33

Comment GO33-1 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.

Response GO33-1 This is a duplicate of Comment GO32-1. Refer to Response GO32-1.

Comment GO33-2 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.

Response GO33-2 This is a duplicate of Comment GO32-2. Refer to Response GO32-2.

Comment GO33-3 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.

Response GO33-3 This is a duplicate of Comment GO32-3. Refer to Response GO32-3.

Comment GO33-4 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.

Response GO33-4 This is a duplicate of Comment GO32-4. Refer to Response GO32-4.

Comment GO33-5 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.

This is a duplicate of Comment GO32-5. Refer to Response GO32-5.

Comment GO33-6 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.

Response GO33-6 This is a duplicate of Comment GO32-6. Refer to Response GO32-6.

Comment GO33-7 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.

Please do the right thing by extending the comment period to a total of 90-days.

Sincerely,

Sue Bell Yank

Response GO33-7 This is a duplicate of Comment GO32-7. Refer to Response GO32-7.

Comment Letter GO34 – Thomas R. Savio

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO34

Comment GO34-1 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.

Response GO34-1 This comment indicating opposition to the proposed Project is noted and will be provided to the decision makers for review and consideration. This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses GO34-2 through GO34-11.

Comment GO34-2 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

Response GO34-2 Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area. As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections

between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

Comment GO34-3 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.

Response GO34-3 The Draft EIR addresses potential airport hazards in Section 3.09, Hazards and Hazardous Materials, Section 5.5.5, Heliports, in Section 5.0, Other CEQA Considerations, and in Appendix O, Airspace Analysis Technical Memo. The determination on page 3.9-30 of the Draft EIR – that the proposed Project alignment is not in an area covered by an airport land use plan nor located within two miles of a "public airport" – is based on facts and the specific language of CEQA's thresholds of significance for this issue. This threshold is stated in the Draft EIR under Impact HAZ-5, which asks the question: "For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard…?" The Draft EIR concludes that the proposed Project alignment is not within two miles of a "public use airport" as that term is defined under CEQA. Regardless of any distinction between heliports and airports, the Draft EIR immediately follows this conclusion with a clear disclosure that the city-owned Jay Stephen Hooper Heliport is within 0.38 miles of the proposed Project. According to the LAPD and AirNav.com1, the Hooper Heliport is a city-owned, private use facility. As a private use facility, it does not meet the "public use airport" description in the CEQA threshold. Note that the determination is based on the distinction between public and private facilities, not the definition of "airport." Thus, comparison to federal or state case law or regulations relying on a different definition of "airport" is irrelevant to the analysis required by CEQA. Refer to Draft EIR Appendix O, Airspace Analysis Technical Memo. That analysis, based on FAA analysis standards, concludes with substantial evidence that construction and operation of the proposed Project is clear of the airspace associated with the existing heliports in the proposed Project's vicinity. As such, no adverse effects related to aeronautical hazards are predicted based on these findings, and no notification is required for the proposed Project construction unless the FAA makes a specific request to the Project Sponsor. In addition, refer to Appendix I, Firefighting Helicopter Response Memo, of this Final EIR, for discussion of how helicopter flight paths would not be impeded as a result of the proposed Project.

Comment GO34-4 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)

Response GO34-4 Refer to Section 2.0, Project Description, for discussion of Metro's LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt.

Comment GO34-5 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 after day.

Response GO34-5 As described in Draft EIR Section 2.0, Project Description, page 2-49, the proposed Project includes several sustainability and water efficiency measures, including drought tolerant landscaping and use of reclaimed water for irrigation where available.

Comment GO34-6 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

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.

Response GO34-6 This comment indicating opposition to the proposed Project is noted and will be provided to the decision makers for review and consideration. Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed Project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. This comment also raises issues that were litigated and decided in The California Endowment v. Los Angeles County Metropolitan Transportation Authority, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate).

There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

Comment GO34-7 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 AR T'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."

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.

Response GO34-7 Refer to Response GO34-3 for discussion of Hooper Heliport.

Comment GO34-8 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.

Response GO34-8 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Appendix H.1, Memo Regarding Preparation of KOPs, of the Final EIR, for discussion of the methodology used to prepare the visual simulations included in Appendix C, Visual Impact Assessment, of the Draft EIR. Refer to Topical Response C, Project Features, discussing how the proposed Project's design takes cues from the immediate neighborhood culture, including how each component of the proposed Project would be designed to complement and reflect the unique character of the surrounding area. As discussed in Section 3.01, Aesthetics, of the Draft EIR, the Alameda Station's platform and canopy would include a light color scheme and warm tones, which has been designed to complement and reflect the materiality of the existing mix of adobe buildings, large Victorian commercial blocks, and Spanish Revival style buildings within the El Pueblo and Olvera Street area. In addition, the "shell" roof design provides a visual lightness with an integrated perforation pattern motif based upon the arched forms that mark openings and entries to Union Station, Pico House, and other historic buildings within El Pueblo. The proposed Project would also integrate physical and visual connections between the proposed Alameda Station and existing adjacent development, such as the new pedestrian plaza at El Pueblo. The new pedestrian plaza at El Pueblo would be open to the public and would extend view corridors between the proposed Alameda Station and existing development in a way that creates an observed visual unity.

Comment GO34-9 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 modem natural gas and/or battery-powered motor coaches funded by the savings from not building its Esplanade Project.

Response GO34-9 Refer to Response GO34-6 for discussion of the Dodger Stadium Express. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. While some riders of the Dodger Stadium Express are likely motivated by traveling in more

sustainable ways than driving, the Dodger Stadium Express already uses clean natural gas (CNG) buses, which are more environmentally friendly than driving. Switching from CNG to a Zero Emissions Bus (ZEB) would have no bearing on the travel time or capacity limitations of the Dodger Stadium Express, so is not expected to materially increase the ridership of the service, and therefore would reduce fewer vehicle miles traveled (VMT) to Dodger Stadium than the proposed Project, which would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program.

Comment GO34-10 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 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.

Response GO34-10 Refer to Section 2.0, Project Description, for discussion of Metro's LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt.

Comment GO34-11 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." 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."

Respectfully submitted,

Thomas R. Savio
Executive Director
Los Angeles Union Station Historical Society

Response GO34-11 Refer to Section 2.0, Project Description, for discussion of Metro's LAUS Forecourt and Esplanade Improvements Project, which is not part of the proposed Project. The proposed Project does not include a water fountain in the planned LAUS Forecourt. As described in Draft EIR Section 2.0, Project Description, page 2-49, the proposed Project includes several sustainability and water efficiency measures, including drought tolerant landscaping and use of reclaimed water for irrigation where available.

Comment Letter GO35 – Martha I. Jimenez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO35

Comment GO35-1 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
Martha I. Jimenez
Executive Vice President / General Counsel/Secretary (Pronouns: She, Her, Hers)
The California Endowment

Response GO35-1 The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Accordingly, the Draft EIR public review period was for the 90 days requested in this comment. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period.

Comment GO35-2 Dear Ms. Rockwell,

On behalf of The California Endowment ("TCE"), we respectfully request clarification regarding the deadline for the Draft Environmental Impact Report ("DEIR") comment period for the Los Angeles Aerial Rapid Transit ("LA ART") gondola project ("Project" or "Gondola Project"). Additionally, for the below stated reasons, we seek a reasonable extension of 45 days over the minimum statutory comment period, so that the length of the comment period will be no fewer than 90 days.

Response GO35-2 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period.

Comment GO35-3 **1. <u>PREVIOUS EXTENSIONS HAVE BEEN GRANTED</u>**

There is precedent for such an extension for CEQA projects in Los Angeles.

■ In 2016, the City of Los Angeles extended the comment period for an additional 45 days for the South Los Angeles and Southeast Los Angeles Community Plan updates. (https :/ /planning.lacity. org/ eir/SouthAndSoutheastLA/FEIR/files/ 1. 0%20Introduction. pdf.)

■ This year, the Los Angeles Bureau of Engineering extended the comment period to 72 days for review of the Los Angeles Zoo Vision Plan. (https://eng.lacity.org/aboutus/divisions/ environmental-management/projects/los-angeles-zoo-vision-plan.)

A similarly complex project like the Gondola Project clearly warrants an extension.

Response GO35-3 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period.

Comment GO35-4 **2. <u>THE PUBLIC HAS NOT BEEN PROVIDED ADEQUATE INFORMATION</u>**

Even though the Project application was submitted four years ago, and the Notice of Preparation was released two years ago, publicly available information regarding the Project has been sparse. Community members remain unclear regarding of the details of the Project and its impacts.

We expect that a project like the Gondola Project-which is expected to cost over $100 million to build and will require construction of large structures in areas like the LA State Historic Park, Union Station, and along Alameda Street-will need to involve numerous complex technical studies. We also expect that complex technical greenhouse gas and transportation studies will be required to support LA ART' s claims of zero emissions and community benefits relating to traffic. Nevertheless, the public has been provided little to no information regarding these and other potential impacts to their community.

Furthermore, prior to the September 15, 2022, Metro Executive Management Committee Meeting, LA ART promised "updated project information, including construction and operation costs and funding and financing plan" on or before September 30, 2022. (September 15, 2022, Los Angeles Metropolitan Transportation Authority Executive Management Committee Board Report). To date, that information has not been made publicly available. Without this information, how can stakeholders be expected to be able to fully evaluate the Project, or community members be sufficiently informed to understand the impact the Project will have on their day-to-day lives?

Response GO35-4 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period.

Comment GO35-5 **3. <u>A 45-DAY EXTENSION IS REQUIRED TO ENSURE MEANINGFUL PUBLIC PARTICIPATION</u>**

The notice sent out via email to stakeholders on September 28, 2022, stated that the DEIR will be released on October 17, 2022, for public comment, but did not specify the length of the comment period. The minimum 45-day comment period for this DEIR is far too short, prevents meaningful public engagement and comment, and will likely significantly limit the participation of those who require language assistance.

While we cannot know what issues the DEIR will focus on, we expect the DEIR to be voluminous given the complex and technical nature of the Project. For example, the Notice of Preparation was non-specific in stating the potentially significant impacts. It generally states that the Project will "address all environmental topics listed in Appendix G of the CEQA Guidelines," and presents a list of all twenty topics, including aesthetics, agriculture and forestry resources, air quality, biological resources, cultural and historic resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, wildfire. (October 1, 2020, Notice of Preparation; Cal. Code Regs., tit. 14, § 15082 (a)(l)(C).)

Response GO35-5 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period.

Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public participation opportunities during the Draft EIR public review period. The format of the in-person public meetings immediately preceding, during, and immediately following, the Draft EIR public review period was an Open House, consistent with standard Metro practice, where attendees could learn more about the proposed Project and the key analyses and conclusions of the Draft EIR, and also a public comment opportunity. Twelve stations were set up throughout the venue, with ten stations focused on specific subject matter areas of the Draft EIR. Attendees could walk around to each station and ask questions to subject-matter experts about the proposed Project. Each station had large, printed boards summarizing the subject matter of that station, including: the Project Description, Aesthetics, Air Quality, GHG, and Energy, Cultural (Archaeology and Historical Resources), Parks and Recreation, Noise, Transportation, and Parking. Each station also included printed materials that attendees could review and/or take with them, including fact sheets in English, Spanish, and Chinese (Simplified) and printed copies of the presentation from the virtual public hearing in English, Spanish, Chinese (Simplified) and Chinese (Traditional). A hard copy of the Draft EIR was also available at the Summary of Impacts station for attendees to review. The meeting was staffed by Metro and AECOM staff, experts on subject matter areas including Transportation and Parking; Archaeology; Historical Resources; Air Quality, Greenhouse Gas, and Energy; Ropeway Engineering; Noise; and Aesthetics, and the Project team, who answered questions from attendees on the Draft EIR key analyses and conclusion. During the two in-person public meetings that were public hearings, comments could

be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings.

Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four public hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each of the four public hearings. At virtual public hearings, comments could be given verbally. Verbal comments made at the fourth, continued public hearing held on February 8, 2023, held as a continuation of the third public hearing due to disruptions at the third public hearing, were deemed timely submitted for the purposes of the Draft EIR public comment period. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings.

Comment GO35-6 As was previously mentioned, despite promises to the contrary, the public has yet to receive detailed information regarding the multitude of complex studies that will likely be needed for such a major undertaking as this multi-million-dollar Gondola Project. It would be unfair after repeatedly asking for this information for the last several years to give the public just 45 days to digest complex technical studies and attempt to understand their long-term implications. The public needs sufficient time to analyze such studies. Simply put, an extension of the comment period is warranted given the historic and continuing lack of information provided to the public about the Gondola Project.

Response GO35-6 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from

the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. Refer to Response GO35-3 for discussion of the opportunities for public participation during the Draft EIR public review period.

Comment GO35-7 Furthermore, public comment regarding the Project has already been stifled and it appears as if it will continue to be limited moving forward. On September 15, 2022, the Los Angeles Metropolitan Transportation Authority ("Metro") Executive Management Committee held a public meeting, during which the Project was presented. During the conduct of that meeting, public comment was limited due to a multitude of issues with providing interpretation services for members of the public who required language assistance and Metro cut off over 40 members of the public who were in the queue to provide oral commentary. [1] With regard to the DEIR comment period, Board Director, Supervisor Hilda Solis forcefully expressed the community's need for more comprehensive community commentary on the Project not just following the release of DEIR, but prior thereto. Likewise, Metro Board Director, Supervisor Janice Hahn, raised concerns regarding the Gondola's impact on Metro's current Free Dodger Express Bus system used by residents throughout the County. Metro has since posted "Community Information Sessions" on its website to "share details on the project", however, not one of the four sessions - two held just the week prior to the release of the DEIR and two the week after - allows for live oral public comment.

[1]Metro referred those who were unable to voice their concerns during the conduct of the meeting with an option to email their comments. Following the email option being stated as the sole option to provide comment, this failure to account for the potential lack of accessibility for all members of the community was noted.

Response GO35-7 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO35-3 for discussion of the opportunities for public participation during the Draft EIR public review period. Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed Project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their

Metro fare at no additional cost under the Community Access Plan. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four public hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each public hearing. At virtual public hearings, comments could be given verbally. Verbal comments made at the virtual February 8, 2023 public hearing were deemed timely submitted for the purposes of the Draft EIR public review period. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings.

