

LETTER NO. 123

Dated: 2/26/01

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COMMENT 123.1

I represent Coalition for Community Rights and Terry du Soleil.

We object to the Draft EIR (DEIR) on the following grounds:

1. There is no evidence that the two times selected for traffic counts are representative of peak project occupancy hours. The project includes a 7000 seat theater with undefined hours of operation along with two large hotels (1200 rooms and 600 rooms, respectively), 800 dwelling units and retail establishments. There is also no evidence that those times selected for traffic counts are representative of peak cumulative street use. See par. 2, infra. Typically, theaters do not experience peak use at rush hour time. This theater is a large establishment, about twice the capacity of the Dorothy [sic] Chandler Pavilion. Failure to assess traffic at times of probable theater use renders the EIR invalid.

RESPONSE 123.1

As stated in Section IV.F.1 of the Draft EIR (page 236), at the direction of LADOT, the PM peak hour was chosen for analysis because it represents the highest potential combination of background traffic on the street system and Project traffic. As further stated in the Draft EIR, there is considerable historical evidence that traffic volumes in the downtown area peak sharply during the PM peak hour, and are significantly lower after that time, with many downtown streets being virtually deserted after 6:30 or 7:00 PM. While the theater will not peak at this time, many of the other project land uses will peak during the PM peak hour, including the office, medical office, hotel, retail, health club, and residential uses. During the PM peak hour, these uses alone will generate almost twice as many trips as the theater will generate at its peak time, as shown in Table 24 on page 247 of the Draft EIR. The peak of the theater will occur well after the PM peak hour when background street volumes are significantly lower. At this time there will be no office or medical office traffic, and much lower traffic from the retail, residential, and hotel uses. The selection of the PM peak hour is also supported by the analysis conducted in the STAPLES Center EIR, which showed that traffic volumes are much higher during the PM peak hour than during the pre-event hour, even including STAPLES traffic in the pre-event hour. It should also be noted that the combined capacity of the Dorothy Chandler Pavilion, the Mark Taper Forum, and the

Ahmanson Theater is almost 6,000 seats. These facilities often operate with simultaneous performances with no significant traffic problems.

COMMENT 123.2

2. The DEIR does not adequately assess the cumulative traffic, air quality and traffic-induced noise impacts generated by simultaneous events at the Project theater, the Staples Center, the Los Angeles Convention Center, the Los Angeles Sports Arena, the Los Angeles Memorial Coliseum, the Dorothy Chandler Pavilion, Dodger Stadium, the Hollywood Bowl or the planned Disney Theater, or any combination thereof. Cumulative impact analysis is completely inadequate.

3. Consequently, the DEIR's discussion of mitigation is by definition inadequate.

RESPONSE 123.2

The Draft EIR does address cumulative impacts generated by simultaneous events at the Project, including the proposed theater, STAPLES Center, the Los Angeles Convention Center, and the planned Disney Theater. The existing conditions baseline is based on traffic counts conducted during an event at STAPLES Center and at the Los Angeles Convention Center, as described on page 238 of the DEIR. The analysis also included 28 additional cumulative development projects in the downtown area, including the planned Disney Concert Hall. Refer to Table 4 in Section III.B, Cumulative Development, of the Draft EIR (pages 84 to 85).

The Draft EIR therefore clearly addresses a number of joint event combinations of these facilities. It should be noted that event schedules at many of these facilities are uncertain and that many events typically do not attract capacity crowds, thereby further reducing potential relative impacts of any concurrent events. Other than the events directly considered in the analysis, the following is also noted. Dodger Stadium events generally occur between April and October, when both the hockey and basketball seasons are not in operation, except for a potential overlap of one or two months between mid-April and mid-June if during possible hockey playoffs. The Los Angeles Memorial Coliseum generally schedules a small number of events (average of three events per months), and this scheduling does not substantially overlap with hockey/basketball schedules. With respect to the Los Angeles Sports Arena, the Los Angeles Clippers no longer play there (they now play at STAPLES Center and related traffic was incorporated in the traffic analysis), and the average attendance of Sports Arena events is under 5,000 persons. While concurrent events may occur with STAPLES Center and the Project, the likelihood of concurrent events with high attendance of both venues is low. Finally, the Hollywood Bowl is located on Highland Avenue near the Hollywood Freeway, approximately 9 miles from the site of the proposed Project. Event related trip generation of the Hollywood Bowl is substantially reduced relative to what would typically be expected, as a results of an extensive program of shuttle buses that deliver many Hollywood Bowl patrons to the site. As well as being located a long distance from the proposed Project, the scheduling characteristics at the Hollywood Bowl provide for concerts only in the summer and early fall (July

