RESPONSE 15.18

The criteria pollutant emission forecasts provided in the Draft EIR reflect a specific set of conservative assumptions based on a hypothetical construction scenario wherein a relatively large amount of construction is occurring in a relatively intensive manner. To estimate the worst-case daily emissions presented in the Draft EIR, it was assumed that all six Project areas would be in the construction phase associated with the highest emissions at the same time. These hypothetical emission totals were compared to SCAQMD significance thresholds and significant impacts were identified for CO, ROC, NOX, and PM10. However, it is imperative to recognize that actual emissions of individual construction activities would be less than those forecasted.

In examining the construction emission worksheets for each individual Project area, contained in Appendix D of the Draft EIR, it can be seen that daily emissions are below SCAQMD significance thresholds for CO, ROC, PM10 and SOx. Emissions of NOx exceed the threshold for at least one construction phase for all of the areas, but the only other exceedance occurs for ROC in the final construction phase for the Figueroa Central property. Thus, even though the air quality analysis, in compliance with CEQA, considered combined worst-case emissions and identified significant impacts, it must be understood that the worst-case daily emissions would most likely not occur and would not occur for a seven-year period. Although the construction duration could be spread out over a seven-year period, that does not mean that construction would be conducted in all Project areas throughout the seven-year period. The worst-case construction phase is typically the grading/excavation/site preparation phase, and this phase is projected to typically last several months for each of the Project areas. Furthermore, construction activity would be phased in throughout the seven-year period so that certain properties would be developed before others, and sensitive receptors would not be exposed to worst-case construction emissions over the entire 7-year period.

In looking at Project related construction emissions it is important to note that existing concrete and asphalt would be recycled on-site to the extent possible which will help to reduce the number of haul truck trips and associated fugitive dust and exhaust emissions. The concrete/asphalt recycling activity will require the use of a crushing unit intermittently over 2 months per Subarea. PM10 emissions associated with crushing of concrete and asphalt would be less than emissions associated with excavation/grading activities and since these two activities would not be expected to occur simultaneously the worst-case daily emissions would not change, and therefore, would not result in a change in the significance of the impact to air quality.

With regard to the criteria pollutants NO2 and PM10 and their effects on human health and asthma, it is important to understand the role of the NAAQS and the CAAQS. These standards are set to provide protection for the most sensitive individuals of the population, including children with respiratory conditions such as asthma. As shown in Table 11 in Section IV.E of the Draft EIR, the entire South Coast Air Basin is in compliance with the state and national standards for NO2 and is classified as being in "maintenance" for NO2 since it is currently in attainment and measures are

being taken to ensure that it does not go back into non-attainment. Table 12 denotes that the CAAQS for NO2 is 0.25 ppm for a one-hour averaging period and the NAAQS for NO2 is 0.05 ppm for annual average concentrations. As stated in Section IV.E.1.2.a of the EIR, the highest concentration of NO2 recorded at the Central Los Angeles Monitoring Station from 1995-1999 was 0.25 ppm, and during this time period there were no exceedance of the CAAQS or NAAQS for NO2. Therefore, based on this data it is concluded that the levels of NO2 in the downtown Los Angeles area do not pose a significant threat to the health of sensitive individuals.

With regard to levels of PM10, Table 11 shows the Basin classified as being in "serious" non-attainment. Table 12 denotes that, for a 24-hour averaging period, the CAAQS for PM10 is 50 ug/m3 and the NAAQS for PM10 is 150 ug/m3. As stated in Section IV.E.1.2.a of the EIR, the highest concentration of PM10 recorded at the Central Los Angeles Monitoring Station from 1995-1999 was 141 ug/m3. During this time period, the CAAQS was exceeded between 18 and 31 percent of the time annually and there were no exceedances of the NAAQS for PM10. Due to the relatively high ambient levels of PM10 in the Project vicinity and "serious" non-attainment status, the air quality analysis presented in the Draft EIR focused on PM10 emissions and the resulting impact on local concentrations.

For areas in non-attainment, the SCAQMD has indicated that a measurable increase threshold of 2.5 ug/m3 may be used for assessing PM10 impacts attributable to construction sources. Therefore, a significant PM10 impact is considered to occur if the Project causes an incremental increase in PM10 concentrations of 2.5 ug/m3 during Project construction. Through dispersion modeling, it was determined that construction activity at the Olympic North Properties has the greatest potential for impacts on nearby sensitive receptors with a PM10 concentration of 1.95 µg/m3 at the nearest residential receptor. This concentration is below the measurable increase threshold of 2.5 µg/m3, and PM10 impacts from construction activities on other sensitive receptors, further from the Project site, would be less due to pollutant dispersion. Since the construction activity area with the greatest potential for impacts would fall below the threshold, it can be concluded that construction within any given activity area throughout the Project site would similarly fall below the threshold. Therefore, Project impacts relative to local PM10 concentrations would be less than significant and it is concluded that Project emissions of PM10 do not have the potential to significantly affect ambient concentrations. Thus, the Project will not pose a threat to the health of sensitive individuals.

With regard to the proposed mitigation measures contained in this comment:

1) Replacement of air filters at nearby schools is not warranted since air filters are intended only to protect against particulates and as stated above, PM10 concentrations attributable to construction activities are below the SCAQMD measurable increase threshold. Therefore, this suggested measure does not mitigate a significant impact.

2) Replacement of air filters at nearby day care centers is not warranted since air filters are intended only to protect against particulates and as stated above, PM10 concentrations during construction activities are below AQMD concentration. Therefore, this measure does not mitigate a significant impact.

3) As discussed above, the levels of NO2 in the Basin are in compliance with the CAAQS and NAAQS. As demonstrated in the air quality analysis, the maximum potential Project contribution to local PM10 concentrations is below the SCAQMD measurable increase threshold of 2.5 µg/m3. Therefore, the proposed mitigation measure does not mitigate a significant impact.

4) The following mitigation measure has been incorporated into the Final EIR: The Applicant shall use low emission vehicles to the extent technologically and economically feasible. This may include vehicles using alternative fuels, low sulfur diesel, diesel with particulate traps, methanol, or electricity. Please see Item IV.E.b in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

5) Please refer to Mitigation Measure No. 8 in Section IV.E of the Draft EIR, which prohibits on-site diesel fuel generators during construction. Also, the following mitigation measure has been incorporated into the Final EIR: The Applicant shall implement the use of low emission technology to the extent technologically and economically feasible. Please see Item IV.E.c in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

6) The following mitigation measure has been incorporated into the Final EIR: The Applicant shall comply with applicable Proposition 65 notice requirements in the event that construction activities utilize toxic materials, or cause toxic materials to be released into the air, including if toxics are identified in the fugitive dust. Please see Item IV.E.d in Section II, Corrections and Additions to the Draft EIR, of this Final EIR.