Comment GO35-8 The comment period is also occurring while the COVID pandemic is still making meetings and public accessibility difficult. According to the latest CDC data, community transmission of COVID-19 in Los Angeles County is "substantial." (https :// covi d .cdc. gov/ covi d-data-tracker/#county-vi ew?list select state= California&datatype=Community Levels&list select county= 6037&null= Risk [select data type "CommunityTransmission"].) It is well-documented that the COVID pandemic has heavily impacted lower income communities and communities of color, like the communities surrounding the Project site. Additional variants and a surge in COVID cases are expected this fall and winter. (https ://www .la times .com/ califomia/ story/2022-10-01 /new-coronavirus-subvariants-a-worry-forwinter-covid-wave.) Community members are only recently receiving updated booster vaccinations. Frequent COVID infections require isolation and rest, and much time is required to devote to taking care of health issues and recovering from COVID and Long COVID, so expecting public attention and review of the DEIR during this period is unreasonable. A 45-day extension would be reasonable and help to ease the impacts of the COVID pandemic on community engagement.

Response GO35-8 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO35-3 for discussion of the opportunities for public participation during the Draft EIR public review period.

Comment GO35-9 Lastly, it is unreasonable to expect public comments on such an extensive document in a 45-day period that straddles important family holidays including Thanksgiving (on November 24, 2022) and December holiday season. TCE's requested 45-day comment period extension would conclude the comment period after the winter

holiday season and allow the public to have sufficient time to meaningfully review, assess, and respond to the DEIR.

Please confirm that you have received this request, and we hope that you will respond favorably. Given the above-mentioned factors that are impeding the public's review, a 45-day extension of the minimum comment period is clearly justified in this instance. Public participation, a key component and pillar of CEQA, will be substantially improved with additional time and thus an extension would be much appreciated.

Response GO35-9 Refer to Response GO35-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO35-3 for discussion of the opportunities for public participation during the Draft EIR public review period.

Comment Letter GO36 – David Carle

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to GO36

Comment GO36-1 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.

Response GO36-1 The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Accordingly, the Draft EIR public review period was for the 90 days requested in this comment.

Comment GO36-2 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.

Response GO36-2 Refer to Response GO36-1 for a discussion of the Draft EIR's 90-day public review period. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's opportunities for public testimony during the Draft EIR public review period. During the public review period, comments on the Draft EIR could be submitted in writing via email or mail, by phone, and during the four public hearings. Comments on the Draft EIR could be submitted by email to LAART@metro.net, by mail to One Gateway Plaza, Mail Stop 99-22-6, Los Angeles, CA 90012, or over the phone by calling (213) 922-6913. Comments could also be submitted at each of the four public hearings. At virtual public hearings, comments could be given verbally. In light of the disruptions at the January 12, 2023, public hearing, Metro provided a fourth public hearing by way of a virtual public hearing held on February 8, 2023. Verbal comments made at the virtual February 8, 2023 public hearing were deemed timely submitted for the

purposes of the Draft EIR public review period. At the two public hearings held in person, comments could be submitted either in writing on forms provided by Metro, or verbally to the court reporters who were set up at a "comment station" in the venue. Written comment forms provided instructions on how to comment on the Draft EIR in English, Spanish, and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during all four public hearings, with interpretation provided in Taishanese during the final two public hearings.

Comment GO36-3 We have not received information on important details of the project and will need sufficient time to review and understand it.

Response GO36-3 Refer to Response GO36-1 for discussion of the Draft EIR's 90-day public review period. Refer to Response GO36-2 for discussion of opportunities for public participation during the Draft EIR's 90-day public review period, including opportunities to participate in virtual public meetings and submit comments on the Draft EIR in writing via email or mail, and by phone, in addition to in-person during the four public hearings, to ensure accessibility for those unable to attend in-person meetings.

Comment GO36-4 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,

David Carle

California State Park Rangers Association President
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PO Box 39, Lee Vining, CA 93541
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Response GO36-4 Refer to Response GO36-1 for a discussion of the Draft EIR's 90-day public review period. Refer to Response GO36-2 for discussion of the opportunities for public participation during the Draft EIR's 90-day public review period, including opportunities to participate in virtual public meetings and submit comments on the Draft EIR in writing via email or mail, and by phone, in addition to in-person during the four public hearings, to ensure accessibility for those unable to attend in-person meetings.

Section 6.3.3 Responses to Public/Individual Comment Letters

Comment Letter P1 - Topher T. Hendricks

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P1

Comment P1-1 Longtime Metro-rider / enthusiast and downtown property owner here. As someone who lives within blocks of Union Station, I am your prime target for being a regular gondola-rider. I almost always take the Dodger Express to the games. The shiny renderings of the gondola are fun and futuristic, but I am shocked at how this project seems to be moving forward without any consideration at all to cheaper, more effective, longer-lasting, simpler, easier-to-maintain solutions.

Response P1-1 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options for a discussion of how the Draft EIR considered a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA, and how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between Los Angeles Union Station (LAUS) and the Dodger Stadium property and improving connectivity for surrounding communities. Refer to Section 2.0, Project Description, of the Draft EIR for an overview of routine maintenance activities for the proposed Project and how 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.

Comment P1-2 The extremely-obvious Occams Razor solution to anyone who isn't just a politician hoping for a photo op that you have been ignoring is a simple sidewalk. Certainly not a perfect solution, or an elegant one, but the fact that a gondola is being discussed AT ALL before the simplest, more pure, cheapest transportation solution exists to the stadium is a joke. The current sidewalks to the stadium are deathtraps, ending abruptly, or going comically so far out of the way that it feels like the city is intentionally punishing anyone who decides to walk. To go from downtown to Dodgers Stadium on foot is currently a cruel experience. How is there not even just a single set of stairs from Lookout Drive to the stadium that is barely a few feet away up a hill? Instead you're forced to go nearly a mile out of your way on an extremely dangerous route (especially if traveling with children).

Response P1-2 As discussed in Section 2.0, Project Description of the Draft EIR, the proposed Project proposes the development of an aerial gondola system to connect LAUS to the Dodger Stadium property. As there is no direct transit option to the Dodger Stadium, the proposed Project would provide one while overcoming grade an elevation issues related to the location of the Dodger Stadium property compared to the surrounding

communities and neighborhoods. As stated in the comment, while pedestrian connections exist from nearby neighborhoods to the Dodger Stadium Property, the proposed Project would provide a means of transit to individuals unable to overcome the grade and elevation changes on foot. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. While this alternative would provide improved pedestrian connections compared to existing conditions, the 25 minute plus travel time from the Metro L Line (Gold) Station to the location of the proposed Dodger Stadium Station would be at least nine times greater than the three minute travel time between those two locations with the proposed Project, and this alternative would be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and the physical exertion. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment P1-3 Don't even get me started on the lack of protected bike lanes. It would be a golden opportunity to get new riders to experience the electric bikes of the Metro bike fleet if there were docks at the stadium and convenient & safe protected bike lanes from downtown or at least to Sunset Blvd. (Plus in combination with protected lanes down Sunset Blvd would also help cut down on traffic to/from the stadium, especially for locals)

Response P1-3 As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park, the City's second largest park, comprising 575 acres, and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first/last mile multi-modal options, such as a bike share program, and individual bike lockers to access Elysian Park and other nearby neighborhoods, including Solano Canyon. The proposed Project cabins would allow for sitting and standing as well as bicycles.

Comment P1-4 Look at the baseball stadiums that have stood the test of time in our country, like Wrigley and Fenway. These are supremely walkable stadiums, with bars, restaurants, & housing a mere stones throw away. Los Angeles has MUCH better weather for walking around all year, so we deserve a stadium that embraces what makes this city so great. Allowing people to safely and conveniently walk & bike to the stadium would help local businesses thrive, as people get to experience the neighborhood instead of just flying over it in a cramped box after stressfully waiting in long lines. People could get to the stadium earlier, and hang out later, rather than trying to rush in & out because they feel like they have to.

Response P1-4 Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. While this alternative would provide improved pedestrian connections compared to existing conditions, the 25 minute plus travel time from the Metro L Line (Gold) Station to the location of the proposed Dodger Stadium Station would be at least nine times greater than the three minute travel time between those two locations with the proposed Project, and this alternative would be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and the physical exertion. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Comment P1-5 Metro struggles with funding all the time; a quick glance at our shadeless bus stops, or our dismally infrequent & filthy subway (I say this as a daily rider, metrobike annual pass holder, and huge supporter for the potential our system has), and it is insane to think Metro will be able to keep up the necessary maintenance for a gondola, when a simple sidewalk and a flight of stairs would get so many people up to Dodgers Stadium so much more efficiently (in terms of nearly every metric, like energy, cost, time, labor, etc).

Response P1-5 Refer to Response P1-4 for discussion of a Pedestrian Enhancement Alternative to the proposed Project. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how maintenance would be performed by the operator and would include daily observation of the overall system as part of the startup routine.

Comment P1-6 Properly accessible sidewalks (and protected bike lanes with Metro bike docks) are the first step towards making Dodgers Stadium the world class experience that LA deserves, at a fraction of the cost of the gondola, and comparatively require little-to-no-maintenance. I'm not saying a flat-out no to the gondola, but come on. Do the easy obvious stuff first that has been proven to work and then go from there. Lets focus on REAL solutions that will last before we get to the gimmicks.

Response P1-6 This comment provides a general conclusion regarding the comments raised in this letter. Responses to comments contained in this letter are provided above in Responses P1-1 through P1-5.

Comment Letter P2 - Bert Glatstein

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P2

Comment P2-1 1) Who are the principals behind LA Aerial Rapid Transit Technologies LLC

Response P2-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P2-2 2) who much public money has been expended to date on this project

3) How much public money will be expended in the future

Response P2-2 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment P2-3 4) who is paying for the right of way for this project

Response P2-3 Refer to Section 2.5, Proposed Project Alignment and Components, with supporting data provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment P2-4 5) what contingencies are being made for in the event of LA Aerial Rapid Transit Technologies LLC declaring bankruptcy (particularly given the history of Frank McCourt)

Response P2-4 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. CEQA does not require speculation as to possible future environmental consequences, and the Draft EIR need not analyze uncertain, hypothetical future events. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P2-5 6) would this fare required system be used more frequently than the free Dodger Express

Response P2-5 Refer to Topical Response C, Project Features, for discussion of how the proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data.

Comment P2-6 7) How would the so called 'improvements' to LA Historic Park affect current park usage

Response P2-6 As discussed in Section 2.0, Project Description, of the Draft EIR, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Refer to Section 3.16, Parks and Recreation, of the Draft EIR. The proposed Project would result in less than significant impacts to parks and recreation.

Comment P2-7 8) Has there been any study to compare cost effectiveness of this project versus adding lighting and sidewalk improvements from Dodger Stadium to Chinatown Station

Response P2-7 Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment P2-8 9) Does the 5000 per hour ridership account for waiting times at either end

Response P2-8 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how the underlying factors that would influence pre-game/event and post-game/event travel conditions and ridership are built into the ridership model developed for the proposed Project based on extensive data sources and assumptions validated by data. Due to the nature of queue formation, the pre game/event passenger queues at the Alameda Station in 2026 are estimated to be largely contained on the platform and only minimally extend out into the planned LAUS Forecourt. More active queue management would become more frequently needed at Alameda Station as ridership increases toward the 2042 ridership projection of 10,000 riders, but even with the maximum queue length, a person at the end of the line would wait for an estimated maximum of seven minutes before boarding the gondola cabin. Others would wait shorter durations. In addition, post-game queues at Dodger Stadium were estimated based on assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Those seated the furthest away from the Dodger Stadium Station would take more time to arrive at the Station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield Plaza. The post-game/event queue for the proposed Project would be constantly moving as cabins would depart every 23 seconds.

Comment P2-9 10) Other than 81 Dodger games per year what is the anticipated usage

Response P2-9 Refer to Section 2.01, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. In addition to providing service on game and special event days at Dodger Stadium and events at the Los Angeles State Historic Park, it is anticipated that the proposed Project would also provide daily service between 6:00am to 12:00am, for the surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The

proposed Project would be free to ride for anyone with a ticket to a Dodgers game and the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the proposed Community Access Plan.

Comment P2-10 11) does the 1 mph speed at stations accommodate ADA passengers

Response P2-10 Refer to Topical Response J, Gondola Design and Operations, for discussion of how the Emergency Operations Plan for the proposed Project would include emergency response protocols and safety procedures developed in conjunction with the operator, system provider, and local authorities. The station boarding process and cabins would comply with all accessibility requirements of the Americans with Disabilities Act ("ADA"). If needed, cabins could be either slowed or stopped in the station for boarding purposes. Station attendants would be located within each station to assure safe boarding and to execute stops for unloading or boarding purposes, 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. A separate operator would be stationed in a control booth monitoring screens, which would show activities in each cabin and station, as well as the system controls. The time necessary to slow or stop cabins is factored into the overall system capacity of the proposed Project. Pathways to the boarding areas would be ADA compliant with redundant vertical circulation and appropriately sized passageways. The entry widths and interiors size of each cabin would comply with the requirements of the ADA.

Comment P2-11 12) Proposed fare

Response P2-11 Refer to Topical Response C, Project Features, for discussion of how the proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment P2-12 13) Cost comparison between TSM Alternative and LA Aerial Rapid Transit Technologies

Response P2-12 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities.

Comment P2-13 14) what effect would the construction and operation have on area residents?, would payments have to be made and if so who would be liable

Response P2-13 Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the construction of the proposed Project. As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, the proposed Project would result in significant and unavoidable cumulative impacts with regard to Noise and Vibration. As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. The proposed Project would not result in any significant and unavoidable operational impacts.

Refer to Section 3.17, Transportation, of the Draft EIR, for discussion of the proposed Project's maintenance of local and emergency access during construction. Refer to Topical Response C, Project Features, for discussion of the Business and Community Support Program during construction. Refer to Section 3.17, Transportation, and Section 3.11, Land Use, of the Draft EIR, for discussion of how multimodal access—for both local and emergency response—to local businesses, neighborhoods, LAUS, and the Los Angeles State Historic Park would be maintained throughout construction of the proposed Project, and disruptions to local businesses would be minimized. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of how the proposed Project would implement a Construction Traffic Management Plan that would include detours and ensure that emergency access is maintained throughout all construction activities.

Comment P2-14 15) How much money has Frank McCourt contributed to city officials Thank you for your consideration of these questions

Response P2-14 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment Letter P3 – Israel Vasquez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P3

Comment P3-1 I am reaching out as a concerned citizen, and I do not support the Gondola.