to September), which reduces the magnitude of possible concurrent events with hockey/basketball games at STAPLES Center, because those seasons are not in operation at the same time. The scheduling of concurrent events at all these facilities has not been an issue or a problem to date with the operations of STAPLES Center, and it is concluded that concurrent significant events would recur relatively infrequently, and the likelihood of significant impacts is negligible due to this anticipated infrequency of concurrent events, and the relative distance between the event locations as identified in the comments.

In addition, the proposed Project is located in downtown Los Angeles. Downtowns typically are the regional center for employment, commercial, and entertainment uses, partly because (as in Los Angeles) they have the greatest provision of transportation infrastructure (including highways and transits) in the region to handle travel to/from these facilities. It is perfectly normal for many of these downtown uses and venues to be operating simultaneously, because that is the nature of a typically functioning and active downtown area. The cumulative traffic analysis conducted in the Draft EIR, and the mitigation program developed (pages 269 to 276), is more than adequate based on its comprehensive nature. Furthermore, based on the adequacy of the cumulative traffic analysis, the cumulative analysis of traffic related air quality (page 231) and noise (page 358) impacts are similarly adequate.

COMMENT 123.3

4. The DEIR simply assumes that Staples Center-induced traffic and other impacts upon the Pico-Union area are not significant. There is no evidence to support this assumption. The DEIR then asserts based upon this assumption that the Project itself will not produce significant impacts upon Pico-Union area. There is likewise no evidence to support this conclusion.

RESPONSE 123.3

The Residential Street Analysis provided in Section IV.F.1, Traffic, of the Draft EIR (pages 260 to 261) provides analysis specifically focused on the Pico Union area. This analysis concluded that it was unlikely there would be significant traffic and parking impacts in this area, but nevertheless did identify that occasional potentially significant impacts might occur (Draft EIR, pages 260 to 261). The Draft EIR then identified mitigation measures that would address these potentially significant impacts, including funding for studies, evaluations, and implementation of a Neighborhood Traffic Management Plan, if necessary, which would include both traffic management measures as well as the implementation of any Residential Permit Parking District Programs requested by the neighborhoods and approved by LADOT (Draft EIR, pages 273 to 274).

COMMENT 123.4

5. The DEIR does not assess the traffic or other impacts created by Staples Center events or the additional traffic created by new teams located at the Staples Center, including the Clippers and the

indoor football team. Nor does it address the impacts of special events at Staples such as the Grammys or the Democratic National Convention.

RESPONSE 123.4

The Draft EIR specifically addresses traffic created by STAPLES Center events and the Los Angeles Convention Center, as described in Response to Comment 123.2. The Democratic National Convention was a one time special event which is not likely to come back for years, while the Grammys only occur once a year and LADOT prepares and implements special traffic management plans and procedures for that special event as well as other special events.

COMMENT 123.5

6. The DEIR's assessment of parking impacts is inadequate for reasons set forth in paragraph 2 above. In particular, there is no adequate analysis of traffic impacts created by event overlap. There is no evidence that additional parking to be created as part of this project will be adequate. It is unclear whether this project will in effect take away parking presently allocated for Staples events. Those events already create an unanalyzed parking impact upon the Pico-Union neighborhood, and the DEIR does not address the cumulative, parking impacts upon Pico-Union that will be generated by this Project.