7) The Project Applicant will comply with SCAQMD Rule 403 (Fugitive Dust) which requires the implementation of best available fugitive dust control measures during active construction operations capable of generating fugitive dust. A detailed listing of best available control measures are contained in the most recent Rule 403 Implementation Handbook, January 1999 and applicable measures were incorporated into Mitigation Measures No. 1 through No. 13 in Section IV.E of the Draft EIR (pages 229 and 230). Mitigation Measure No. 3 requires that the type of soil treatment suggested in the comment will be per manufacturer specifications as stated in the SCAQMD's recommended measures. Adequate control efficiency is realized through compliance with manufacturer's specifications and application beyond those levels would not result in an appreciable decrease. In addition, Mitigation Measure No. 4 requires all other active sites to be watered at least twice daily, which is also stated in the SCAQMD's

recommended measures. As presented in Section IV.E of the Draft EIR (pages 220 and 221), Project construction-related PM_{10} emissions would be below the measurable increase threshold of 2.5 $\mu g/m^3$, and therefore, the suggested change to the mitigation measure is not warranted.

8) Mitigation Measure No. 7 in Section IV.E of the Draft EIR specifies that a construction relations officer shall be appointed by the Applicant to act as a community liaison concerning onsite construction activity. Also, the proposed mitigation measure has been incorporated into the CMP.

9) The Metro Blue Line stops directly across from or within 5 blocks of each of the Project subareas and connects with the Metro Redline. Existing DASH shuttle service connects the Project with Union Station. Since public transit options adequately serve the site, additional shuttle lines are not required to provide the public transportation referred to in the comment.

10) Many of the options included in the Commuter Choice program are provided as compliance options under SCAQMD Rule 2202. The Project shall comply with Rule 2202 and will incorporate transportation demand management strategies to reduce emissions associated with employee commutes. SCAQMD Rule 2202 provides a menu of options to help employers meet their emission reduction target by reducing mobile source emissions generated from employee commutes. Employers may generate emission reduction credits by reducing work-related trips and vehicle miles traveled, as well as many other emission reduction strategies. See Section IV.F.1 of the Draft EIR for the Project's overall mitigation strategy regarding traffic impacts.

11) There are several electric vehicle recharging stations in the vicinity of the Project site. Stations are located at STAPLES Center, Dodger Stadium, MTA Headquarters, Union Station, the New Otani Hotel, Los Angeles City Hall, Los Angeles City Hall East, the Music Center, and the Los Angeles Department of Water and Power General Office Building. A compressed natural gas refueling station is located at Pickens Fuel Corporation in downtown Los Angeles. In addition the following mitigation measure has been incorporated into the Final EIR: the Applicant shall provide alternative fuel refueling stations within the Project at a ratio of one per 1,000 parking spaces distributed throughout the Project as the parking is developed. Refer to Item IV.E.e in Section II, Corrections and Additions to the Draft EIR.

COMMENT 15.19

E. The Transportation/Circulation Section of the DEIR Is Incomplete and Not Reflective of Community Resident Experiences.

Between July 2000 and January 2001, FCCEJ conducted one-on-one interviews, surveys, and small group meetings regarding traffic with approximately 200 residents in the affected area in order to ascertain concerns, experiences, and hardships caused by the substantial increase in traffic associated with events of the existing Staples Center. These findings have been shared with Staples Center executives and the Los Angeles Department of Transportation ("DOT"), yet no mitigating activity has yet occurred.

Residents have noted substantial, dangerous increases in traffic and congestion along the following corridors, particularly during Staples Center events:

- Olympic Blvd. From Western Avenue to Figueroa
- 11th Street from Alvarado Street to Figueroa
- 12th Street from Alvarado Street to Figueroa
- Pico Boulevard from Hoover Street to Figueroa
- Union Avenue from Wilshire Blvd to Venice Blvd.
- Bixel Street from 3rd Street to the 110 Freeway entrance south 8th Street
- Lucas Street from 6th Street to 7th Street
- Hope Street from Venice Blvd. to 3rd Street
- Flower Street from Venice Blvd. to 3rd Street
- Grand Avenue from Venice Blvd to 3rd Street
- Olive Street from Venice Blvd to 3rd Street

It is of great concern to our members who live near the proposed Project site that even more traffic is anticipated and will not be mitigated at the same time that they feel that current conditions are untenable for a residential community. We find that the current experience makes the need to mitigate traffic impacts for the proposed Project all the more important, and it is of particular concern that these impacts have been and will be born disproportionately by low-income people of color.

RESPONSE 15.19

This comment does not state a concern regarding the adequacy of the analysis in the Draft EIR. It is important to note that although the STAPLES Center is owned by the Project Applicant, it is separate and distinct from the proposed Project, consistent with CEQA Guidelines Section 15378(c) which states, "[t]he term project refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." STAPLES Center underwent its own environmental review process and the Final EIR for that project was certified by the City in 1997. Many of the referenced street locations were addressed in Section IV.F.1, Traffic, of the Project's Draft EIR. Refer to the mitigation measures provided on pages 270 to 276 of the Draft EIR.

COMMENT 15.20

The primary focus of the traffic analysis in the DEIR has been regarding traffic flow for a regional event center. Very little attention has been paid to the impact that increased traffic will have on the lives of residents living in the areas surrounding the proposed Project.

1. Recommendations

It is our position that until discussions with Staples Center and DOT regarding the community impacts of traffic produce tangible results, the Project should not move forward, since it will only exacerbate what is already widely viewed as an untenable negative environmental and public safety impact.

In the meantime, we recommend the following mitigation measures:

- Completion of a focused traffic study evaluating the impact of the Project on the residential neighborhoods.
- Addition of speed bumps on impacted residential streets to slow traffic related to Staples Center and proposed Project traffic, and discourage commercial and construction traffic.
- Provide suitable facilities for securing bicycles, for both Project occupants and visitors.

We look forward to an ongoing dialogue with the Project Applicant and DOT to determine appropriate solutions to the problems identified by community residents.