First and foremost, this is not the most efficient and rapid solution. We either need a tram system that connects directly or nearby the Union Station or establish a dedicated BRT to bring folks to the stadium.

There are several real-world solutions that can benefit the community and local businesses.

Response P3-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. The proposed Project is an aerial rapid transit gondola system connecting LAUS and Dodger Stadium. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Comment Letter P4 - Riley McNair

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P4

Comment P4-1 As a member of the UCLA community, the gondola is a public transportation failure with a low capacity of 5000 per hour. We must strive to to do better.

Response P4-1 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

Comment Letter P5 - Jack Humphreville

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P5

Comment P5-1 How is the Gondola project going to financed?

Is the metro or the public a source of funding?

Response P5-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment Letter P6 - James Martin

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P6

Comment P6-1 I am completely opposed to this project as designed.

Response P6-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment P6-2 Please don't build this across LA State Historic Park. It will definitely mess up a complete jewel of a park for the city.

Response P6-2 Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.156, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Comment P6-3 People hate the gondola idea. It should be stopped now.

Response P6-3 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment Letter P7 - Alexander M. Kargher

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P7

Comment P7-1 Dodger's Stadium and ostensibly the parking lot owners have done little to nothing to improve access to the stadium for people who do not wish to drive. Every time I bike to the Stadium I am met with fewer and fewer places to park my bike. The pedestrian infrastructure around the stadium is poorly maintained and intersects with huge volumes of vehicular traffic once you get on site. If the City effectively enforced the bus only lanes on Sunset then the buses would work.

Response P7-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at Los Angeles Union Station (LAUS), Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. As discussed in Section 5.0, Corrections and Additions, of the Final EIR, the proposed Project would provide a mobility hub at the Dodger Stadium property to provide connectivity to Elysian Park and the surrounding communities. Outside of game day periods, passengers would be able to access a suite of first and last mile multi-modal options, such as a bike share program and individual bike lockers, to access Elysian Park and other nearby neighborhoods, including Solano Canyon. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities.

Comment P7-2 It would be pretty easy and cost effective to make it safer to get to Dodger's Stadium without driving. Improving walking access and upgrading the parking lots to accommodate pedestrians and bikes and buses over private passenger cars is inexpensive. But instead of doing any of these things, the proposal is to build a gondola. This is not "Field of Dreams". If you build it, the multimodals / carbon neutral folks won't come.

Response P7-2 Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Comment P7-3 Not only is this proposal incredibly expensive and highly engineered, but the long term maintenance costs apparently are irrelevant. And this is all before you consider the impact this will have on one of the best greenspaces near DTLA and the surrounding community in Solano Canyon.

Response P7-3 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park and Solano Canyon. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment P7-4 At bottom, the City should use its resources (and so should the Dodger's and McCourts) to improve the existing infrastructure before it disrupts everything on this quagmire.

Response P7-4 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Response P7-3 for discussion of the proposed Project's capital, operation, and maintenance costs and planned sources of funding. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world that operate safely, efficiently, and in concert with nearby residential and open space uses.

Comment Letter P8 - Margaret Light

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P8

Comment P8-1 If this is to be ZERO EMISSIONS and running EVERY DAY, what is the power source?

If the power source is ELECTRICITY, then it can not be zero emissions. We already are short of power in the LA area (rolling brown/black-outs) so our electricity still comes from burning coal and other fossil fuels even if outside of California.

Response P8-1 Refer to Section 3.06, Energy, of the Draft EIR, for discussion of the proposed Project's electricity demand. As discussed on page 2-47, in Section 2.0, Project Description of the Draft EIR, the proposed Project would operate at zero emissions, with the electrical power for the proposed Project supplied by the City of Los Angeles Department of Water and Power (LADWP) through the utility's Green Power Program, pursuant to GHG-PDF-A. When operating at capacity, normal operations are estimated to require a total of approximately 2.5 megawatts of power. Electrical power associated with proposed Project operation would primarily come from renewable resources. Further, as discussed on pages 2-48 and 2-49, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would incorporate sustainability features to lower energy demand, including, open-air station boarding platforms with natural shading and ventilation, energy efficient LED or low voltage lighting fixtures, energy efficient glazing, where it occurs, use of LADWP green power sources, and backup power provided by battery storage as opposed to diesel generators.

Comment P8-2 If the point is to reduce parking congestion, where will the 5,000 people (per hour) park at the "origin" of their trips. Are you not just moving the congestion from dodger stadium to outlying areas (which will create their own problems?).

Response P8-2 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in

traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to a proposed Project's stations. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data, and the management of queuing at stations, and pre-game and post-game transportation. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[1] Stantec is an internationally respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR.

Comment P8-3 I'm not sure what problem this solves, and am NOT in favor of it at the moment.

Since it was an UNSOLICITED bid request, I would like to "follow the $" to see who stands to benefit from this.

Response P8-3 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

[1] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

Comment Letter P9 - Aram Hacobian

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P9

Comment P9-1 I don't believe this project is necessary although it would be cool if it was built.

Response P9-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Comment P9-2 Gondolas don't carry nearly as many passengers per hour as buses do and I think the best option is to have exclusive bus lanes for the Dodger Stadium Express for home games or better yet, relocate Dodger Stadium to somewhere more transit accessible.

Response P9-2 As discussed in Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, for discussion of how the proposed Project would carry up to approximately 5,000 people per hour per direction. Refer to Topical Response H, the Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between Los Angeles Union Station (LAUS) and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Refer to pages 4-62 and 4-72, in Section 4.0, Alternatives of the Draft EIR, for a discussion of how in the TSM Alternative, dedicated bus lanes would be implemented on Vin Scully Avenue between Sunset Boulevard and the entrance to Dodger Stadium. Bus-only lanes could also potentially be provided in both directions on Sunset Boulevard and Cesar E. Chavez Avenue. While this would expedite Dodger Stadium Express service (both for the existing Dodger Stadium Express service as well as the Transportation Systems Management Alternative), this would also increase traffic congestion.

Comment Letter P10 - Brian VanRiper

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P10

Comment P10-1 Seems like a cool idea. Will this really tie together a few metro stations and lines, with dodger stadium?!

Response P10-1 As stated in Section 2.0, Project Description of the Draft EIR, the proposed Project would provide a direct connection from the Los Angeles Union Station to the Dodger Stadium. LAUS provides local and regional access via multiple modes of transport and service providers, such as Metro, Metrolink, Amtrak, and municipal and private bus operators, all of which converge at the station. There would be an intermediate station at the Chinatown/State Park Station located adjacent to Spring Street in the southernmost portion of the Los Angeles State Historic Park. In addition, the Chinatown/State Park Station is a 3-minute walk to/from Metro's L Line (Gold) Chinatown station.

Comment Letter P11 - Rachel Orfila

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P11

Comment P11-1 I'm writing in support of the proposed gondola to Dodger Stadium. I think this would be a wonderful way to reduce carbon emissions and give fans another car-free option to get to games. Traffic congestion before and after games is a big problem, and I think the góndola would give fans a great incentive to get out of their cars! I also think it would be a fun addition to the neighborhood, for both tourists and locals.

I really hope this project moves forward quickly. I look forward to riding it someday soon!

Response P11-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P12 - Jean Albrick

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P12

Comment P12-1 Too vulnerable to Crime, Fire, Weather threats.

Response P12-1 Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of how comparable urban aerial transit systems have been shown to reduce violent crime in nearby areas. In addition to statistical studies, residents of cities with aerial transit systems have reported a greater sense of security when riding aerial transit relative to other modes of public transportation. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR for discussion of how the proposed Project is equipped with security features. For example, to provide added security to system passengers, each gondola cabin would have a security camera on board with a feed to the control room, as well as a "push to talk" button, which would open two-way communications with the control room. The control room would be able to address all cabins at once, or an individually selected cabin. Control room operators would have the ability to contact local security, law enforcement or other emergency response agencies as needed. The Emergency Operations Plan for the proposed Project would also include emergency response protocols and safety procedures developed in conjunction with the operator, system provider, and local authorities, and would address operational changes and communication protocols required in response to a range of potential emergencies such as a medical emergency in a cabin or in a station or a fire near the alignment. The plan would consider a wide range of scenarios for which default operational responses would be determined. In addition, the plan would include communication protocols with local authorities for further instruction and coordination. As discussed in Section 3.15, Public Services, Section 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts related to fire protection services and wildfire. The proposed Project would be operable in all anticipated temperatures and would adhere to applicable active weather alerts.

Comment P12-2 ...Please preserve the nostalgic aura surrounding Dodger Stadium!

Response P12-2 Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment P12-3 ...Redundant, and an unnecessary mode of LA transport.

...Baseball here, NOT Disneyland!

Response P12-3 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. As discussed in the Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments.

Comment Letter P13 - Jack Reed

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P13

Comment P13-1 As residents of Angelino heights, we love the idea of the gondola. We cannot continue to allow NIMBYS to hold progress back. Build the gondola!

Response P13-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P14 - Charles W. Ben

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P14

Comment P14-1 I am a resident of the 90012 zip code and frequent Metro rider. I am sending this email to leave a comment in opposition to the Doger Stadium gondola. It is not an efficient solution to the stadium traffic and will disrupt the area of the state park it crosses.

Response P14-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park.

Comment P14-2 I also have concerns about rising rents in the area.

Response P14-2 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not exacerbate gentrification or result in displacement of residents in the surrounding neighborhoods and is consistent with Metro's considerations regarding gentrification and displacement.

Comment Letter P15 - Tanner Vandenbosch

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P15

Comment P15-1 I have some concerns with the project that I wanted to share.

The Draft EIR states that the system would have capacity to transport 5,000 people per direction per hour, but is this realistic in LA, especially with its principal purpose transporting people to baseball games (families with small children, people drinking, etc,) and with what seems to be comparatively slow boarding on the Metro Rail system relative to other cities already?

Response P15-1 Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd). Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data, and the management of queuing at stations, and pre-game and post-game transportation.

Comment P15-2 Would capacity be sufficient to get people to Dodger's games without severe overcrowding, especially after games? How would it manage crowds over an extended wait time? Also, how would concerts and other events be managed?

Response P15-2 Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how queues would be managed by efficient vertical circulation and by staff at the station and due to the nature of queue formation, the pre-game/event passenger queues at the Alameda Station in 2026 are estimated to be largely contained on the platform and only minimally extend out into the planned LAUS Forecourt. More active queue management would become more frequently needed at Alameda Station as ridership increases toward the 2042 ridership projection of 10,000 riders, but even with the maximum queue length, a person at the end of the line would wait for an estimated maximum of seven minutes before boarding the gondola cabin. Others would wait shorter duration. Post-game queues at Dodger Stadium were estimated based on assumptions about the departure patterns and estimates of walk times from the various seating areas within the stadium. Those seated the furthest away from the Dodger Stadium Station would take more time to arrive at the Station, much like how it is currently for passengers riding the Dodger Stadium Express. In addition, passengers who would rather not join the line immediately to board the proposed Project in the post-game period could visit some of the entertainment amenities at the stadium, including at the Centerfield

Plaza. The post-game/event queue for the proposed Project would be constantly moving as cabins would depart every 23 seconds.

Comment P15-3 -Is there firm evidence that the project would reduce VMTs? Is Metro studying the potential that people drive to ride it as a tourist attraction given the views from it?

Response P15-3 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations.

Comment P15-4 -How is the project addressing concerns it will drive gentrification in Chinatown?

Response P15-4 Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not exacerbate gentrification or result in displacement of residents in the surrounding neighborhoods and is consistent with Metro's considerations regarding gentrification and displacement.

Comment P15-5 Will a station in the community actually have any net benefit for residents, given the L line (soon to be A line) has a nearly identical route already in service with better connection to more destinations?

Response P15-5 Refer to Section 2.01, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of how the proposed Project's intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park would be located within a short walk to many Chinatown businesses and Metro's L Line (Gold), creating a

stronger connection with the Metro L Line and enhancing transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less. The proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the proposed Community Access Plan.

Comment P15-6 -It seems more engagement with the Chinatown community is necessary and the community should have more of a say.

Response P15-6 Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical C, Project Commitment to Community Benefits, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Metro sought to engage with stakeholders in neighborhoods along the proposed Project alignment in each stage of the environmental review process. Input from the public, including local community stakeholders, led directly to the selection of the proposed Project alignment, including an intermediate station in Chinatown (the Chinatown/State Park Station), as well as to the redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities.

Comment P15-7 -Why has Metro not considered non aerial tram alternatives, like a future extension of WSAB light rail or improving the existing shuttle system, to meet the needs of the community? Its construction should not preclude a more efficient, effective, and lower-cost transit option for riders to Dodger stadium.

Response P15-7 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and

businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response O, Response to the UCLA Mobility Lab Study, for a discussion of how the Dodger Stadium Express would not be precluded from operating by the proposed Project. While existing riders of the Dodger Stadium Express may choose to switch to the proposed project to take advantage of its substantial travel time savings, some riders may prefer to ride the Union Station Dodger Stadium Express for other reasons. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation.

Comment P15-8 -No public money should be spent on the project. The project seems to have nearly no benefits for regular transit riders in LA County and that money would be better spent on other transit improvements, and Metro should consider an option that takes equitability better into account.

Response P15-8 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response N, Environmental Justice, for discussion of how the proposed Project supports Metro's goal of prioritizing equity opportunities and helps promote public transit as an essential lever in enabling access and improving quality of life for Los Angeles County.

Comment Letter P16 - Michael Smith

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P16

Comment P16-1 What a great idea and a signature attraction for Los Angeles! Please do it… right into the stadium if possible!

Response P16-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P17 - Lynn Miller

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P17

Comment P17-1 I support anything that will reduce the congestion in and near downown LA. The gondola to Dodger Games will help Dodgers fans and everyone else who gets caught in game traffic.

Response P17-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P18 - Joshua Rangel

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P18

Comment P18-1 The success of the aerial Gondola would be an incredible milestone, I truly wish for the reduction of red tape which leads to the obstruction of the success of this aerial gondola. I believe this will benefit the local fan, the last minute planner, the LA fan visiting from outside of town. This would be an incredible addition to the city and reduce carbon emissions from the dodger express that the busses produce.

Traffic reduction as well.

This is key. I hope this happens and I hope we can make more marvels to downtown Los Angeles.