RESPONSE 123.5

Refer to Responses to Comments 123.2 and 123.4. Section IV.F.2, Parking, of the Draft EIR includes a comprehensive and detailed analysis of parking both for the Project and in conjunction with events at STAPLES Center and the Los Angeles Convention Center (Draft EIR, pages 283 to 294). This analysis concluded that the Project parking supply will meet the requirements of the City code, and also concluded that there will be no significant parking impacts due to the Project. The Draft EIR also notes that 3,249 existing surface parking spaces used for STAPLES Center will be removed due to this Project, and that 2,200 of these will be replaced by a new parking structure on the Olympic West Parcel. As identified in the Draft EIR, the remaining 1,049 would not be replaced on the Project site. STAPLES Center patrons currently parking in those spaces would in the future park in one of the many other STAPLES Center parking lots or public parking lots to the east and north of STAPLES Center, which constitute part of the abundant supply of off-street parking adjacent to STAPLES Center. The Draft EIR concludes that because there is a very significant surplus capacity of off-street parking to the north and east of the Project area, that there would be no significant parking impacts from the Project in the Pico Union neighborhood or elsewhere. Nevertheless, the Project Draft EIR does identify mitigation measures for the residential neighborhood that would include the implementation of residential permit parking programs if necessary and if requested by the neighborhood and approved by LADOT.

COMMENT 123.6

7. The General Plan Framework (GPF) of the City of Los Angeles has been ordered to be set aside because of the City's violation of CEQA. That document may not be considered as part of this project's environmental review. The DEIR is therefore deficient.

RESPONSE 123.6

On September 28, 2000, the General Plan Framework was set aside by the California Court of Appeal. In *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) (83 Cal.App.4th 1252), the Second District Court of Appeal held that the City of Los Angeles violated CEQA by adopting General Plan amendments that would result in significant cumulative traffic impacts, without committing to or assuring implementation of transportation improvements necessary to address those impacts. Citing Public Resources Code Section 21168.9, the Court declined to order a specific remedy "other than to vacate the [C]ity's approval of the GPF and its finding on mitigation of transportation impacts, but not its certification of the EIR. We find no fault with the EIR itself, but only with the GPF and with the [C]ity's finding on transportation impacts." (83 Cal.App.4th at 1266).

The General Plan Framework is intended to supersede the Concept Los Angeles and the Citywide Plan, both of which are part of the City of Los Angeles General Plan. Concept Los Angeles, adopted in 1974, declares the intent of the City toward the future form and long-range development of the City. The general features of Concept Los Angeles involve preserving the low-density character of Los Angeles by encouraging growth in higher density "Centers". The Citywide Plan, also adopted in 1974 and subsequently amended, specifies objectives, policies, and programs for the four main General Plan Elements. The Project would be consistent with the objectives of Concept Los Angeles by providing maximum convenience for the occupants of high- and medium-density housing, by locating the bulk of such housing within, or near to, concentrations of urban facilities and employment opportunities and by making high- and medium-density housing available. In addition the Project would meet the Concept Los Angeles objective of providing employment opportunities and commercial services at locations convenient to residents throughout the City and would provide facilities for leisure time activities at locations readily accessible to all persons. In addition, the Project would meet the Citywide Plan housing objective of providing for a volume of housing construction adequate to meet the needs of the population at any given time. The Project would also meet the Citywide Plan commerce objective of encouraging the efficient use of land by combining commercial facilities with other compatible uses.

COMMENT 123.7

8. The DEIR invokes the South Park Plan. This Plan is a private document and is unavailable to the public. It may not be considered as part of the EIR for this project.

RESPONSE 123.7

Section IV.A, Land Use, of the Draft EIR analyzed the Project's consistency with the provisions and requirement of the various policy plans and regulations which govern planning and development in the portion of downtown Los Angeles nearest the Project, including the South Park Development Strategies and Design Guidelines (Guidelines). The Guidelines were prepared jointly by the South Park Task Force and the South Park Stakeholders Group, with support from the Los Angeles Community Redevelopment Agency. The Guidelines are included in the Administrative Record and are therefore available for public review. The Draft EIR appropriately analyzed all relevant land use plans, including the Guidelines.

COMMENT 123.8

9. The DEIR also fails to address the issue of this project's compliance with the Pico-Union Pac 1, Pac 2 or Westlake Redevelopment Plans or the Byzantine Latino Quarter directives.