RESPONSE 15.20

The Draft EIR directly addressed the potential for traffic impacts in the residential neighborhood to the west of the Harbor Freeway (pages 260 to 261), as well as an extensive analysis of pedestrian

circulation conditions on sidewalks in the area of the Project (pages 298 to 305). This analysis concluded it was unlikely there would be significant traffic or parking impacts in residential neighborhoods. It also identified that the potential could exist for occasional significant impacts and recommended as a mitigation measure funding up to $100,000 for studies, evaluations and implementation of the Neighborhood Traffic Management Plan (NTMP), if unanticipated impacts do occur (page 273 to 274 in the Draft EIR). This Neighborhood Traffic Management Plan could include those items identified as recommendations in the Comments regarding focused neighborhood traffic studies and installation of speed bumps. Any measure included in a Final NTMP would need approval of LADOT. The Project Applicant shall provide bicycle racks on the Project site for both Project employees and visitors. The Project Applicant continues to have an on-going dialogue with community organizations to discuss community concerns.

COMMENT 15.21

F. The Parking Section of the DEIR Is Inadequate.

According to the DEIR, on a peak day, "The on-site visitor need of 7,363 spaces would exceed the on-site supply of 5,310 spaces.[62] -- a shortfall of 2,053 spaces. The DEIR claims that this shortfall will be solved by the existence of off-site parking lots, and that many visitors already seem to prefer off-site parking to avoid high parking fees.

We find this to be a temporary solution at best. If the economic recovery of downtown materializes, as purported by the Project Applicant, there is no guarantee that local parking lot owners will not build out or develop their surface and other parking lots to higher and best uses. This is, in fact, what the Project Applicant is doing. They are building out existing surface parking lots to a higher and better use.[63]

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[62] *DEIR, p.291.*

[63] *The Project Applicant makes much of the fact that it is building almost entirely upon existing surface parking lots. (DEIR, p.52-53.) However, as discussed above, and noted briefly in the DEIR, those parking lots were mixed use buildings and "residential areas" only four years ago. (DEIR, p.43.) Although the applicant is building on parking lots now, those lots used to be affordable housing units, occupied by almost 200 low-income Latino families who were displaced by the Community Redevelopment Agency to accommodate construction of the Staples Center.*

RESPONSE 15.21

As stated on page 290 of the Draft EIR, the proposed Project will provide sufficient parking to meet City code requirements. To the extent visitor parking demand will be met off-site, the Draft EIR, Section IV.F.2, Parking, page 292, identifies that much of the off-site peak evening parking will

probably occur in existing garages attached to office and commercial uses. These could include the TransAmerica office building, the TCW office building, and the 7th Street Marketplace retail project. Therefore, the parking strategy does not rely on surface parking lots in the area. Even if surface lots are ultimately developed in the future, it is more likely that the overall parking supply would increase rather than decrease as a typical development would replace a surface lot with numerous levels of off-street parking (as will occur with the proposed Project). The Project plan to satisfy a portion of anticipated parking demand off-site is intended to support the effective use of existing parking resources in the general area and to integrate the Project into the South Park and downtown areas by encouraging some Project visitors to park off-site, walk to the Project, and visit other land uses in the general area, thereby creating a pedestrian-oriented environment and contributing to the economic benefit of the area in general.

In response to footnote 63, it is important to note that although the STAPLES Center is owned by the Project Applicant, it is separate and distinct from the proposed Project, consistent with CEQA Guidelines Section 15378(c) which states, "[t]he term project refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." STAPLES Center underwent its own environmental review process and the Final EIR for that project was certified by the City in 1997.

COMMENT 15.22

FCCEJ conducted an intensive outreach campaign between June 2000 and January 2001 to determine community concerns, experiences, and hardships caused by the substantial increase in traffic associated with events of the existing Staples Center. That investigation revealed that a number of local residents live in older buildings in the area and depend on street parking. These residents are no longer able to park on the following streets due to recently imposed parking restrictions since the beginning of Staples Center operations, which cause great hardship:

- Georgia Street from Olympic Blvd to James M. Wood
- Francisco Street from Olympic Blvd to James M. Wood
- Olympic Blvd from Figueroa Street to Georgia Street

Discussions with the Staples Center development team have resulted in their cooperation in developing preferential parking alternatives for these impacted tenants, although this process has not yet yielded results. It is extremely important that visitors to the area do not displace residents who presently have to park blocks from their buildings with small children, groceries, and elderly or disabled relatives in tow.

RESPONSE 15.22

It is important to note that although the STAPLES Center is owned by the Project Applicant, it is separate and distinct from the proposed Project, consistent with CEQA Guidelines Section 15378(c) which states, "[t]he term project refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies." STAPLES Center underwent its own environmental review process and the Final EIR for that project was certified by the City in 1997. On-street parking throughout the City is for the general use of the public on a first come – first serve basis and is not provided for the exclusive use of private developments, be they residential or commercial. The Project Applicant is currently working with the community and LADOT to try to establish a pilot Permit Parking Program for the streets identified in the comment. The Applicant has committed to fund such a program up to $25,000 per year over a three year period. Refer to Response to Comment 3.21 regarding parking demand.

COMMENT 15.23

1. Recommendations

Parking

For the short term, the Lead Agency should make no approvals for this project until the existing unmitigated parking problems with the Staples Center are resolved.

For the long-term, and with respect to the issues raised in the DEIR, a more specific parking plan must be developed to fulfill the long term parking needs of the Project. The plan should address, at minimum, the following questions:

- What is the specific plan for the replacement parking while the surface parking is being converted?
- What specific parking spots will be made available to Staples Center season/premier ticket holders and the general public while the surface parking currently used is re-configured as the Project?
- What will the traffic plan be for the replacement parking situation during construction?
- What streets and areas will be affected during that time?
- Where are the 16 separate off-street lots the Project Applicant controls?[64]

[64] *DEIR, p.292.*

RESPONSE 15.23

There is currently no evidence of significant parking problems associated with the STAPLES Center. As part of that project entitlement process, a fund was set aside to address parking problems if they arose, which is still available. This fund has not yet been allocated, as there has been no formal action from the neighborhoods to initiate their use. It is the intent of the Project to identify and provide replacement parking for surface lots undergoing development throughout the Project development process. This will take advantage of the current surplus and more than sufficient supply of parking in the area. The first key part of this plan is to construct a parking structure on the Olympic West Property to replace all of the surface parking currently provided on the Olympic West and Olympic East Properties. In addition, as further parking lots are redeveloped, the Project Applicant will enter into lease agreements with additional parking lots in the immediate area to replace the majority of parking currently provided on the surface lots. This process, discussed on page 292 of Section IV.F.2, Parking, of the Draft EIR, will be similar to that initially implemented for STAPLES Center. The sufficiency of available supply is underscored by the fact that initially STAPLES Center had agreements with 26 parking lots in the area to provide for exclusive off-street parking, which were subsequently reduced to 16 off-street lots due to the lack of demand for their use. As identified in Section IV.F.2, Parking, of the Draft EIR, there is thus substantial parking to meet the demand of both the Project and STAPLES Center even at peak times. The exact locations of these lots cannot be determined at this time, but are expected to be within 2 to 3 blocks of STAPLES Center and to the north and/or east of STAPLES Center. It is unlikely that traffic patterns will be significantly affected as traffic is already in this area utilizing parking facilities. The Project Applicant will revise and modify directional signage to parking lots as necessary. The 16 separate off-street lots that Project Applicant currently controls are shown on Figure 1 on on page 235.