Let's get a WS next year! Thank you for your time, I hope we can make this work, cheers

Response P18-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P19 - Mark Staples

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P19

Comment P19-1 I would like to submit these comments on the proposed gondolas to Dodger Stadium. This project is not needed in any way shape or form. There is a very limited to no need or use of this gondola system from October to March of each year when there are no home games. Remember there are only 81 home games from April to September.

Response P19-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park.

Comment P19-2 There are only 3 stations, which serve no one other than Dodger Stadium guests. This doesn't solve any transit issue or transit need in any functional or convenience manner. One thing this project does prove is that the next subway or light rail line should go by Dodger Stadium the northward under or on Sunset Blvd. As the red and purple lines service Hollywood and Wilshire Blvds, this new subway or light rail could travel westward along Santa Monica or Melrose.

Response P19-2 Refer to Response P19-1 for discussion of the need for the proposed Project. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of how the proposed Project's intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park would be located within a short walk to many Chinatown businesses and Metro's L Line (Gold), creating a stronger connection with the Metro L Line and enhancing transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less.

Comment P19-3 In the end this gondola project is a NO for me. I am a Dodger fan and have no need to use it to attend a game.

Response P19-3 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment Letter P20 - Ding Kalis

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P20

Comment P20-1 Great idea if the Dodgers pay for it!

Response P20-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment Letter P21 - Sarah Back

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P21

Comment P21-1 I live in district 1 and am opposed to this project. There are already public transit options to get to Dodger stadium - and we are in such desperate need of more transit all over the city. This feels like a pet project instead of a huge impact transit investment.

Response P21-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment Letter P22 - Nick

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P22

Comment P22-1 I am writing in SUPPORT of the aerial tram concept from the LA Metro rail line to Dodger Stadium. The concept is an emission-free way to safely transport passengers to and from games. More importantly, it is a an opportunity to utilize a new mode of transportation in Los Angeles that could have positive applications in other circumstances. Los Angeles needs to reduce its over reliance of car transportation.

Response P22-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P23 - Chase Paules

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P23

Comment P23-1 I would like to express my support for this project, and that it should be built. Reducing car dependency and expanding non-car options for getting to and from Dodger Stadium are important goals for this city.

Response P23-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P24 - Stephanie Pincetl

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P24

Comment P24-1 It would be good to have a pedestrian pathway up to Dodger Stadium.

Response P24-1 Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment Letter P25 - Neil Larsen

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P25

Comment P25-1 I am a resident of Los Angeles County, and a life long Dodgers fan. Unfortunately, due to excessive traffic and congestion at and around Dodgers stadium, I have not attended as many home games as I would have liked to within the past few years.

Response P25-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment P25-2 I am in support of the proposed gondola system, as it offers a more convenient (and presumably enjoyable) means of traveling to a game.

Response P25-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment P25-3 I understand that not all local residents in the surrounding neighborhoods are in support of the proposed gondola; however, there are only 81 homes games during the baseball season and I'm sure certain measures could be put in place to minimize the impact/concerns by local residents.

Response P25-3 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment P25-4 The gondola systems is a win all around in my eyes. It will alleviate the traffic problems to Dodger stadium, enhance the experience, and be something the next generation of fans can enjoy.

I support the project and hope that it will be approved.

Response P25-4 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P26 - Matt Schodorf

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P26

Comment P26-1 I am an LA resident, I frequent Dodger games, and I think the gondola is a great idea.

Response P26-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P27 - David Fried

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P27

Comment P27-1 I'm sure you guys usually only hear from the complainers, but believe me there are WAY more who are for it than who are against it.

Response P27-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment P27-2 This would not only be a needed boost to public transit, but also a fun and unique draw for tourism.

Please forward my thank you to whomever is working on making this happen.

Response P27-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P28 - Michael Bauer

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P28

Comment P28-1 I missed the informational hearing that was held via zoom last Saturday. Was the meeting recorded and is there a link where I can view it?

Response P28-1 Materials presented at the informational meetings, along with recordings of the October 22, 2022 informational meeting, are available on the proposed Project's SB 44 website.[2] Refer to Appendix B, Public Hearing Transcripts, of this Final EIR for transcripts of the public hearings.

[2] Refer to Remainder of the Record Category at https://laartsb44.net/#!/documents.

Comment Letter P29 - Yasmin Grewal-Kok

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P29

Comment P29-1 I live in Atwater Village, near Dodger Stadium and am 100% against building this Gondola. It is not needed, will be an eyesore, and will negatively impact the environment and natural habitats.

Response P29-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant. Refer to Section 3.04, Biological Resources, and Appendix E, Biological Resources Assessment, of the Draft EIR, and Appendix G, Supplemental Biological Resources Report, of this Final EIR, for discussion of how the proposed Project would have less than significant impacts to biological resources.

Comment Letter P30 - Mark Whitney

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P30

Comment P30-1 Don't we all know the story of the Chavez Ravene? How it was stolen from it's Hispanic residents with promises (and funds) to build public housing. Then the old bait and switch and it became Dodgers stadium.

Do you honestly plan to do this again, with promises of a Metro sky car only to create a tourist attraction that would spoil the area with overhead wires, that only benefit a few Dogers fans and corporate owners?

Response P30-1 Refer to Section 5.0, Corrections and Additions, of this Final EIR for a discussion of Chavez Ravine. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P30-2 I suspect whoever is trying to barrel this through is a big Caruso fan. Maybe it's Rick himself. How many Dodgers home games are there is a year? I know traffic sucks when they happen, but haven't we learned to deal with it? It's not like the Stadium is getting any bigger.

Response P30-2 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition,

the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Section 2.1, Overview of the Project, of the Draft EIR, discussing how the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park.

Comment P30-3 I am 100% against this project. It benefits nobody but the greedy business entities which are proposing it and the politicians who readily accept their campaign contributions.

Response P30-3 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment Letter P31 - Samantha Smith

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P31

Comment P31-1 Would this service replace the existing services already available to get to dodger stadium?

Response P31-1 Funding sources for Dodger Stadium Express are not known beyond the 2023 season, but the proposed Project would not preclude the continued operation of the Dodger Stadium Express, which would provide further transit capacity to Dodger Stadium. Despite the slower travel time, some riders may prefer to continue riding the service. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation.

Comment P31-2 Instead, why not offer more carts at Dodger stadium to assist those walking up that super big hill or getting from entrance to entrance. If it?s not broken, leave stuff alone!

Response P31-2 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of how, while there are some game attendees who currently choose to walk to and from Dodger Stadium, the walk would take approximately five to eight times as long as the ride on the proposed Project, and the path would be on a steep downward grade which does not meet Americans with Disabilities Act Accessibility Guidelines, and would be challenging for children, seniors, or people with limited physical mobility. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project.

Comment P31-3 There are already plenty of ways to not drive to Dodger stadium. Use that money to avoid further gentrification in all our LA communities! Housing! Something useful since there?s money to be spent

Response P31-3 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not exacerbate gentrification or result in displacement of residents in the surrounding neighborhoods and is consistent with Metro's considerations regarding gentrification and displacement. Refer to Topical Response N, Environmental Justice, for discussion of how the proposed Project would not preclude development of uses including housing, grocery stores, and/or healthcare facilities in the surrounding communities, and would itself address a need for a permanent transit connection to one of the region's most visited venues, and would benefit the surrounding community by alleviating existing congestion on surrounding neighborhood streets, arterial roadways, and freeways, thereby reducing associated air pollution and improving safety.

Comment Letter P32 - Kyle Martin

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P32

Comment P32-1 I am a resident of the Mozaic apartments at union station and I support the Dodger stadium gondola.

Response P32-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment P32-2 I see no way that the 3 stations at union station, Chinatown gold line station, and Dodger stadium could gentrify the small area in between; two of them are already rail stations and the other will be in the stadium parking lot! And as much as I love Chinatown, that neighborhood needs some investment, and the gondola could actually boost tourism to the area. And tbh, I wouldn't mind seeing more of the new higher density mixed use buildings that have been built there recently (and they even have tasteful design honoring Chinatown's traditional aesthetic), as long as long-time independent businesses are not pushed out.

Response P32-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not exacerbate gentrification or result in displacement of residents in the surrounding neighborhoods and is consistent with Metro's considerations regarding gentrification and displacement. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the proposed Project alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment P32-3 If we've learned anything from the wild opening of the new 6th street viaduct, it's that Angelenos are starved for for inspiring new public infrastructure. The bulk of that should absolutely be in the form of parks and other green spaces (the gondola will actully add to the experience at LA historic park, one of our best), but just as the 6th

st bridge has already become an iconic part of the city, I think the gondola will be that and more.

Response P32-3 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.0, Project Description, of the Draft EIR, for discussion of how the proposed Project's intermediate Chinatown/State Park Station near the southernmost entrance to the Los Angeles State Historic Park would be located within a short walk to many Chinatown businesses and Metro's L Line (Gold), creating a stronger connection with the Metro L Line and enhancing transit access to the Los Angeles State Historic Park, Mission Junction, William Mead Homes, and the Los Angeles River. Compared to the Metro L Line (Gold), accessible at the Chinatown Station, the proposed Project's Chinatown/State Park Station would be closer to the Los Angeles State Historic Park, the shorter headways would result in more frequent service, and the travel time would be less.

Comment P32-4 The gondola can be something aspirational, inspirational, and yet also practical. I love the dodger express. But it took an hour in line just to board last time I rode and another 15 mins or so to drive up. The gondola can help relieve congestion in the buses and in traffic while making for a memorable experience unmatched by any sports stadium, and befitting a crown jewel like Dodger Stadium. And it's zero emissions to boot!

Response P32-4 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Comment P32-5 Short of some major safety, environmental, or ethical concern, I see no reason why the gondola should not be built to help make this great city just that much greater.

Response P32-5 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world that operate safely, efficiently, and in concert with nearby residential and open space uses.

Comment Letter P33 - Robert Smolkin

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P33

Comment P33-1 The idea of gondolas transporting fans to and from Dodger Stadium by rising above the streets and traffic is an innovative and imaginative solution! I applaud all those who are spearheading this project and strongly encourage City leaders to green light this solution.

Those critics who insists the existing shuttle bus program makes this new solution unnecessary overlook how the buses continue to contribute to street level congestion, air pollution and gasoline consumption.

Count my vote as a YES.

Response P33-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P34 - Steve Cokonis

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P34

Comment P34-1 Looking forward to this being built! Currently commute from Cypress park to Culver City and traffic is horrible during dodger games!

Praying this gets built!

Response P34-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P35 - Neal Roscoe

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P35

Comment P35-1 Please count this Los Angeles resident as in favor of the gondola to Dodger Stadium. I think this is a great option to add to all ways to reach the Stadium. Not only might it entice more people to take public transportation to games and concerts (people who for whoever reason don't currently use the shuttle busses, etc.), but it just might be a great tourist attraction in itself.

Lets give it a try.

Response P35-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P36 - Tami Kagan-Abrams

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P36

Comment P36-1 I am very much in favor of a gondola to Dodger Stadium. I tried to go to Dodger Stadium for the first time in over 10 years for the Fluffy show this summer. It took 90 minutes to arrive and park (which was $40) from when I left Hollywood, and even though we left before the show ended, it was still a nightmare to get out. I vowed never to return.

Response P36-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment P36-2 Going there should be one of LA's best experiences, not one of its worst. The bus is not helpful, because it's stuck in the same automotive traffic but takes away your control of when you want to leave. If I could take the Metro Red Line to Union Station and the the gondola, the process would be lengthy but low cost and hopefully relatively painless. I can't believe the residents around the stadium who currently endure hours and hours of epic traffic and the loss of all available parking find the status quo acceptable.

Response P36-2 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P37 - Grant Blakeman

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P37

Comment P37-1 I truly do not understand why Metro is allowing itself to be distracted by this project. A gondola itself is not a bad idea in some situations, but for a sports arena it will never be able to serve at the capacity/volume necessary within a game-day timeframe to put a meaningful dent in traffic reduction, carbon emissions, or access that a public transportation project should consider.

Response P37-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of how the proposed Project would carry up to approximately 5,000 passengers per hour per direction (pphpd).

Comment P37-2 Gondola projects that are actually successful connect population centers where demand and volume can be spread over hours and service can equitably be provided to all members of a community.

Response P37-2 Refer to Response P37-1 for an overview of the need for the proposed Project. Refer to Section 2.01, Overview of the Project, of the Draft EIR, discussing how the proposed

Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles. As discussed on page 2-42, in Section 2.0, Project Description, of the Draft EIR, the proposed Project would provide service to all pre-season, regular season, and post-season Los Angeles Dodger games and any special events (e.g., concerts, the Los Angeles Marathon) at the Dodger Stadium property. The proposed Project would also provide service to events at the Los Angeles State Historic Park. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide active transportation connectivity along the proposed Project alignment through pedestrian access enhancements and first/last mile multi-modal options at the mobility hubs proposed for the Chinatown/State Park Station and the Dodger Stadium Station.

Comment P37-3 While I like the idea of non-game-day park access, for this aspect of the project to be even remotely considered a win for the entire community of LA, it would need a commitment of no fare or a low-fare commiserate with riding a train/bus (with free transfers). This fare should not fluctuate or change depending on who is trying to access the park. In LA we should provide transit options for all (including visitors).

Response P37-3 Refer to Topical Response N, Environmental Justice, for a discussion of the Community Access Plan. The proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Moreover, under the Community Access Plan, transfers to and from the Metro regional transit system and the proposed Project would be free. The Community Access Plan would honor Metro's numerous discount fare programs for a variety of needs (i.e., senior fares, student fares, etc.).

Comment P37-4 Ultimately, this is a vanity project for the owner of some Dodger Stadium parking lots and the Dodgers organization itself, at best. At worst it is an abuse of public funds (and a public park, no less) to fund a private tourist attraction.

Response P37-4 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous

Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park.