RESPONSE 123.8

In regards to the Pico Union Redevelopment Project Areas (PAC 1 and PAC 2), refer to Response to Comment 15.5. It is unclear to which area and land use plans the comment refers to as the "Byzantine Latino Quarter directives." The Draft EIR includes an analysis of the Project's consistency with relevant land use plans in Section IV.A, Land Use.

COMMENT 123.9

10. The DEIR's discussion of historic resources is deficient in that the document improperly dismisses the eligibility of buildings because other examples of an architect's work are in existence, because parking lots now surround buildings or because they are not being utilized as originally developed. As to buildings described as eligible for inclusion in the National Register of Historic Places, there is inadequate consideration given to the danger that the project or its growth-inducing impacts might undermine eligibility. The DEIR also does not assess the growth-inducing impacts of this project and their impact upon historic resources in the general area, including the Pico-Union. The Pico-Union neighborhood has already lost two historic buildings due to increased development pressure flowing from the Staples Arena project.

RESPONSE 123.9

As was stated in the Draft EIR, Section IV.L. Architectural/Historic Resources on page 438, the Project site and the areas directly adjacent to the Project site have been previously surveyed three times to identify potential historic resources. There are no historic resources located within the Project site that are currently listed in or eligible for federal, state, and/or local designation. The Project site consists primarily of paved surface parking lots.

The comment refers to three properties adjacent to the Project site that were analyzed in the Draft EIR, Section IV.L. Architectural/Historical Resources. These properties are a one-story Spanish Colonial Revival building located at 1037 S. Flower Street, a 3-story Classical Revival Warehouse/Office located at 1100 S. Flower Street, and a 3-story Streamline Warehouse located at 1140 S. Flower Street. The location of these properties in relation to the Project site was shown in the Draft EIR in Figure 51 on page 440. All three of these buildings have streets separating them from the Project site. All three properties currently have a historical rating of 5S3, which means they are ineligible for the National Register, the California Register, and for local designation. All three properties have been assigned the 5S3 rating due to their lack of sufficient architectural integrity and historical associations. The Project would not result in any significant impacts to the off-site properties located at 1037 S. Flower Street, 1100 S. Flower Street or 1140 S. Flower Street during construction or operations, nor would the Project affect the potential historic eligibility of these properties.

Regarding properties near the Project site that are eligible for the National Register of Historic Places, as discussed in the Draft EIR, Section IV.L. Architectural/Historical Resources, both the Petroleum Building located at 714 W. Olympic Boulevard and the Hotel Figueroa located at 939 S. Figueroa Street are eligible for the National Register of Historic Places. The location of these properties in relation to the Project site was shown in the Draft EIR in Figure 51 on page 440. Both of these properties have streets separating them from the Project site. As a result, the Project would have no significant impacts either during construction or operations to the Petroleum Building or the Hotel Figueroa. The Project would not affect the historic eligibility of these properties. Historically, these buildings have had other buildings adjacent to them and there is no evidence that new construction from the Project would impact their eligibility.

As was stated in the Draft EIR, Section IV.L. Architectural/Historical Resources on page 446, the proposed Project could result in an impact to the five-story Variety Arts Center if the proposed development were to tower above the Variety Arts Center, thereby resulting in a loss of visual access to the Variety Arts Center from the south and east. Even though a building podium and a building would be part of the same overall structure, only the podium could abut the Variety Arts Center. The potential building above the podium will be set back from the Variety Arts Center, thus minimizing any impact upon this historic five-story building. As stated in the Draft EIR, Section IV.L. Architectural/Historic Resources, Mitigation Measure 2, new construction adjacent to the Variety Arts Center shall respect its historic character through conformance with the Secretary of the Interior's Standards for Treatment of Historic Properties. In addition, the front façade of the Variety Arts Center will not be blocked by the Project development or operation. The Project would not result in the loss of historic properties as a result of growth inducement. Growth inducing impacts of the Project were analyzed in the Draft EIR in Section VI. Growth Inducing Impacts of the Proposed Project.

COMMENT 123.10

11. No evidence supports the DEIR's assertion that the growth inducing impacts of the project are insignificant. The project includes 800 dwelling units and the DEIR admits that the project may create demand for additional retail and entertainment establishments, local service and infrastructure.