COMMENT 15.24

It is evident that the issues of parking, parking access, and ingress and egress will have major impacts on local traffic and community. Like the pedestrian safety section (discussed below), the parking section of the DEIR includes vague reference to a Construction Management Plan that will be developed at a later date and without public participation.[65] As we have stated elsewhere in our comments, we need to have more information and specifics about this Construction Management Plan so that we can adequately analyze potential community impacts and determine what appropriate mitigation proposals. We hope the final EIR will answer the questions identified above, and include the more specific information we are seeking.

[65] *DEIR, p.294.*

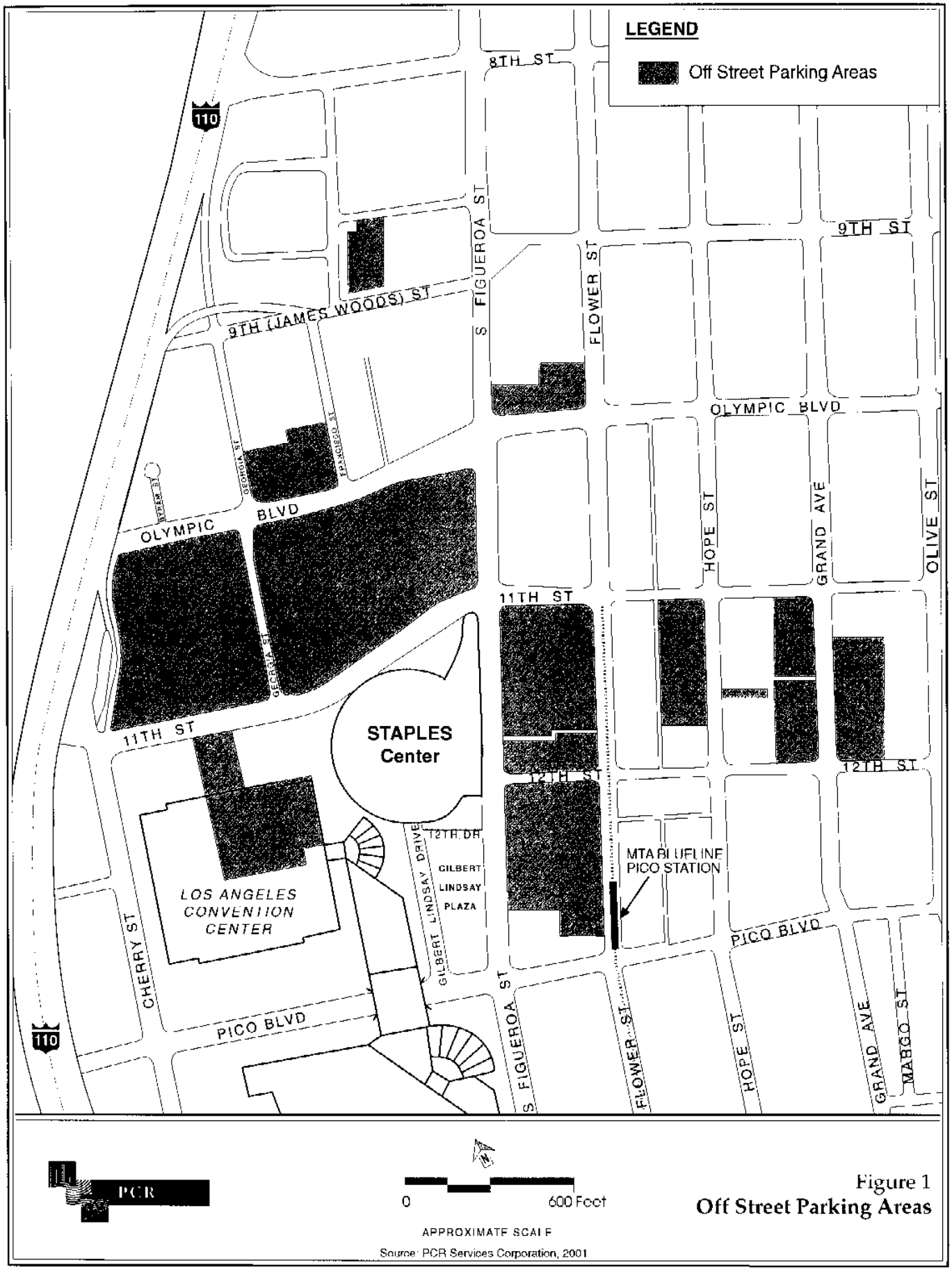

Figure 1
Off Street Parking Areas

RESPONSE 15.24

The Draft EIR, Section IV.F.2, Parking, (pages 288 to 294) concludes there would be no significant parking impacts as a result of the Project. It also articulates in detail a parking strategy that meets the City code requirement and avoids an oversupply of parking in the area, while permitting an efficient utilization of existing parking resources.

The Construction Management Plan (CMP), which will be developed in coordination with LADOT, could include, but not be limited to: specification of haul routes that are limited to arterial roadways and that avoid residential streets and neighborhoods and streets west of the Harbor Freeway; a Construction Project office with a Construction Hotline and liaison officer to facilitate the distribution of construction information and handling of construction issues; provision of construction schedule and activity information.

COMMENT 15.25

Commuter Choice

Changes in the 1998 Federal Tax Code makes Commuter Choice incentive strategies universally available as potential Transportation Control Measures to meet Clean Air Act requirements in areas that fail to meet the National Ambient Air Quality Standards to protect public health. As documented in the DEIR, "The City of Los Angeles is included in the South Coast Air Basin, which has been designated as a non-attainment area for certain pollutants that are regulated under the [Clean Air Act]."[66] As a result, we believe the Commuter Choice incentive program is uniquely suited for implementation at the Project site, to both improve air quality and relieve some of the parking congestion projected to occur at the Project site.