Comment P37-5 Other projects Metro should implement long before considering this gondola project:

* Protected bike lanes from Dodger Stadium all the way to the ball field

* Increasing Metro Bike's e-bike fleet and making them available on game-day

* Closing most (all?) roads throughout the park to cars at all times

* Stairs (maybe even escalators) for better pedestrian access to both the park and the stadium

* Putting in a permanent bus lane (separate and in addition to the protected bike lane) between both Union Station and the stadium

* Free, frequent bus shuttle service into and around Elysian Park to serve both Dodger games and, more broadly, the park itself at all times

Response P37-5 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for discussion of a Pedestrian Enhancement Alternative to the proposed Project in which the proposed Project would not be constructed, and instead an enhanced pedestrian walkway and vertical circulation elements would be constructed to improve the safety, comfort, and accessibility of walking between the Metro L Line (Gold) Station and Dodger Stadium. While this alternative would provide improved pedestrian connections compared to existing conditions, the 25 minute plus travel time from the Metro L Line (Gold) Station to the location of the proposed Dodger Stadium Station would be at least nine times greater than the three minute travel time between those two locations with the proposed Project, and this alternative would be unlikely to attract substantially more people to walk to Dodger Stadium compared to existing conditions given the travel time and the physical exertion. This alternative was considered but dismissed from further detailed analysis because it did not meet most of the basic objectives of the proposed Project. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger

Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park.

Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding community, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features.

Comment Letter P38 - Matthew Mier

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P38

Comment P38-1 I support this project as long as public funds are not used to build it. It is important to provide non driving fans multiple options to get to Dodger Stadium. As someone who regularly uses the Dodger Stadium Express, I can appreciate how useful it is. It is clear there is a demand for more options as the Dodger Stadium Express often has long lines.

Response P38-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data, and the management of queuing at stations, and pre-game and post-game transportation.

Comment Letter P39

This comment number has intentionally been skipped.

Comment Letter P40 - Abe Ahn

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P40

Comment P40-1 Dear Metro,

I am a Los Angeles resident who opposes the LA Art gondola plan to Dodger Stadium.

While I support innovative alternatives to private automobiles and road traffic in the city, this sounds like the worst kind of boondoggle and grift disguised as public-private partnership.

First of all, being one of the most rapacious and miserly private landowners in the city, Frank McCourt is not a reputable figure. He should not get to influence and impact public spaces for communities of color like Chinatown in ways that would most benefit his private business interests.

Response P40-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, and Appendix A, Scoping Report, of the Draft EIR, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefit to the surrounding community, including in Chinatown.

Comment P40-2 Drew McCourt and Aerial Rapid Transit Technologies LLC may have the benefit of the elder McCourt's funding, but I believe that other firms should get to propose better, more sustainable alternatives that actually meet the needs of city residents (particularly those who are most vulnerable to displacement and dispossession by development projects like the gondola).

The gondola is a short-sighted Mickey Mouse solution that will benefit tourists, the Olympics, and most of all the McCourt family -- NOT the daily lives of everyday Angelos. Please do not let this project happen.

Response P40-2 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's

ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gases through reduced vehicular travel. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not displace housing or prevent planned housing. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station.

Comment Letter P41 - Perrin Shannon

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P41

Comment P41-1 Dear LAART,

As a long-term Los Angeles resident, I am thrilled to see the city considering such visionary urban transit options as the LAART for our world-class city. The gondola would be a fantastic resource to help expand mobility options in an area desperately in need of traffic relief. This is a project that will benefit local residents as well as attract tourists to a wonderful area of our city. Please push this forward! Los Angeles is in need of more innovative projects such as this!

Response P41-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P42 - Carleigh Shannon

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P42

Comment P42-1 I am writing on behalf of the LA ART. As a long-term Los Angeles resident, I am thrilled to see the city considering such visionary urban transit options for our world-class city. The gondola would be a fantastic resource to help expand mobility options in an area desperately in need of traffic relief. This is a project that will benefit local residents as well as attract tourists to a wonderful area of our city. Please push this forward!

Los Angeles is in need of more innovative projects such as this!

Response P42-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P43 - Katharina Schmitz

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P43

Comment P43-1 We are writing to express our support for the proposed aerial gondola system connecting Union Station and Dodger Stadium. This project represents an opportunity for Los Angeles to become a leader in urban ropeway transit in the United States, and provide an example to other cities of new types of technologies that can be deployed to help reduce emissions and encourage transit ridership.

Doppelmayr reviewed the Alameda Station to Dodgers Stadium alignment early in the planning process to verify both feasibility of the project and the qualifications of the current project team. We are confident that not only is LA ARTT's proposed gondola system realistic, it is the best possible solution for the transportation challenge to Dodger Stadium. Aerial ropeway systems were originally designed to operate in harsh mountain environments but now have successfully proven their application as urban transit worldwide. A recent installation in Mexico City is testimony to this as well as our "soon to be constructed" gondola in Paris. Other examples around the world demonstrate the successful use of gondola systems in the urban environment.

Doppelmayr is the leader in aerial transport technology and our USA subsidiary is located in Salt Lake City, Utah. We employ more than 200 people in various disciplines including sales, engineering, technical support, fabrication, construction, and logistics. Our SLC team is an integral part of the Doppelmayr / Garaventa group with more than 3,000 employees worldwide. To date, Doppelmayr / Garaventa has built more than 15,100 installations for customers in 96 countries. We are committed to providing the best transport solutions now and for the future and would gladly share data from our extensive portfolio of projects as a reference.

Among Doppelmayr's proudest associations is our partnership with the Olympic Games. Los Angeles' future is bright with the reality of hosting another Summer Olympic Games in 2028. While we have provided many aerial systems for the Olympic Games (chairlifts, trams, gondolas, etc), in particular we wish to point out a unique 3S gondola system which was installed for the Sochi Olympics. The organizers faced a challenge in the requirement for providing constant access to competition sites. Much like the Dodgers Stadium, the venues in Sochi lie in an elevated location with a congested access road. The organizers looked to Doppelmayr to provide an innovative means of transport. The 3S system was selected to solve this complex issue, and the system was designed to move people quickly and efficiently. A similar gondola from Union Station to Dodgers Stadium with an intermediary station, would complement and strengthen the transit requirements for Los Angeles Olympic traffic plan.

Finally, and most importantly, the public will benefit most from the gondola solution. When it comes to passenger experience, neither buses, trains, nor automobiles can compare with that of a modern 3S gondola. Continuous cabin movement eliminates the frustrations associated with conventional mass transit waiting lines. After an easy boarding process, the passengers will enjoy a spacious and comfortable gondola cabin with access for all. The smooth flight over the streetscape allows for taking in the breathtaking views through floor to ceiling panoramic windows. Additionally, and perhaps most significant, the gondola system is extremely environmentally friendly. Within the lifecycle of the system, the operational phase is practically "zero" carbon neutral. A study demonstrating the operational efficiencies of a gondola system can be made available upon request.

In closing, we at Doppelmayr look forward to collaborating with LA ART on this exciting project. We remain available and ready to support.

Response P43-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of how comparable aerial transit systems in other cities and countries have brought benefits to their surrounding areas by connecting disparate neighborhoods, promoting commerce, beautifying communities, and enhancing transit system rider safety. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. This commenter, Doppelmayr, is one of two manufacturers of 3S gondola systems in the world, and Metro and the Project Sponsor appreciate the company's support for the proposed Project.

Comment Letter P44 - Darren Howell

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P44

Comment P44-1 I am in full support of the Aerial Rapid Transit Project. We need creative, clean energy transportation solutions like this. I will attend one of the meetings and show my support.

I also wanted to help support the project by performing at the Grand Opening Celebration when it happens. Please put my name and contact information in your files for when you need it. This will be one less thing you need to plan/worry about.

Response P44-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment P44-2 My LA-based band, Acoustic Generation, performs a unique, one of a kind immersive musical experience - "Captain Flashback's Laurel Canyon Love! - Celebrating the '60s/'70s Roots of Classic Rock." It's the best bands and songs from our own legendary music scene, go-go dancers, incredible 3 & 4 part harmonies, a fun peace & love vibe with clean lyrics - crowds of all ages sing and dance along to our show.

Classic Rock appeals to the widest demographic and the good feeling, peace & love vibe will be the perfect LA energy for your Grand Opening event.

Acoustic Generation performs in Hollywood and many other venues including the LA Zoo's "Lights Event," the Green Oasis Private Event at Coachella 2016, the HopCourage Beerfest at the LA Coliseum, "Breakfast with the Beatles" on 95.5 KLOS, "Earthfest Los Angeles" sponsored by California Greenworks, the Lexus Ventura Marathon, the Whisky, Roxy, Viper Room, Boardner's, House of Blues Anaheim and many more.

Here are 2 reviews -

"I had Acoustic Generation perform live on my show and they were FAB! Book "Laurel Canyon Love" as we all need more peace & love."

~ Chris Carter, host 95.5 KLOS "Breakfast with the Beatles"

"A MUST SEE SHOW! I loved the crowd engagement, beautiful harmonies and great set list. The peace & love vibe blew my mind!"

~ Mimi Chen, dj 88.5 KCSN "Peace, Love & Sundays"

Attached is our show logo and reference letters from large corporate events with thousands of guests.

We also organized, hosted and performed the LA Climate Change Concert at the Whisky in 2016. This sold-out event was a huge success and LA Mayor Eric Garcetti gave us a Certificate of Appreciation for our service to the city.

We would like to continue our service by performing at the launch celebration party for your great project.

Best wishes, Darren Howell

Acoustic Generation

Captain Flashback's Laurel Canyon Love! 323.383.8952

Dear Darren,

I wanted to say thanks again for performing at the Lexus Ventura Marathon. I asked Acoustic Generation back again this year because you guys are great to work with. You show up on time with great attitudes, and you put on a great show for our audiences.

Plus you are great about being flexible as something always seems to come up at these large events.

Our events are all ages and require professional entertainment with wide appeal. Acoustic Generation has great original songs, a fun Classic Rock show, and everyone loved the steel drums - there is really something for everyone.

I highly recommend Acoustic Generation to any event coordinator/Corporate planner, and I look forward to having you perform at more of our events in the future.

Thanks again.

Jen Livia

Expo Coordinator

Mile26 Events

805-827-1095

1450 E Thompson Blvd

Ventura CA 93003

To Whom It May Concern,

I am writing to strongly recommend that Acoustic Generation be added to the Musicians Roster of the LA County Arts Commission.

I organize the EarthFest LA Festival, an annual event that includes booths for green companies and organizations, food booths, speeches, entertainment, etc. I met Darren Howell and Acoustic Generation through one of his other concert events, and

I immediately knew that I needed their band and Darren to be a part of my 2015 EarthFest LA Event. The 2015 event was held in the downtown area of Culver City.

Being a supporter of green initiatives, Darren jumped right in and helped me organize the 2015 event. He attended meetings, brought together like minded people to add to the effort, provided important ideas and even got a few new speakers and vendors to exhibit at the event. His band played an excellent set of Classic Rock originals and covers that was well received by the crowd. Acoustic Generation showed up on time, ready to rock with a great attitude. They added some musical energy to the event that was much appreciated.

Because of logistical issues beyond our control, we had to move the event's location in the month before the event, but Acoustic Generation was flexible and adapted to our needs.

I highly recommend Acoustic Generation for any LA County Arts events, Summer Concert Series, etc. - both you, the event organizers and especially the crowds will love the Generation. Darren likes to say, "once you hear the Generation you are part of the Generation" and it is true.

Response P44-2 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment Letter P45 - Jeffrey Holmes

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P45

Comment P45-1 I am writing to comment on the LA Aerial Rapid Transit proposal.

As an architect living in Southern California, and having undertaken complex, large-scale urban projects both across the country and around the world, I am thrilled by this innovative, world-class proposal for LA. The project deftly increases accessibility and connectivity between numerous LA communities while creating a new, unique LA experience that will be sought after by residents and visitors alike. And it does all of this while reducing transportation related pollution and congestion!

I fully support his project and look forward to its completion.

Response P45-1 This comment indicating support for the proposed Project is noted for the record and will be provided to the decision makers for review and consideration.

Comment Letter P46 - Jack Humphreville

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P46

Comment P46-1 Who is paying for this?

Response P46-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment Letter P47 - Julia Tauscher

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P47

Comment P47-1 Hello Mr. Zellmer,

Please find attached our comments on the above referenced project.

Best,

Julia Tauscher

GENERAL MANAGER/PARTNER

Philippe The Original, LLC

1001 N. Alameda Street

Los Angeles, CA 90012

E: jtauscher@philippes.com <mailto:jtauscher@philippes.com>

W: (213) 628-3781

November 17, 2022

Cory Zelmer

Deputy Executive Officer

Los Angeles County Metropolitan Transportation Authority One Gateway Plaza, Mail Stop 99-22-6

Los Angeles, CA 90012

LAART@metro.net

RE: PUBLIC COMMENT ON DRAFT EIR FOR THE PROPOSED LAART PROJECT

Dear Mr. Zelmer,

As a LA Historic business, within the boundaries of the proposed project zone, which will be greatly impacted by the LAART project, we wish to submit our opposition to the Draft EIR presented in October 2022. Much like our neighbors, the California Endowment and Homeboy Industries, that joined in a response opposing the LAART, dated November 16, 2022 (attached), we share many of the same opinions for opposing the project.

Due to limited resources, we are currently unable to provide the same detailed response, but with our immediate proximity to both the CA Endowment and Homeboy we wish to join in support with their opposition letter.

Areas of concern:

Response P47-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses P47-2 through P47-7. This comment references an attachment which is a November 16, 2020, letter from The California Endowment and Homeboy Industries regarding the Notice of Preparation ("NOP") for the proposed Project. Refer to Appendix A, Scoping Report, of the Draft EIR, for the NOP and all comments on the NOP.

Comment P47-2 People not using public transport to arrive in LA

Response P47-2 Refer to Section 3.17, Transportation, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel. The opportunities for more mobility choices through improved connections to additional public transit options created by the proposed Project are projected to increase the number of attendees of games or events at Dodger Stadium to ride public transportation.

Comment P47-3 Parking- the study does not reflect accurate information

Response P47-3 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.

Comment P47-4 Displacing the traffic to a new area less than 1 mile away

Response P47-4 Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a

transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations.

Comment P47-5 Street closures and loss of business during construction

Response P47-5 Section 3.17, Transportation, of the Draft EIR includes detail regarding proposed Project construction, including anticipated lane closure and detours. As described in Section 3.17, Transportation, of the Draft EIR, the proposed Project would implement a Construction Traffic Management Plan during construction that would include street closure information, detour plans, haul routes, and a staging plan. Refer to Topical Response C, Project Features, for discussion of how the Project Sponsor would create a Business and Community Support Program and a Business Interruption Assistance Program to assist local businesses financially affected by proposed Project construction activities.

Comment P47-6 Overall feasibility of the project

Response P47-6 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. The Draft EIR itself serves as a "feasibility study" for the proposed Project, with 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts. The proposed Project is feasible.