RESPONSE 123.10

As was stated in the Draft EIR, Section VI. Growth Inducing Impacts of the Proposed Project on pages 493 and 494, implementation of the Project would involve the development of several city blocks in an area dominated by surface parking lots. Because the Project site is already developed and is located in a highly urbanized setting, the Project would not involve any substantial extension of infrastructure such as roads or utilities. Consequently, it would not open up undeveloped areas to new development.

The Project would be developed on property currently used as surface parking and service warehouse facilities for STAPLES Center. These uses currently employ an estimated 24 employees. Approximately 5,367 jobs would be created by the Project by 2008, for a total net employment increase of 5,343 from the Project. While this estimate exceeds the forecasted in employment levels for the Central City area projected by 2008, it represents a significant positive impact on employment in the downtown area, which endured a substantial reduction in employment during the 1990s, and for which 2010 employment levels are still expected to remain more than 10 percent below 1990 levels.

Although the types of jobs that would be created (hotel, restaurant, retail, entertainment, office, medical office, and health club) would be expected to be filled primarily by current area residents, the new employment opportunities may lead some people to relocate to the area to be nearer their jobs, thereby creating some demand for additional housing in the area. The Project would provide 800 dwelling units expected to house an estimated 2,272 residents. Development of the proposed housing would be consistent with the goals of various City and CRA objectives and plans for the downtown area, including the Downtown Strategic Plan and the Central Business District Redevelopment Plan.

The influx of Project patrons may create demand for additional retail and entertainment services in the area. Further development in the area may affect local service and infrastructure systems, although such projects could potentially be required to upgrade these systems as needed.

The Project and any development that it includes, either directly or indirectly, would contribute to the ongoing redevelopment of the area around STAPLES Center and the Los Angeles Convention and Exhibition Center, as envisioned in numerous City plans and policies. Elements of the Project, such as the proposed convention hotel and retail/entertainment facilities, would also enhance the

ability of the Convention Center to attract new and larger meetings, conventions, and expositions. This activity in turn could induce additional growth which would reinforce the visibility and desirability of downtown as a center of concentrated activity. The addition of the Project would also contribute to the redevelopment of a deteriorating area of downtown.

COMMENT 123.11

12. The project does not include the construction of new schools and improvement of the existing ones. The project's transportation impacts and impacts upon school overcrowding are not considered. The Tenth Street Elementary School at 10th and Albany is already overcrowded, and the traffic situation at this school is serious. The Belmont Learning Center is closed. The Borendo [sic] Middle School near Pico and Normandie is a substantial distance from the project location, and transportation has not been considered. No provision is made for child care.

RESPONSE 123.11

The Project's impacts on the 10th Street Elementary School, Borendo Middle School, and Belmont High School are addressed in Section IV.I.3, Schools. The Draft EIR determined that the additional students generated by the Project would exceed all three school's expected future capacity and thus cause a significant impact at all three schools. The Draft EIR noted, however, that the capacity of these schools would be exceeded by their respective forecasted future enrollment, prior to the addition of any Project-related students. According to State law (SB 50), payment of school fees provide "full and complete school facilities mitigation" for purposes of CEQA. Traffic impacts are addressed in Section IV.F.1, Traffic. Refer to Responses to Comments 11.1 and 11.2 in regards to traffic impacts on Tenth Street Elementary School.

COMMENT 123.12

13. The Project also does not include the construction of even a single park in the area in spite of the increase in residential population that will undeniably result. The DEIR does not address the Project's impact upon the capacity of the existing parks to service area residents. This deficiency is compounded by the DEIR's failure to adequately assess the Project's growth-inducing impacts.

Please address our comments

RESPONSE 123.12

The potential impacts of the Project on parks and open space was analyzed in the Draft EIR in Section IV.I.4. Parks and Recreation. Refer to Response to Comment 15.30 for discussions regarding parks and open space. The Project would provide a total of approximately 6.9 acres of active and passive open space. The potential impacts of the Project on growth inducement was analyzed in the Draft EIR in Section VI. Growth Inducing Impacts of the Proposed Project. The

Project Applicant would pay fees to the extent required by City law. The Project would receive a credit to the extent allowed by City law.