The 1998 Federal Transportation Equity Act for the 21st Century (TEA-21) gives new incentives to reward employees and employers who help reduce traffic and pollution problems. The Commuter Choice provisions in TEA-2-1, Section 9010, modify the Internal Revenue Code and enable employers to offer employees options for qualified transportation fringe benefits. There are three principal Commuter Choice options: (1) Employees can purchase up to $65 dollars per month in transit benefits using pre-tax income (an amount that increases to $100 in 2002) which slashes the effective cost of transit. (2) Employers can offer tax-free subsidies for their employees' transit costs, with the same limits. And (3) employers can now offer cash in lieu of parking -- "cashing-out" old, inflexible parking subsidies.

Utilizing Commuter Choice would be a win-win proposition for all involved employers get a tax break, employees get an additional pre-tax benefit, and the region benefits with cleaner air. In correspondence with staff of the Senate Environment and Public Works Committee in 1999, the

EPA Office of Mobile Sources estimated that a national commuter choice program assuming a 5-10% employee participation rate would generate:

- A reduction in commute vehicle miles traveled ("VMT") of 1.6 to 3.2%
- Reductions in VMT of 10,000,000,000 to 20,000,000,000 miles
- Emission Reductions of:

  HC: 27,000-54, 000 short tons

  CO: 240,000-480, 000 short tons

  NO_X: 16,800-33,600 short tons

  CO_2: 1,180,000-2,360,000 metric tons

In other areas, Commuter Choice programs have been shown to unite the diverse interests of environmentalists, business, labor, and transit and highway advocates. Most realize that Commuter Choice is good for business and for communities. Commuter Choice is a voluntary incentive that boosts travel options and supports more efficient use of the roads and transit we already have. It can provide quick relief to traffic-strained communities and will expand market opportunities for new forms of access to suburban jobs. Low- and moderate-income workers benefit particularly, since commuting costs represent a larger relative burden on them, and they tend to be more reliant on ride-sharing and transit.

The Alliance for Clean Air and Transportation, a new national group representing a diverse array of sectors, including the road builders, automobile industry, environmentalist and health groups, the American Association of State Highway and Transportation Officials, Highway User Federation, American Automobile Association, the National Association of Regional Councils, the United States Department of Transportation, and the Environmental Protection Agency, in February 2000 adopted a consensus goal of making Commuter Choice benefit programs a standard part of the American worker benefit program over the next five years.

We believe implementing Commuter Choice at the Project site would relieve concern regarding employee parking, provide additional worker benefits, and help improve air quality in an already overburdened area.

[66] *DEIR, p.208.*

RESPONSE 15.25

It should be noted that the Draft EIR does not anticipate parking congestion to occur at the Project site, as it concludes that there will be no significant parking impacts as a result of the Project. As discussed under Item No. 10 in Response to Comment 15.18, many of the options included in the Commuter Choice program are provided as compliance options under SCAQMD Rule 2202, with which the Project shall comply. The proposed Project clearly supports the use of transit and Transportation Demand Management (TDM) measures. In addition, many of the mitigation measures identified in the Section IV.F.1, Traffic, of the Draft EIR, pages 274 to 275, are related to serving and encouraging transit use and ride share. For example, Mitigation No. 13 identifies the initiation and maintenance of a TDM Program that will actively promote the use of transit and ride share.

COMMENT 15.26

We propose the following mitigation measures to offset what impacts we have already identified:

- The Project Applicant and the City should guarantee that street parking be set aside for a local resident permit program and should formally agree to ensure that the resident permit program continues through the construction period and well into the operation of the Project.

- The Project Applicant should provide carpool incentives for both employees and visitors to the Project to reduce traffic congestion and parking demand.

- Provide preferred parking for carpools and vanpools for both employees and visitors.

- Reduce parking rates for more than two people in a car coming to the Project site.

- Beyond the construction period, and during the proposed operations stage of the Project, we request that clean fuel shuttles be provided by the applicant or appropriate city agencies from blue and red line Metro stations and Union Station to the Project site. Such a service will ease air quality impacts as well as relieve traffic and parking congestion.

- Through coordination of Project Applicant with Los Angeles Metropolitan Transit Authority, provide better bus service from major arterials to the Project Site.

- Provide clean fuel shuttles from other congregation sites including employee satellite lots and shared use parking lots.

- Implement Commuter Choice Programs,. including parking cash out, tax credit and other incentives for employer subsidies of transit fares, and tax incentives for employee purchase of transit and van benefits.

- Provide discounted pre-paid transit fare instruments designed for effective Commuter Choice promotion (e.g. $65/month regional passes) and reduced transit fares.

We look forward to the mitigation measures outlined above being appropriately addressed in the final EIR.

RESPONSE 15.26

In response to the recommendation provided in the first bullet, a residential permit parking program is included as a potential component of the Neighborhood Traffic Management Plan, which is included as Mitigation Measure No. 8 in Section IV.F.1 of the Draft EIR (pages 273 and 274). The program would be implemented if requested by the neighborhood and approved by LADOT. As discussed in Response to Comment 15.22, the Applicant is currently working with the community and LADOT to try to establish a pilot Permit Parking Program, in accordance with established City procedure. The Applicant has committed to fund such a program up to $25,000 per year over a three year period, however neither the Applicant nor the City can guarantee implementation of a local resident permit program.

In response to the recommendation provided in the second bullet, the Applicant will provide incentives for employee carpools. Employee carpools are the key element of Transportation Demand Management (TDM) Programs, because of the repetitive nature of the trip (each day) and the fact that trips typically occur in the peak periods. There are standard definitions of employee carpools (typically two or more persons/vehicle) and established procedures for handling employee carpools. On the other hand, visitor carpools are not included in TDM Programs for the following reasons: 1) many visitor trips to retail/entertainment uses are already made in vehicles with two or more occupants; 2) the visitor trips involve different visitors each day; and 3) the trips mainly occur outside the peak periods when there is less traffic congestion. In summary, there are no industry standards as to what constitutes a visitor carpool, project visitors are likely to already be carpooling, and thus, there is much less potential (if any) for reducing vehicle trips. It is therefore considered infeasible to provide incentives for visitor carpooling.