Comment P47-7 There seems to be a need for further development and discussion that we would like to be a part of to come to the best possible ways to reduce the impact of vehicles to the City of Los Angeles and be an equitable partner with the community.

Best Regards,

Julia Tauscher

PHILIPPE THE ORIGINAL

Partner & General Manager jtauscher@phi1ippes.com

Attachment: Letter dated 11-16-2022

Response P47-7 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period.

Comment Letter P48 - Bill Przylucki

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P48

Comment P48-1 Deputy Executive Officer Cory Zelmer,

I am writing to voice my opposition to the Los Angeles Aerial Rapid Transit Project ("The Gondola" at Dodger Stadium).

Response P48-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment P48-2 Metro went forward with this project without an open public process and without competitive bidding. Details about the ownership or operation of the project have been hidden from the community. The financial commitments are unclear, and I am worried that public funding will be required to cover and maintenance and construction cost overruns.

Response P48-2 This comment raises issues that were litigated and decided in *The California Endowment v. Los Angeles County Metropolitan Transportation Authority*, Case No. 22STCP01030 (Jan. 9, 2023, Order Denying Petition for Writ of Mandate). There, the Los Angeles Superior Court upheld Metro's sole source determination for the proposed Project.

Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Eight public meetings were held immediately preceding, during, and immediately following, the Draft EIR public review period, with four held in-person in the Project area at Los Angeles Union Station and Cathedral High School, and four held virtually via Zoom webinar. Project materials and information were provided at

both the in- person meetings and on Metro's website in English, Spanish, Chinese (Traditional), and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project.

Comment P48-3 The Chinatown communities is one of the poorest areas of Los Angeles. Community members were not consulted about this project, and did not ask for it. Public employees' time and energy would be better spent consulting with residents to identify the real needs of the community, not facilitating the pet project of a wealthy developer at the expense of the entire community.

Response P48-3 Refer to Response P48-2 for a discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Metro sought to engage the community in each stage of the environmental review process. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses in Chinatown. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the proposed Project alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment Letter P49 - Faraz Aqil

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P49

Comment P49-1 Hello. My name is Faraz Aqil, and I'm a resident of Downey,who one day hopes to visit my first in-person Dodgers game by using this newtransportation system from Union Station to Dodger Stadium. The concern I have with the ART project is regarding its highcapacity (how many riders can fit into a gondola [cabin size]), and the fastaccess (how many trips can the system quickly get all riders through[especially during High Dayevents]).

According to the Draft, it states that each gondola cabinhas a capacity of 30-40 riders each (pg: 2-18). The travel time for onedirection is approximately 7 minutes (pg: 2-42). The system has anapproximatemax capacity of 5,000 riders for 1-way (10,000 riders if both ways are used atmax capacity) (pg: 4-59). And it takes about 23 seconds for a cabin toarrive/departure at a station (pg: 2-42), which means I estimate 36.52 gondola cabins will be needed to have a 14-minute round trip (for that 23 seconds average to happen).

However in practically, I doubt that the Gondola Systemcan drop off and take in passengers around 23seconds. Unless the ART groupcan show a computer demonstration (or a live video) of 5,0000 different ridersusing the system during a High Day, I'm seriously worried that the 23 secondsclaim is an over estimation. Not to mention if there's something that comes up (like a wheel chairpassenger, a baby stroller, bike rider.. etc.) the gondola system will takelonger. This is coming from experience using LA Metro's trains, where trains usuallytake around 1 minute to drop off & pick up passengers. Even in this report, itstates that, "a cabin could be stopped to accommodate passenger boarding"(pg2-18), which I suspect will happen quite often. And as a result of the Gondola pausingto accommodate passengers, the rest of the cabins in the system will be stoppedtoo by being idle (which will cause delays and less transported passengers peran hour).

I estimate that each gondola cabin will take around 1 minute on average. And if that's correct, thenthe Gondola system will only be able to transport an average of 2000 riders 1-way(4,000 riders if both ways are used at max capacity). This would be unfortunatebecause many riders will see that this transportation system is extremely slowand result in riders not relying on it to reach the Dodgers stadium (especiallyif this system gets a reputation for very long lines/wait times).

Response P49-1 Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how the proposed Project would carry up to approximately 5,000 passengers per hour per direction. The cabins would move at an

approximate speed of 13.4 miles per hour with headways of approximately 23 seconds, which represents the time between cabins arriving at a station. As one hour consists of 3,600 seconds, approximately 156.5 cabins would arrive every hour (3,600 seconds / 23 seconds. The proposed Project's Tricable Detachable Gondola system ("3S") cabins typically carry between 30 to 40 passengers each, depending on the exact configuration of seating and cabin amenities selected. At a capacity of 35 passengers per cabin, at 156.5 cabins per hour, 5,478 passengers would arrive at each station per hour (35 passengers per cabin x 156.5 cabins per hour). Given that the same headway applies in each direction, the total, calculated system capacity is therefore 5,478 passengers per hour per direction (pphpd). To account for variations in the exact configuration of seating and cabin amenities, as well as operational considerations (including, for example, fewer than 35 people boarding a cabin or cabins being either slowed or stopped in the station for boarding purposes), the proposed Project has included an approximately 10 percent reduction in capacity from 5,478 pphpd to 5,000 pphpd. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data, and the management of queuing at stations, and pre-game and post-game transportation.

Comment P49-2 My recommendation would be to instead use an aerial train/monorailsystem to transport riders to/from Union Station to the Dodgers stadium. Rail is a morereliable and a faster mode of transportation then a Gondola system. Trains canhold hundreds of passengers per a trip. And it would rely on less staff then the 20staff needed to run the Gondola system. I'm honestly surprise that of the 3alternatives mentioned in the report, no Rail option was mentioned. We should bebuilding a transportation system not just for the riders of now, but for future riders as well (especially since this report estimates that ridershipdemand will only grow larger by year 2042, up to 13,030 daily riders in a HighDay) (3.17-35).

Thank you for taking the time in reading this comment.

Response P49-2 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options for a discussion on the range of alternatives considered for the proposed Project. Refer to Section 2.0, Project Description, of the Draft EIR, for a discussion of how the ART system has the ability to overcome grade and elevation issues between LAUS and Dodger Stadium (unlike more traditional forms of rail transit) and provide safe, zero emission, environmentally friendly, and high-capacity transit connectivity in the Project area that would reduce GHG emissions as a result of reduced vehicular congestion in and around Dodger Stadium and on neighborhood streets, arterial roadways, and freeways. Given the capacity of this system, approximately 20 percent of the fans could take aerial transit connected to Metro's regional transit system. In addition, the proposed Project would operate daily to serve existing residents, workers, park users, and visitors to Los Angeles.

Comment Letter P50 - Greg Camphire

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P50

Comment P50-1 I'm writing with concern about LA ART and Metro's recently released Draft Environmental Impact Report on the potential environmental impacts resulting from the McCourt Gondola.

Response P50-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. This comment provides a general introduction to the comments raised in this letter. Responses to the comments contained in this letter are provided below in Responses P50-2 through P50-4. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P50-2 This report reflects the fact that there has been no considerable input from the communities who will be most affected by this gondola. It is clearly the pet project of a billionaire with too many unanswered questions about safety, cost, maintenance, and even the actual purpose of the gondola.

Response P50-2 Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world that operate safely and efficiently. Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and

Operations, of the Final EIR, for discussion of the safety features of the proposed Project and how system components would be equipped with security features for system safety. The gates and entrances to the stations would be locked at night and would be equipped with security features to prevent entrance by unauthorized personnel. The towers would have no publicly accessible gates or entrances and would be inaccessible to unauthorized personnel. Maintenance doors at the base of the towers would be secured at all times and only accessible by authorized personnel. The system components would be equipped with security cameras to monitor activity at stations, the junction, the towers, and in each cabin. Moreover, attendants would be present at each station, and a separate operator would be stationed in a control room to monitor activity throughout the proposed Project. Maintenance would be performed by the operator and would include daily observation of the overall system as part of the startup routine.

Comment P50-3 The gondola is a waste of time and money—a stunning $300 million price tag—that could be better spent on any number of initiatives that would actually benefit local residents. Since nearly every Metro project has historically gone significantly over budget, the risk for taxpayers to be held financially responsible for expenses beyond the initial construction costs is enormously significant. At the same time, there is already a free shuttle available that serves the same exact function as a costly gondola ride.

Response P50-3 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response N, Environmental Justice, for

discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities.

Comment P50-4 The recent election of Los Angeles' new mayor proves that the people do not want billionaires running or ruining our city. We must stop this wasteful, tacky, bloated, and completely unnecessary gondola from being built. It will be an expensive eyesore from an out-of-touch oligarch that scars the landscape of LA.

Stop the gondola project now!

Response P50-4 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Responses P50-2 through P50-3 regarding the Project Sponsor. the proposed Project's costs, and the need for the proposed Project. Refer to Section 3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant.

Comment Letter P51 - Daniel Freedman

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P51

Comment P51-1 Hi: Can you please send me a copy of the Oct 22, Scoping Meeting recording for the gondola project? I would be interested in using it for a class I am teaching. Thank you!

Response P51-1 Materials presented at the informational workshops, along with recordings of the October 22, 2022 informational workshop, are available on the proposed Project's SB 44 website. Refer to Appendix B, Public Hearing Transcripts, of this Final EIR for transcripts of the public hearings. An email responding to this request with a link to the recording of the October 22, 2022, informational workshop was sent to the commenter upon receipt of this comment.

Comment Letter P52 - Marceline Phillips

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P52

Comment P52-1 Please do not build a gondola. If you look at the London cable car over the Thames it's either slower or comparable to existing transit modes, except it has a much, much lower capacity and wait times are longer due to this low capacity.

Instead use the money to help fund a northern extension of the WSAB to Dodger's stadium.

Response P52-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Table 2-1, ART Precedents, in Section 2.0, Project Description, of the Draft EIR, which provides examples of gondola systems in cities around the world, including the Emirates Air Line monocable detachable gondola in London, England, with a capacity of 2,500 persons per hour per direction (pphpd), which carries 10 people per cabin, over a distance of 0.68 miles for a five-minute travel time. In comparison, refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, for discussion of how the proposed Project is a tricable detachable gondola system, or 3S system, with a capacity of up to approximately 5,000 pphpd, which typically carries 30 to 40 passengers per cabin, and would travel over a distance of 1.2 miles for a seven-minute travel time. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world. Additionally, refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders travelling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

Comment Letter P53 - Martin Hoecker-Martinez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P53

Comment P53-1 Metro,

This project seems laughable. The proposal's "...maximum capacity of approximately 5,000 people per hour per direction" is dwarfed by the needs of Dodger stadium which has a capacity of 56,000 people. It would take over 11 hours to fill the stadium at that rate and another 11 hours to empty it. Even if the system was extended to the other side of Chavez Ravine (Echo Park or Silver Lake or Elysian Valley) so that there are two boarding points to double the capacity the system would be overwhelmed by the needs of the stadium. This project uses a mode of transportation that can not cope with the needs of the stadium. Although I applaud the motivation this project should be sent back to the drawing board. It suffers from a fundamental misunderstanding of the transportation needs. Build a system based on a higher capacity mode of transit (e.g. rail, or Bus Rapid Transit with dedicated right of way) that can handle the departing crowds of more than 30,000 people per hour.

Response P53-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at Los Angeles Union Station (LAUS), Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's system, approximately 20 percent of the fans could take aerial transit connected to Metro's regional transit system, which is equal to roughly 1,000,000 passengers per year at Dodger Stadium. This would reduce vehicular congestion in and around Dodger Stadium, on neighborhood streets, arterial roadways, and freeways during game and special event days. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of how comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit

systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders travelling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

Comment Letter P54 – Baldomero Capiz

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P54

Comment P54-1 I am Baldomero Capiz and, in my opinion, the project will be financially beneficial to millionaires. It will not bring any benefit to poor migrant communities.

Response P54-1 Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including how the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses within the surrounding communities while unifying and connecting communities through transit mobility access. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P54-2 It will result in more mental, emotional, psychological ailments and death.

The community must organize to defend the future of our families.

Response P54-2 Refer to Response P54-1 for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Refer to Topical Response J, Gondola Design and Operations, for discussion of the safety features of the proposed Project and how aerial transit systems such as the proposed Project represent one of the safest modes of transportation relative to other forms of transit. Refer to Topical Response N, Environmental Justice, for discussion of how the Draft EIR addresses environmental justice by considering the proposed Project's ability to reduce congestion and emissions from on-road vehicles in an area disproportionately burdened by pollution, and including an analysis of the proposed Project's potential impacts to the surrounding community, concluding that the proposed Project could result in air quality benefits for the surrounding communities.

Comment Letter P55 – Ruby Andalon

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P55

Comment P55-1 Will the Gondola going to effect the people living down below. (The privacy and safety).

Response P55-1 Refer to Section 2.0, Project Description, of the Draft EIR and Topical Response J, Gondola Design and Operations, of the Final EIR, for discussion of the proposed Project's design and operations, including discussion of the safety, privacy, and operations features of the proposed Project. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world that operate safely, efficiently, and in concert with nearby residential and open space uses. Refer to Section 2.5, Proposed Project Alignment and Components, with supporting data provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties.

Comment Letter P56 – Rebecca Ocaqueda

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P56

Comment P56-1 I don't agree with this project.

1. It won't help the environment.

Response P56-1 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. The proposed Project would improve mobility and accessibility for the region by connecting Los Angeles Union Station (LAUS) to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. The lifetime emissions of the proposed Project over its useful life would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the proposed Project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles travelled. The proposed Project would result in a net reduction in criteria pollutant emissions by reducing vehicle miles travelled.

Comment P56-2 2. It will take space away from the park.

Response P56-2 As discussed in Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic

Park, the ability to use the vast majority of the park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project.

Comment P56-3 3. It will only be good to fill up the pockets of those who are the most interested in the project.

Response P56-3 Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to the Response P56-1 for a discussion of the proposed Project's potential environmental benefits. Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the proposed Project alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment P56-4 Finally, it won't eliminate the traffic from our roads.

Response P56-4 Refer to Response P56-1 for a discussion of the proposed Project's ability to reduce vehicular travel and therefore vehicular congestion.

Comment Letter P57 –Maria Yglesias

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P57

Comment P57-1 We are fighting hard for clear air and green spaces for our childrens and elderly population. This project is going to be a disaster for the Chinatown community where I live.

Response P57-1 As described in Section 2.0, Project Description, of the Draft EIR, the proposed Project, which would include passenger stations at Los Angeles Union Station (LAUS), the southern entrance of Los Angeles State Historic Park, and Dodger Stadium, would provide new connections to and between currently underserved neighborhoods and uses along the proposed alignment, including Chinatown, Mission Junction, the Los Angeles State Historic Park, Elysian Park, and Solano Canyon. In addition, the proposed Project would provide pedestrian improvements, including hardscape and landscape improvements, as well as amenities at the Los Angeles State Historic Park. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel The proposed Project would improve mobility and accessibility for the region by connecting LAUS to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities, including Chinatown. The lifetime emissions of the proposed Project over its useful life would be a reduction of 166,653 MT CO2e. The lifetime VMT reduction of the proposed Project would be a reduction of 129,629,500 VMT. Emissions are decreased through reducing vehicle miles travelled. The proposed Project would result in a net reduction in criteria pollutant emissions by reducing vehicle miles travelled. In addition, refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses. As discussed in Section 2.0, Project Description, of the Draft EIR, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting

communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the proposed Project alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve.

Comment P57-2 Our Historical Park will be compromised and our streets will be full of traffic and pedestrians wondering around. Please stop the Gondola, we don't need it at all. Mr. McCourt can make money somewhere else. Stop the Gondola!

Response P57-2 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide open space enhancements, including at the Alameda Triangle, the Los Angeles State Historic Park, and along the pedestrian pathway connecting Dodger Stadium Station and Dodger Stadium. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and

donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment Letter P58 – Arturo Gonzalez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P58

Comment P58-1 My name is Arturo Gonzalez with neighborhoods coalition. I honestly believe that Metro has reneged on their commitment to the community it serves.

Serving the interest of a multi-millionaire goes against the very core of Metro and its oath to serve the interest of all communities.

Response P58-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at Los Angeles Union Station (LAUS), Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment Letter P59 – Kevin Jauregui

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P59

Comment P59-1 As a Native Angelino, with roots and history in this town, we already see that many mistakes have been made by our past. The amount of pollution in our city has caused massive disease to our people. Lack of green space negatively impacts our mental health.

Response P59-1 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would include several sustainability features and open space enhancements, including pedestrian enhancements and drought tolerant landscaping, open space enhancements, including at the Alameda Triangle, the Los Angeles State Historic Park, and along the pedestrian pathway connecting Dodger Stadium Station and Dodger Stadium, and improved access to Los Angeles State Historic Park and Elysian Park.

Comment P59-2 This gondola seems to be "killing two birds with one stone" in the sense it'll be making air quality worse in already under served communities AND taking away green space by building on the park. Please, for the sake of our communities and our future DO NOT BUILD THE GONDOLA

Response P59-2 Refer to Response 59-1 for discussion of the proposed Project's ability to reduce vehicular travel, improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, for discussion of the footprint of the proposed Project in the Los Angeles State Historic Park. With the small footprint of the proposed Project's Chinatown/State Park Station, and the required clearances and the height at which the cabins would cross over the Park, the ability to use the vast majority of the Park would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park

amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Comment Letter P60 – Julie Rico

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P60

Comment P60-1 I have lived in Chinatown at the Senior Metro Lofts for 10 years #. I walk in Chinatown, I use public transportation in Chinatown, I support the community of Chinatown.

Response P60-1 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment P60-2 The Gondola project will create havoc in a senior centric neighborhood. The transmission of disease is possible due to the increased traffic, the pollution impact of the cars that will take our parking spaces.

Response P60-2 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.

Comment P60-3 The lookieloos, the tourists and the enthusiastic Dodger fans will mow us/seniors and Chinatown residents over. The now idyllic park will be irrevocably destroyed by the traffic and the gondola

Response P60-3 Refer to Response P60-2 for discussion of how the proposed Project would have less than significant operational impacts, including for transportation and at the Park, and how comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments and demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses.

Comment Letter P61 – Patrick Chen

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P61

Comment P61-1 As a resident of Chinatown, I am writing to express my concerns and objection to the LA ART gondola project. This Draft environmental impact report does not address serious issues with how the gondola's construction and operation would negatively affect the working class and aging population of Chinatown. One of the worst problems unaddressed is how this will cause more traffic and traffic safety issues in Chinatown as one of the gondola stations is in Chinatown.

Response P61-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features. As discussed in Section 2.0, Project Description, of the Draft EIR, and Topical Response C, Project Features, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the proposed Project alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. As discussed on page ES-17 of the Executive Summary of the Draft EIR, based on the analysis contained in Section 3.0, Environmental Setting, Impacts, and Mitigation, construction of the proposed Project would result in significant and unavoidable cumulative impacts with regard to Noise and Vibration (human annoyance). As demonstrated in the Executive Summary to the Draft EIR, the proposed Project would not result in any other significant and unavoidable construction impacts. The proposed Project would not result in any significant and unavoidable operational impacts. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill

743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations. Refer to Section 3.17, Transportation, of the Draft EIR, for a discussion of how the proposed Project, including the Chinatown/State Park Station, would not substantially increase transportation hazards to vehicle, pedestrian, or bicycle safety due to geometric design feature or incompatible use with the implementation of mitigation.

Comment Letter P62 - Davanna Molinari

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P62

Comment P62-1 There is a moral issue at stake again, where the community of Chinatown is again getting the short end of the stick. There are many inequalities faced by the community but today non is as damaging as the LA ART project that is now at a stage where is waiting for approval without the process ever considering the local community and impacts to its residents and many stakeholders like myself.

Response P62-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Appendix A, Public Outreach Report, of the Final EIR, for discussion of the proposed Project's public outreach and opportunity for public testimony during the Draft EIR public review period. Refer to Appendix A, Scoping Report, of the Draft EIR, for discussion of outreach and community engagement during the Draft EIR scoping period. Metro sought to engage the community in each stage of the environmental review process. Metro engaged the public in decision making for the proposed Project beginning with the public scoping period for the Draft EIR in October 2020 to receive public comment on the proposed Project's scope of environmental review under CEQA. In June 2021, the Project Sponsor conducted two virtual public outreach meetings. The input from the public, including local community stakeholders, as well as from agencies, organizations, and interested parties, during this period led directly to changes to the proposed Project to incorporate public feedback. The Draft EIR was released on October 17, 2022, for a 60-day public review period, which Metro extended an additional 30 days for a 90-day public review period ending on January 17, 2023. Eight public meetings were held immediately preceding, during, and immediately following the Draft EIR public review period, with four held in-person in the Project area at Los Angeles Union Station and Cathedral High School, and four held virtually via Zoom webinar. Project materials and information were provided at both the in-person meetings and on Metro's website in English, Spanish, Chinese (Traditional), and Chinese (Simplified). Interpretation was provided in English, Spanish, Mandarin, and Cantonese during the eight public meetings, with interpretation provided in Taishanese during the final two public meetings. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts.

Comment P62-2 This lack of a community benefit project and dream of a single individual is quite selfish. Have you all ever been in Chinatown during a Dodger game, a gondola will not solve the issue, the gondola in fact is not local community friendly.

Response P62-2 Refer to Topical Response C, Project Features, discussing the proposed Project's potential partnerships with and benefits to local businesses and other community benefits for Chinatown. As discussed in Section 2.0, Project Description, of the Draft EIR, and Topical Response C, Project Features, the proposed Project creates a first/last mile transit link for residents and businesses within Chinatown while unifying and connecting communities through transit mobility access. This new mode of transportation will expand rider access to the regional transit system by attracting new visitors including Dodgers fans, and represents an opportunity for additional visitors along the proposed Project alignment, creating economic opportunities for local businesses, including shops and restaurants, through potential partnerships that drive customers to Chinatown and other businesses along the alignment, which, consequently, adds revenues to these small businesses in the communities the proposed Project hopes to serve. The proposed Project would improve mobility and accessibility for the region by connecting Los Angeles Union Station (LAUS) to Dodger Stadium via an aerial gondola system, including an intermediate station at the southernmost entrance of the Los Angeles State Historic Park. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. 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, thereby reducing VMT and GHG emissions. Accordingly, the proposed Project would result in air quality benefits to the surrounding communities. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project.

Comment P62-3 Lastly as a long time resident of northeast Los Angeles and current resident of Lincoln Height, and one of the youth pictured with the Governor Gray Davis when he announced the purchase of what is today LA State Historic Park I am appalled by the possibility that this community resource will be impacted. How can public agencies that will take part of saying yes or no to this project in the approval process, ever consider saying yes. An approval of this project would go against the benefits that they are task with upholding to local constituents. Additional can we please independent traffic and other studies that are being used to approve this project? It is unfair that the more resource get to draft their own document.

Response P62-3 Metro and the Project Sponsor acknowledge the more than 20 years of effort the community undertook to convert the closed rail yard at River Station to what is now the Los Angeles State Historic Park. As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms. Refer to Topical Response F, Los Angeles State Historic Park, for additional discussion of the Los Angeles State Historic Park General Plan Amendment. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response B, Ridership Model; Queueing at Stations and Pre-game and Post-game Transportation, for discussion of the proposed Project's ridership model which is based on extensive data sources and assumptions validated by data. Metro hired Stantec to peer review the transportation analyses conducted for the proposed Project, including Section 3.17, Transportation, and Appendix N, Transportation Appendices of the Draft EIR.[3] Stantec is an internationally respected global design and delivery firm that provides transportation engineering and planning services among its many service lines. Stantec concluded that the proposed Project ridership forecasting model and the

[3] Stantec. 2023. Memo to Holly Rockwell Regarding Los Angeles Aerial Rapid Transit (LA ART) Project Transportation Analysis Peer Review.

model inputs and data sources were credible, defendable, and appropriate to use for the analysis and that they agreed with the ridership forecasts in the Draft EIR. The Draft EIR includes 7,877 pages of detailed analysis from experts in their respective fields, intended to provide the public and decision makers the information that they need to meaningfully consider the proposed Project's potential environmental impacts, as well as a shorter executive summary that explains the analysis and conclusions in clean and simple language.

Comment Letter P63 – Bill Chin

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P63

Comment P63-1 The Dodgers is not a good neighbor for my community of Victor Heights & Fig. Terrace. 80+ days of home games is a bad impact on my life. Traffic is slower on the freeways, Sunset, College Street (Westbound). Fireworks brings other into community to see bombs blow-up in the sky. I see walker coming thor my streets, Beaudry Ave, College Street, Alpine Street, Bartlett Street, Figueroa Street, Sunset Blvd. Many streets are needed for locals to park after working long hours in the evening. They walk thur speaking loudly at night. This is damaging to my community. I feel lose after living here 54 years!

Response P63-1 Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high-capacity aerial rapid transit connection between the regional transit system at LAUS, Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. The proposed Project would be free to ride for anyone with a ticket to a Dodgers game. In addition, the proposed Project would allow all residents, employees, and businesses located close to the proposed Project to ride the gondola using their Metro fare at no additional cost under the Community Access Plan.

Comment Letter P64 – Frank Hom

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P64

Comment P64-1 The gondola project is an environmentally unsafe solution for traffic to Dodger Stadium on many counts.

Response P64-1 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment P64-2 1 – affects entire community of Chinatown residents and businesses

Response P64-2 Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities, including but not limited to sustainability features and open space enhancements, the Community Access Plan for fares, access to parks, mobility hubs, signage, utilization of local artists for site specific artwork at each station reflective of the unique neighborhood culture, design of each component of the proposed Project to complement and reflect the unique character of the surrounding neighborhood, the Business and Community Support Program during construction, and benefits to local businesses along the proposed Project alignment. The Project Sponsor would convene stakeholder groups to coordinate on issues related to proposed Project features.

Comment P64-3 2 – affects businesses in original Mexican town.

Response P64-3 Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents.

Comment P64-4 3 – affects usage of California State Park

Response P64-4 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary

system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response S2-4 for additional discussion regarding the ability of uses to continue at the Park.

Comment P64-5 4 – construction will upset environment and health of elderly in Chinatown

Response P64-5 Refer to Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the construction of the proposed Project. As summarized in the Executive Summary of the Draft EIR, the proposed Project would have less than significant impacts related to construction with the exception of Noise and Vibration (human annoyance). Refer to Section 3.17, Transportation, of the Draft EIR, for discussion of the proposed Project's maintenance of local and emergency access during construction. Refer to Topical Response C, Project Features, for discussion of the Business and Community Support Program during construction. As summarized in the Executive Summary of the Draft EIR, impacts related to operations of the proposed Project would be less than significant. Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Noise standards, which are generally stated based on the use function of the property and not by age group, are nonetheless developed to protect sensitive populations, including seniors and children. Refer to Section 2.8, Construction, in Section 2.0, Project Description, and Appendix B, Construction Assumptions, of the Draft EIR, for discussion of the duration of construction for each component of the proposed Project.

Comment P64-6 5 – 100% profit motive for 1 man Frank McCourt

Response P64-6 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, for discussion of the Project Sponsor and donation to Zero Emissions Transit, a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project.

Comment P64-7 6 – GREED

Response P64-7 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment Letter P65 – Raul Macia Franasco Serran

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P65

Comment P65-1 The failing project does not have a reason to exist because the city does not need it, it is illogical. The community needs other alternatives that do benefit us and lead us to progress, not backwards. No gondolas.

Response P65-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Section 2.3.7, Purpose and Need, of the Draft EIR, for an overview of the need for the proposed Project. The proposed Project would improve mobility and accessibility for the region by providing a daily, high capacity aerial rapid transit connection between the regional transit system at Los Angeles Union Station (LAUS), Dodger Stadium, Los Angeles State Historic Park, Elysian Park, and surrounding communities via the intermediate Chinatown/State Park Station. Dodger Stadium draws large regional crowds, with approximately 100 baseball games and other events each year, but there are no permanent transit connections to the venue. The vast majority of visitors drive their personal vehicles to access the venue. These vehicles create congestion on the surface streets leading up to and around Dodger Stadium, including Sunset Boulevard/Cesar E. Chavez from LAUS and throughout the surrounding communities. Given the capacity of the proposed Project's 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. As discussed in the Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation.

Comment P65-2 Alternatives need to be sought to improve access to the stadium without affecting the neighbors in the area. We have too much pollution in every sense, it is harming not only the area but also a big part of Los Angeles.