In response to the recommendations provided in the third and fourth bullets, the Applicant will provide preferred parking and reduced parking rates for employee carpools and vanpools. This cannot be done for visitors for the reasons stated above. Furthermore, it is not practical for visitor parking control mechanisms to rely on the number of people in a car as it precludes automation, does not provide for accountable or verifiable revenue controls, increases delays in

processing vehicles and therefore potentially leads to traffic backups on to the street, and is therefore not a viable operating practice in the industry.

In response to the recommendations provided in bullets 5 to 7, the Metro Blue Line stops directly across from or within 5 blocks of each of the Project subareas and connects with the Metro Redline. Existing DASH shuttle service connects the Project with Union Station. Since public transit options adequately serve the site, additional shuttle lines are not required to provide the public transportation referred to in the comment. The Applicant does intend to provide shuttles, which shall be clean fuel or electric vehicles, from employee parking lots to the Project. It is not necessary to provide shuttles to shared use parking lots as these will be close by (within a few blocks), and walking (which will be more convenient than taking a shuttle) should be encouraged in the downtown environment in order to activate sidewalks.

In response to bullets 8 and 9, refer to Response to Comment 15.25 regarding Commuter Choice.

COMMENT 15.27

G. The Pedestrian Safety Section of the DEIR Is Incomplete.

FCCEJ specifically asked for analysis of pedestrian safety as it related to community residents in its NOP letter, which was echoed by Environmental Defense in its comments to the NOP. However, the DEIR included very little analysis of the pedestrian safety impacts for people who live near Staples Center. With one exception, the only issues discussed were pedestrian safety impacts upon visitors to the Project site, not the impacts on people who live in the area.[67]

As highlighted in the FCCEJ comments regarding the Notice of Preparation, pedestrian safety is of serious concern to residents living near the Staples Center. Community residents are already negatively impacted by increased traffic congestion when Staples hosts events. Community members worry about the safety of their children, the elderly and others who routinely walk in the neighborhoods during the course of their daily lives. Their health and safety is threatened by rushing cars, crowded streets, and insufficient lighting at night.

These concerns are well founded. A review of Los Angeles Police Department records show that accidents involving pedestrians rose by 57% between 1998 (before Staples began operations) and 2000 (the first year of operations). Overall traffic accidents in the area rose 34% during the same period.

These numbers bear out in other studies as well, showing that pedestrian safety is a serious issue locally and statewide. In October of 2000, the Surface Transportation Policy Project published a pedestrian safety study in California. That study, "Dangerous by Design: Pedestrian Safety in

California," is provided in Appendix 10 and found that pedestrians throughout California are in serious danger navigating streets and intersections that are increasingly built for speed and traffic. According to the report, state hospitalization records show that Latinos and African-Americans, especially children, are at the highest risk from pedestrian-vehicle collisions. A disproportionate number of pedestrians who are hospitalized are also low-income. Los Angeles County was by far the most dangerous area for pedestrians, accounting for the greatest number of pedestrian fatalities and injuries in the state in 1999 -- 203 pedestrian deaths and 5,377 injuries.

The DEIR states, rather starkly, "It is anticipated that construction-related traffic would be largely freeway-oriented and would use the shortest routes from the Project site to minimize travel time and maximize ease of ingress and egress for the trucks. The movement of construction vehicles would have the potential to affect pedestrians living and working near the Project site, Staples Center and the Convention Center."[68] However, the DEIR contains no discussion of what exact routes those trucks would take, or how residents living and working near the site will be educated or protected from the construction vehicle movement. In fact, impacts to residents living near the Project site are not addressed at all, other than a vague reference to a Construction Management Plan that will be developed at some later date, without benefit of public input or participation.[69]

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[67] *DEIR, 295-305.*

[68] *DEIR, p.300, emphasis added.*

[69] *DEIR, p.304.*

RESPONSE 15.27

Section IV.F.3 of the Draft EIR included a comprehensive and detailed analysis of pedestrian conditions at almost 40 sidewalk locations as listed in Table 34 on page 298 of the Draft EIR. This analysis addressed all pedestrians, including both visitors and residents in the area. The analysis concluded that there was sufficient sidewalk capacity, and sufficient facilities, for safe passage of pedestrians in the area. The Project is located in a downtown area of a major city. High traffic volumes are therefore expected to occur in this area on the major arterial streets. The proposed Project will enhance pedestrian safety, for residents in the area as well as for visitors, by providing wider than standard sidewalks and crosswalks, minimizing street widenings, providing a new signalized crosswalk at the intersection of Olympic Boulevard and Francisco Street, and by providing enhanced street lighting adjacent to the Project. It is difficult to respond to the comment regarding accidents because the comment does not identify the specific area or time period for which data is referenced. Neither STAPLES Center nor LADOT are aware of any ongoing systemic, unusual, or significant ongoing traffic accident problems at STAPLES Center. A review

of information in the STAPLES Center EIR indicates that traffic volumes at eighteen intersections around STAPLES Center were projected to increase by 50% in the pre-event hour between the before and after STAPLES Center conditions. This indicates that overall traffic accidents appear to have risen proportionally less than traffic growth in the area. Refer to Response to Comment 15.24 regarding the Construction Management Plan.

COMMENT 15.28

1. Recommendations

To better evaluate the pedestrian impacts on people who will be actually living with these impacts day-to-day over many years, rather than only periodic visitors, we request a much more comprehensive and detailed pedestrian safety plan be developed by the Project Applicant and included in the final EIR.

In mitigation, we propose:

- The Project Applicant should provide a detailed construction management plan as part of the final EIR, showing what routes construction vehicles will be taking from the freeways to the Project site so that the potential negative impacts to residents in the area can be properly evaluated.

- The construction management plan should also show how residents who live and work in the area will be protected throughout the construction period, currently scheduled to last several years.

- Better lighting, especially near bus stops and transit centers, should be utilized to increase pedestrian safety.

- Pedestrian thoroughfares heavily used by both visitors and residents in the area should include blinking, lighted, and weight-sensitive crosswalks such as those recently installed along Pico, Boulevard in Santa Monica.

We bok forward to the City's response to our pedestrian safety mitigation proposals in the final EIR.

RESPONSE 15.28

Section IV.F.3, Pedestrian Safety, of the Draft EIR included a very detailed and comprehensive pedestrian study, which concluded there would be no significant pedestrian impacts. The Construction Management Program is described in Response to Comment 15.24. The Project

intends to provide enhanced/improved street lighting adjacent to the Project, particularly near bus stops. The blinking and flashing light crosswalks suggested in the comment are appropriate only for unsignalized crosswalk locations. They are therefore not applicable in the area of the Project, because all crosswalks are at signalized intersections where both vehicular traffic and pedestrians are controlled by traffic light indications. However, this type of blinking and flashing light crosswalk could be investigated in the neighborhoods to the west of the Harbor Freeway, if appropriate and approved by LADOT, as part of any Neighborhood Traffic Management Program that may be developed.

CEQA requires that mitigation measures be incorporated into a Project where impacts would be significant. As the Draft EIR found that the issue raised in the comment would not result in a significant impact, the mitigation measures recommended in the comment are not required.

COMMENT 15.29

H. The Noise Section of the DEIR Is Inadequate.

The DEIR states that "with the recommended mitigation, noise associated with construction activity would be reduced to the degree technically feasible. Nevertheless, impacts are likely to occur on the sensitive receptors located nearest to the Project site. Apartments located north, east, and south of the Project Site would occasionally experience high construction noise levels. This construction-related noise would constitute a significant unavoidable adverse impact of the Project."[70]

Many of the sensitive receptors located nearest to the Project site are members of FCCEJ who are already suffering from adverse noise impacts from the existing Staples Center which attracts crowds of up to 21,000 people to their neighborhood, for example, during a Lakers game. The overwhelming majority of these residents are tenants who live in apartments located very close to the proposed construction site.

Again, the seven-year projected construction period increases the severity of the impact. Historically, in Los Angeles, the average tenure of a renter is approximately five years. It is conceivable that in the current tight housing market, this may be as long as seven years today. This means that most tenants, including young children, who live near the existing Staples Center would experience abnormal and unacceptable noise levels for their entire tenure in their unit.

Due to the length of time that construction noise will affect the neighborhood, we find it unacceptable that no mitigation is proposed to protect the residents who live near the Project site.

On February 6, 200 1, the Los Angeles Board of Airport Commissioners approved an agreement to soundproof 11,000 homes near Los Angeles International Airport.[71] Although we offer no opinion as to whether such soundproofing is sufficient mitigation for the people living near the airport, we propose that a similar investment be made by the Project Applicant to protect neighboring residents who will be impacted by projected construction noise levels.

1. Recommendations

We propose the following strategies for noise mitigation:

- Provision of double-paned glass windows in all impacted apartment units.
- Provision of air conditioning in all impacted apartment units.
- Provision of construction schedule to community residents within a five-mile radius of the Project construction site.

We look forward to the City's response to our mitigation proposals in the final EIR.

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[70] *DEIR, p.357.*

[71] *"L.A. Inglewood Agree on Airport Noise, Traffic Issues," Los Angeles Times, February 7, 2001. (Appendix 11)*

RESPONSE 15.29

The forecasted construction noise levels provided in the Draft EIR reflect a specific set of conservative assumptions based on a hypothetical construction scenario wherein a relatively large amount of construction is occurring in a relatively intensive manner. To estimate the worst-case daily noise levels presented in the Draft EIR, it was assumed that all six Project areas would be in the construction phase associated with the highest noise levels at the same time. This hypothetical noise level would have the potential to exceed the 75 dBA City standard for construction equipment. However, it is imperative to recognize that actual noise levels from construction activities would be less than those forecasted.

Even though the noise analysis, in compliance with CEQA, considered combined worst-case conditions and identified significant impacts, it must be understood that the worst-case daily noise levels would most likely not occur and would not occur for a seven-year period. Although the construction duration could be spread out over a seven-year period, that does not mean that construction would be conducted in all Project areas throughout the seven-year period. The worst-

case construction phase is typically the grading/excavation/site preparation phase, and this phase is projected to typically last for several months for each of the Project areas. Furthermore, construction activity would be phased in throughout the seven-year period so that certain properties would be developed before others, and sensitive receptors would not be exposed to worst-case construction noise levels over the entire 7-year period. For example, when construction activity is occurring along Olympic Boulevard, sensitive receptors along South Figueroa Street will not be impacted, and vice versa.

In looking at the Project-related construction noise level it is important to note that existing concrete and asphalt would be recycled on-site to the extent possible which will help to reduce the number of haul truck trips and associated noise impact. The concrete/asphalt recycling activity will require the use of a crushing unit intermittently over 2 months per Subarea. Noise levels associated with crushing of concrete and asphalt would be approximately 90 dBA at 50 feet from the source and is similar to noise levels associated with excavation/grading activities. Since these two activities would not be expected to occur simultaneously and crushing activity would only be required for a short-duration, the worst-case noise levels presented in the Draft EIR would not change. Therefore, the Draft EIR correctly identifies noise impacts.

It is not appropriate to compare the severity and length of time noise will affect the surrounding neighborhood from Project related construction to conditions faced by residences in the surrounding neighborhoods of LAX. Soundproofing measures implemented to reduce noise impacts from LAX are appropriate since airport operations generate continuous noise, seven days per week, for the majority of the day. Whereas, Project-related construction will be limited to the hours between 7 A.M. and 9 P.M. Monday through Friday and 8 A.M. and 6 P.M. on Saturdays. In addition, as stated above, noise levels presented in the Draft EIR represent worst-case conditions and sensitive receptors would not be exposed to worst-case construction noise levels over the entire 7-year period as suggested by the comment.

With regard to the proposed mitigation measures contained in this comment:

1) Based on the above discussion the recommended mitigation measure to provide double-paned glass windows for all impacted apartment units is not warranted.

2) Based on the above discussion the recommended mitigation measure to provide air conditioning in all impacted apartment units is not warranted.

3) The recommended mitigation measure to provide a construction schedule to community residents within a five-mile radius of the Project construction site is also not warranted. In looking at the maximum forecasted noise level of 90 dBA at 50 feet and using a conservative distance attenuation factor of 6 dB per doubling of

distance, construction related noise would be approximately 66 dBA at 800 ft which is below peak ambient noise levels. Therefore, a mitigation measure has been included in this Final EIR in which the Project Applicant will notify residents within 800 feet of the Project construction site and in addition will post a notice in a local newspaper as part of the Construction Management Plan notifying residents of construction activity. Refer to Item IV.H.a in Section II, Corrections and Additions to the Draft EIR. Also refer to Response to Comment 15.24 regarding the CMP.