Response P65-2 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options and Section 4.0, Alternatives, of the Draft EIR, for a discussion of the Draft EIR's consideration of a range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. The Transportation Systems Management

Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between LAUS and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment P65-3 I do not agree with the Gondola Project because it would slow down movement in the community regardless.

Response P65-3 Refer to Response P65-1 for an overview of the need for the proposed Project. Given the capacity of the proposed Project's 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.

Comment Letter P66 - Herminia G. Andrade

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P66

Comment P66-1 The noise and the environmental impact, along with pollution, would result in psychological and physical harm.

Response P66-1 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant. Refer to Response G017-129 for a discussion of health impacts from construction and operational noise of the proposed Project. As discussed therein, noise from construction and operations of the proposed Project would not result in health impacts. As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment P66-2 This Gondola Project should not be approved, the noise will especially affect us, seniors.

Response P66-2 Refer to Response P66-1 for discussion of how operational noise impacts of the proposed Project would be less than significant Refer to Response GO17-129 and Response GO17-130 for discussion of the proposed Project's less than significant impact on human health associated with hearing loss, hearing damage, and sleep disturbance. Noise standards, which are generally stated based on the use function of the property and not by age group, are nonetheless developed to protect sensitive populations, including seniors and children.

Comment Letter P67 – Alan K. Weeks

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P67

Comment P67-1 I would like to submit a comment concerning a point in your draft environmental report in the section concerning the State Park there is little or no information as to what changes the Tramway will make. I would like to see more detailed information.

Response P67-1 As discussed in Section 2.0, Project Description, Section 3.16, Parks and Recreational Facilities, and Section 5.0, Other CEQA Considerations, of the Draft EIR, the Chinatown/State Park Station would have a footprint of 2,195 square feet in the Los Angeles State Historic Park (~.1% of the total 32-acre park), and the station canopy would have an overhang of 9,320 square feet over the park. The proposed Project alignment crosses over the westernmost edge of the Los Angeles State Historic Park, adjacent to the existing Metro L Line (Gold) and the associated overhead catenary system. The proposed Project's required aerial clearance would be located above approximately 59,470 square feet of the total 32-acre park, plus an Additional Separation Buffer. With the required clearances and the height at which the cabins would cross over the Los Angeles State Historic Park, the ability to use the vast majority of the Park for kite flying, special events (e.g., concerts, craft fairs, partnership events, 5K/10K runs, workshops, cultural festivals, and the farmers' market), and other passive recreational opportunities (e.g., picnicking, jogging, walking, and informal play) would not be affected by the proposed Project. Refer to Response to S2-4 for additional discussion regarding the ability of uses to continue at the Park. Further, through collaboration with State Parks, the proposed Project has been designed to provide additional benefits to the Los Angeles State Historic Park, including pedestrian improvements between Metro's L Line (Gold) and the park, and integration of the Chinatown/State Park Station into the southern boundary of the park with hardscape and landscape enhancements, a mobility hub, and other park amenities including concessions, restrooms, and a breezeway connecting the concessions and restrooms.

Comment Letter P68 – Antonio Rodriguez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P68

Comment P68-1 The easiest way to solve the issue of traffic and pollution is to extend the Chavez metro underground without affecting communities.

Response P68-1 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how improving the connection between Los Angeles Union Station (LAUS) and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders traveling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.

Comment P68-2 The metro service is being extended but no parking spaces are created in each metro station.

Response P68-2 Parking is not required to be analyzed under CEQA or the Transportation Assessment Guidelines ("TAG"). Nevertheless, the Parking Study was prepared to provide additional information to the community and decision makers about existing parking conditions and the proposed Project's potential to effect parking conditions around the Alameda Station and Chinatown/State Park Station. As recommended in the Parking Study, the Project Sponsor will prepare, in collaboration with the City, and with robust feedback from community stakeholders, a parking management plan. The City would implement any on-street parking management strategies identified.

Comment P68-3 The City of Los Angeles is making money with parking fines by metro stations.

Response P68-3 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Comment Letter P69 – Samuel Perez

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P69

Comment P69-1 My name is Samuel Perez with AMP Los Ang4eles and would like to submit these following statement about the LA ART gondola. This gondola is buit on public land using public funding then we would use public funds to help generate revenue for a private company. This would not help anything to do with the public and/or emissions.

Response P69-1 Refer to Section 2.5, Proposed Project Alignment and Components, with supporting data provided in Appendix Q, Proposed Alignment Plan and Profile, of the Draft EIR, for discussion of how the proposed Project maximizes alignment along the public ROW and publicly owned property and minimizes aerial rights over private properties. Refer to Topical Response L, Project Sponsor and Proposed Project Costs and Financial Analysis, and Section 4.0, Costs and Financing, of the Final EIR, which provide detail as to the proposed Project's capital, operation, and maintenance costs and planned sources of funding, recognizing that the proposed Project's capital funding would primarily be sourced from bond financing serviced by revenue from the proposed Project. No public sources of funding have been sought or committed to the proposed Project. Refer to Topical Response C, Project Features, for discussion of how the proposed Project would provide numerous benefits to local businesses in El Pueblo, Chinatown, and other areas along the proposed Project alignment, including through potential partnerships with these businesses as well as by providing an accessible and affordable mobility option for employees and area residents. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment P69-2 Also the gondola system is outdated and surpassed by modern tech. To conclude my statement, I [inaudible] disagree and am against the building of this Gondola.

Response P69-2 Although forms of aerial transit technology have been available and utilized for the last 100 years, modern applications have seen the evolution of the technology as a feasible mode of urban rapid transit. As discussed in the Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation

infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities.

Comment Letter P70 – Ci Zhang Maory

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P70

Comment P70-1 A. The gondola has much more harm than benefit;

B. Nowadays, technology changes fast. Various advanced transportation tools will emerge in the future. A gondola is an old and outdated way of transit;

Response P70-1 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts. Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Refer to Topical Response C, Project Features, for discussion of the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Refer to Topical Response M, Comparable Urban Aerial Transit Systems, for discussion of comparable aerial transit systems in cities around the world and their operations, integration with nearby residential and open space uses, community benefits, promotion of public art and collaborations with local artists, and evidence that such systems can reduce violent crime in nearby areas and promote a sense of security compared to other modes of public transportation. Although forms of aerial transit technology have been available and utilized for the last 100 years, modern applications have seen the evolution of the technology as a feasible mode of urban rapid transit. As discussed in the Technology Penetration Analysis, included in Appendix J, Greenhouse Gas Emissions Technical Report, of the Draft EIR, a large capacity for a new mode of transportation in Los Angeles will allow passengers to see the potential for other emerging innovations to be integrated into the public transit system, and the proposed Project would thus exemplify how alternative transportation technology can be integrated into a city's transportation infrastructure and will show that new technology can successfully operate in concert with other existing modes of transportation.

Comment P70-2 C. The gondola has many disadvantages, most people object to building it!

Response P70-2 This comment is noted and will be provided to the decision makers for review and consideration. Because the comment does not address an environmental issue or

raise a substantive issue on the content of the Draft EIR, no further response is warranted. Refer to Response P70-1 for a discussion of the benefits of the proposed Project. Refer to Topical Response N, Environmental Justice, Appendix A, Public Outreach Report, of the Final EIR, Appendix A, Scoping Report, of the Draft EIR, and Topical Response C, Project Features, for discussion of the proposed Project team's outreach efforts to neighborhoods along the proposed Project alignment and the proposed Project's features to enhance and provide additional benefits to the surrounding communities. Metro sought to engage with stakeholders in neighborhoods along the proposed Project alignment in each stage of the environmental review process. Input from the public, including local community stakeholders, led directly to the selection of the proposed Project alignment, including an intermediate station in Chinatown (the Chinatown/State Park Station), as well as to the redesign of the proposed Project stations and junction and additional pedestrian enhancements including hardscape and landscape improvements.

Comment Letter P71 – Ramon Cruz Moya

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P71

Comment P71-1 My name is Ramon Cruz Moya. I am a son of an agricultural laborer and was born back in 1942. Frankly, I do not agree with carrying out this gondola – and metro – project because of the communities that will suffer a lot without their homes, where the metro might be built. Seniors can't take the terrible sadness of losing their homes.

Response P71-1 This comment indicating opposition to the proposed Project is noted for the record and will be provided to the decision makers for review and consideration. Refer to Topical Response E, The Proposed Project Will Not Displace Housing or Prevent Planned Housing, for discussion of how the proposed Project will not displace housing or prevent planned housing.

Comment P71-2 Many boys and girls will suffer because of their schools.

Response P71-2 Refer to Section 3.15, Public Services, for a discussion of schools. During proposed Project construction, impacts to schools would be less than significant with mitigation. Impacts on schools during proposed Project operation would be less than significant.

Comment Letter P72 – Joseph Amard

The full bracketed letter is provided in Appendix C, Public Comments on the Draft EIR, of the Final EIR for reference.

Responses to P72

Comment P72-1 I am concerned that the Gondola will impact (1) the air quality in the area;

Response P72-1 Refer to Section 3.03, Air Quality, Section 3.08, Greenhouse Gas Emissions, Section 3.17, Transportation, Appendix D, Air Quality/Health Risk Assessment Technical Report, Appendix J, Greenhouse Gas Emissions Technical Report, and Appendix N, Transportation Appendices, of the Draft EIR, for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel.

Comment P72-2 (2) will bring more traffic to the streets;

Response P72-2 Refer to Response P72-1 for discussion of the proposed Project's ability to reduce vehicular travel, to improve air quality through reduced emissions, and to reduce greenhouse gas emissions through reduced vehicular travel. Traffic congestion is not required to be analyzed under CEQA in the Draft EIR following the implementation of Senate Bill 743, which designated "vehicle miles traveled" as the method for assessing transportation impacts on the environment for CEQA projects. Refer to the *Los Angeles Aerial Rapid Transit Project Non-CEQA Transportation Assessment*, which found that there could be localized increases in traffic at the intersections closest to the proposed Project's Alameda Station and Chinatown/State Park Station due to some riders choosing to park and ride or take Uber/Lyft and recommended the proposed Project work with Metro to identify a transit partnership for the proposed Project riders to further encourage them to take transit, walk, or bike to the proposed Project's stations.

Comment P72-3 (3) will change the Historic Park environment and create visual blight

Response P72-3 As discussed in Sections 3.01, Aesthetics, 3.04, Biological Resources, 3.05, Cultural Resources, 3.06, Energy, 3.07, Geology and Soils, 3.09, Hazards and Hazardous Materials, 3.10, Hydrology and Water Quality, 3.11, Land Use and Planning, 3.13, Noise, 3.15, Public Services, 3.16, Parks and Recreational Facilities, 3.17, Transportation, 3.18, Tribal Cultural Resources, 3.19, Utilities and Service Systems, 3.20, Wildfire, and 5.0, Other CEQA Considerations, the proposed Project would have less than significant operational impacts, including to Los Angeles State Historic Park. Additionally, refer to Topical Response M, Comparable Urban Aerial Transit Systems, discussing how, like the proposed Project, comparable aerial transit systems in cities around the world are integrated with their surrounding urban environments. In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Refer to Section

3.01, Aesthetics, and Appendix C, Visual Impact Assessment, of the Draft EIR, for discussion of the aesthetic impacts of the proposed Project, which would be less than significant, including at the Park. The Draft EIR and Visual Impact Assessment both specifically addressed and disclosed potential impacts on changes in the visual environment and existing viewsheds into and from within the Los Angeles State Historic Park. The Draft EIR included thirty Key Observation Points (KOPs), including nine that simulated views of or from Los Angeles State Historic Park. The Draft EIR analyzed each of these KOPs, describing the existing viewpoint along with a visual simulation of the proposed Project. With respect to views from within the park, the Draft EIR concluded that certain southwest-facing views of the downtown Los Angeles skyline, particularly close to the proposed Chinatown/State Park Station, would be partially interrupted due to the proposed Project. However, the Draft EIR noted that these views are already partially interrupted by trees and intervening development, and the nature of the proposed Project (i.e., cables with similar characteristics to prevalent existing powerlines and cabins that are constantly moving in and out of view) means that the proposed Project would not significantly impact views from the park. The Draft EIR concluded that the proposed Project would not adversely impact or interfere with key viewpoints or the visual character of the Park. The Final EIR has added additional KOPs to further analyze viewshed impacts to Los Angeles State Historic Park. Refer to Appendix H.1, Memorandum Regarding Preparation of KOPs, and Appendix H.2, Supplemental KOPs in Response to Comments, of this Final EIR, for a discussion of the supplemental KOPs' preparation and the supplemental KOPs, respectively. Refer to Section 5.0, Corrections and Additions, of the Final EIR, for an evaluation of the updated and additional KOPs for the proposed Project which would not result in significant impacts, and the aesthetic impacts of the proposed Project would remain less than significant. In addition, refer to Appendix H.2, Supplemental KOPs in Response to Comments, for additional visual simulations of the proposed Project, including views from a cabin over the park, providing a new and unique perspective of the park and its surroundings, including the Roundhouse Observation Deck and the exposed Zanja Madre, which is currently not visually apparent from inside the park.

Comment P72-4 (4) increase in noise to the area;

Response P72-4 Refer to Section 3.13, Noise, and Appendix M, Noise and Vibration Technical Report, of the Draft EIR, for discussion of the construction and operational noise impacts from the proposed Project. As detailed therein, construction related noise impacts would be significant and unavoidable even with implementation of mitigation. Operational noise impacts would be less than significant.

Comment P72-5 (5) why change to a gondola – when we have an alternative with the Dodger's Express Bus!

Response P72-5 Refer to Topical Response H, The Draft EIR Considered an Appropriate Range of Alternatives and Design Options, for discussion of how the Draft EIR considered a

range of reasonable alternatives, properly identifying an "environmentally superior" alternative and analyzing a "No Project" alternative, pursuant to CEQA. The Transportation Systems Management Alternative for an enhanced Dodger Stadium Express is unlikely to achieve the same level of ridership as the proposed Project, and otherwise fails to meet most of the Project Objectives which seek to achieve the proposed Project's underlying purpose of providing a permanent direct transit connection between Los Angeles Union Station (LAUS) and the Dodger Stadium property and improving connectivity for surrounding communities, including Chinatown, Mission Junction, Elysian Park, Solano Canyon, and the Los Angeles State Historic Park. Improving the connection between LAUS and Dodger Stadium via the proposed Project would provide the quickest, most frequent, and highest capacity transit connection for the greatest number of riders travelling to Dodger Stadium to have the most travel time competitive transit trips from more locations in the region.