COMMENT 15.30

I. The Parks and Recreation Section of the DEIR Are Inadequate.

1. More Open and Green Space Is Needed in the Project Site Area.

The DEIR states, "The Project would not meet the Department of Recreation and Parks planning standard of four acres [of open space] per 1,000 residents. Therefore, the Project would have a significant impact on parks and recreation facilities."[72] The Project Applicant proposes to mitigate this impact by paying "required fees to the City of Los Angeles Recreation and Parks Department for the purpose of providing future parks and open space in the Central City area."[73] However, the Project Applicant also wants a credit for such fees for making certain open space available on a limited basis to the public.[74] We believe this is an inappropriate solution for the neighborhood, which is by any standard considered "park-poor."

Los Angeles has fewer acres of park per thousand residents than any other major city in the country. There are also vast disparities in access to parks and recreation. In the Figueroa Corridor, containing approximately the same number of people as a city council district, only .48 acres of parks per thousand residents is available, whereas a Westside City Council District averages 1.7 acres of park space. The DEIR acknowledges that there are not enough parks and open space in the Project site area, stating: "The General Plan Framework EIR reveals that ... the distribution and number of neighborhood parks are inadequate, particularly in the central San Fernando Valley, South Central Los Angeles, and the Harbor Gateway."[75]

The Project site is located within the South Park Area of the Central City Community Plan, which has an open space deficiency estimated at 216.4 acres.[76] The Project Applicant admits it will only increase the problem by adding over 2,000 people to an area starved for more green and open space.[77]

This dearth of parks and playgrounds throughout Los Angeles hurts all aspects of our City, especially in central city areas which are predominantly inhabited by low-income people of color. The economic vitality of the region, a healthy environment, and basic fairness dictate more parks and playgrounds should be developed for Los Angeles. Parks, playgrounds and

RESPONSE 15.30

As was described in the Draft EIR in Section IV.4.4. Parks and Recreation, it is acknowledged that the project would have a significant impact on parks and recreation in an area where there is an existing deficiency in such uses. In the interest of pursuing all feasible mitigation to offset the projects impacts, Mitigation Measure 2, included in Draft EIR Section IV.I.4.4. Parks and Recreation on page 394 has been revised to no longer include the taking of a credit for the project's 6.9 acres of on-site active and passive open space, with the exception of the central plaza. See Item IV.I.4.a in Section II, Corrections and Additions to the Draft EIR, herein. In addition to full payment of fees pursuant to City of Los Angeles Municipal Code requirements, the project will still include 6.9 acres of active and passive open space. Furthermore, the project is also likely to include

other recreational facilities that would serve project residents for which credits will not be pursued, such as health clubs and hotel pools.

The central plaza associated with the Project would be available to everyone. This could be a central gathering place for the neighborhoods near the Project site for residents and visitors. Other communities have commonly used large public plazas as a central unifying theme in their communities.

The Project Applicant shall implement partnerships with community oriented "greening" organizations to implement plantings in adjacent communities, particularly during construction. In addition, the Project Applicant shall commit to performing activities such as church festivals and farmer's markets in the 11th Street/central plaza area. The Project Applicant shall explore a carts and kiosks program for a "Flavor of LA" program, and shall consider partnerships with local organizations. This shall be included in the Disposition and Development Agreement (DDA) or Development Agreement (DA).

As was stated in the Draft EIR in Section IV.I.4 Parks and Recreation on page 393, the Central City Community Plan Area has an existing open space zoned lands deficiency estimated at 216.4 acres. This open space deficiency is anticipated to become worse in the future.

As part of the proposed project, 800 dwelling units would be developed. This would increase the density of the area by an estimated 2,272 people. However, the Project would satisfy the open space requirements as dictated in the City's Municipal Code for multi-family dwellings (City of Los Angeles Municipal Code, Sections 12.11C and 12.21G, July 2000). The open space provided by the Project would be landscaped in accordance with a landscape plan approved by the City's Planning Department.

The Project Applicant would conduct a workshop to provide an assessment of open space needs and opportunities within predetermined areas within the vicinity of the Project from which a project or projects will be selected to be undertaken for the creation of new or improvement of existing facilities. The assessment will be undertaken within six months of Project approval. The Project Applicant shall pay required fees to the City of Los Angeles Recreation and Parks Department for the purpose of providing future parks and open space in the Central City area. The Project Applicant would pay fees for the Project's residential uses that will be put aside in an open space fund. The central plaza as well charitable activities targeting open space such as soccer fields and basketball courts shall count against the proposed open space fee to the extent allowed by City law. The Project Applicant shall pay fees to the extent required by City law and the Project shall be credited to the extent allowed by City law.

COMMENT 15.31

2. More Green Space and Trees Would Offset the "Urban Heat Island" Effect.

Aside from the community benefit of adding additional green space in the area, increased green space would offset the "urban heat island" effect, well documented by the United States Environmental Protection Agency:[79]

> The Urban Heat Island concept is attributed to meteorologist Luke Howard (1818). On a summer day, the average temperature in a typical American city is about 3 to 5 ºF hotter than the surrounding area. Up to 30% of land in cities is covered by energy-absorbing artificial structures. This concrete and asphalt jungle absorbs heat during the day and releases it into the atmosphere at night, heating the night sky. Adding to the urban heat island effect is heat released into the urban atmosphere by combustive processes from vehicles, industrial activity and the heat that escapes from commercial and domestic air conditioning. Just prior to sunrise, urban areas are on average 7 ºF warmer than adjacent rural areas in summer and 60F. in winter.

To avoid this heat island effect, the EPA Green Cities Program suggests adding green space, especially trees, in urban environments. The benefits of adding trees to the urban environment are more than just aesthetic."[80] Studies of urban forests have shown that city trees provide benefits worth many times the cost of their planting and upkeep, even as they just "sit there Tree root systems hold soil in place, preventing erosion. Trees can absorb stormwater that might otherwise result in flash flooding. A city's urban forest can reduce peak storm runoff by 10 to 20 percent, according to the United States Forest Service. Trees also help cleanse the environment. During photosynthesis, trees absorb, or sequester, carbon dioxide and convert it into oxygen for us to breathe. One acre of trees provides enough oxygen for 18 people, and absorbs as much carbon dioxide as a car produces in 26,000 miles. Trees also remove sulfur dioxide and nitrogen oxide, two major components of acid rain and ozone pollution, from the air.

Trees are natural buffers to harsh weather conditions. Well-forested lands are consistently at least 2 to 4 degrees cooler during the summer and 1 to 2 degrees warmer during the winter than deforested land. This temperature reduction can significantly lower smog production, according to the U.S. Department of Energy. Trees reduce noise pollution by acting as a buffer and absorbing urban noise. An U.S. Department of Energy study reports that a 100 foot wide and 45 foot tall patch of trees can reduce noise levels by 50 percent.[81]