LETTER NO. 26

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COMMENT 26.1

Pursuant to the requirements of the California Environmental Quality Act, Environmental Defense submits the following comments to the Draft Environmental Impact Report ("DEIR"') for the Los Angeles Sports and Entertainment District (the "Project"). Environmental Defense (formerly the Environmental Defense Fund), a national environmental advocacy group, sponsors an Environmental Justice Project Office in Los Angeles. The mission of the Environmental Justice Project Office is to actively support the prevention and redressing of environmental problems that adversely affect communities of color and low-income communities within the urban core in Los Angeles.

Environmental Defense specifically joins in all of the DEIR comments submitted by the Figueroa Corridor Coalition for Economic Justice ("FCCEJ"), and echoes the concerns articulated in those comments. We urge the Los Angeles City Planning Department to (1) require a full study of the energy-related environmental impacts caused by the Project plan; (2) require the development and implementation of a plan to increase green and open space in the area surrounding the Project in addition to the limited public space included in the Project; and (3) require an appropriate analysis of a genuine alternative site for the Project, given that the current "alternative" site mentioned in the DEIR is infeasible. We look forward to responses to these concerns in the final EIR.

RESPONSE 26.1

Refer to Letter No. 15 and the associated Responses to Comments. Refer to Response to Comment 15.3 regarding energy. Refer to Responses to Comments 15.30 to 15.32 regarding open space and public space. Refer to Response to Comment 15.35 regarding the alternative site analysis. Responses to all comments on the Draft EIR received by the Lead Agency during the public review period are provided in this Final EIR.

COMMENT 26.2

A. The DEIR Contains No Analysis of Energy Use or Sources.

Under CEQA requirements, an environmental impact report should include the energy environmental impacts of a project. Inexplicably, the DEIR for the Project fails to include such an analysis. This omission seems particularly puzzling in light of the ongoing energy crisis facing the state and the region. Thus far, the City of Los Angeles has been shielded from energy price volatility because of surplus generation capacity and existing long-term contracts for purchasing energy. Considering projected growth and the current strains on the energy grid, however, this will not always be the case.

The vast proposed Project includes plans for a major 1,200 room convention center hotel, a second 600 room hotel, a 7,000 seat live theater, 800 residential units, up to 300,000 square feet of office space, and up to 125,000 square feet of sports club. (DEIR, p.1.) Such buildings will require huge amounts of energy to provide the proper lighting, machinery, and ancillary functioning throughout the day and often into the nights. In light of the size of the Project and the energy crisis, we believe a full energy analysis should be completed in compliance with requirements set forth in CEQA, and that an energy analysis, complete with required mitigation measures, should be included in the final EIR.

1. CEQA Requires Completion of an Energy Analysis in the final EIR.

According to the CEQA Guidelines, Appendix F, "Potentially significant energy implications of a project should be considered in an EIR." The discussion of energy impacts should explain why certain construction measures were incorporated in the project and why other measures were dismissed. Impacts to be evaluated include the project's energy requirements and its energy use efficiencies; effects on local and regional energy supplies and on requirements for additional capacity; effects on peak and base period energy demands; the degree to which the project complies with existing energy standards; effects on energy resources and the projected transportation energy use and its overall use of efficient transportation alternatives. (CEQA App. F, § II(C).)

Mitigation measures for EIR analysis should include measures to reduce wasteful, inefficient and unnecessary consumption of energy. (Cal. Pub. Res. Code § 21100(b)(3).) These measures include the potential of siting, orientation, and design to minimize energy consumption, including transportation energy; the potential for reducing peak energy demand; alternate fuels (particularly renewable ones) or energy systems; and energy conservation which could result from recycling efforts. (CEQA App. F, § D 1-4.) Failure to include a detailed statement setting forth mitigation measures proposed to reduce wasteful energy consumption as required by Public Resources Code section 21100(b)(3) may render an EIR legally inadequate. People v. County of Kern (1976) 62 Cal. App. 3d 761.

2. Proposed Green Building Guidelines and Energy Mitigation Measures.

We join the FCCEJ in urging the Project applicant, L.A. Arena Company, LLC ("Project Applicant") to use the Leadership in Energy and Environmental Design (LEED) system developed by the U.S. Green Building Council. The LEED guidelines encourage use of non-toxic materials, renewable energy and water efficiency. If a building or project meets certain specific criteria under the LEED guidelines, the building or project can seek certification under the program. We encourage the Project Applicant to seek the platinum certification under the LEED guidelines, utilizing the cleanest and most energy efficient building standards

In addition to implementing the LEED guidelines in design, construction and operation, we propose that the mitigation measures include:

• On-site solar power generation, which will lessen any added load to Los Angeles Department of Water and Power's generation facilities. The neighboring L.A. Convention Center facility successfully incorporated solar energy generation from photovoltaic cells into its design, possibly providing an example of both good energy planning and mitigation of environmental effects of power

generation. Clean, on-site energy generation at the Project will also delay or prevent the need to build additional petroleum-based generation capacity. Because such plants often end up in communities of color and low-income neighborhoods, on-site power generation for the Project could increase environmental quality elsewhere in the region.

• If off-site generation is pursued, 20% of the Project's total use should come from renewable technologies (solar, wind, geothermal, etc.) to reduce environmental impacts associated with fossil fuel energy use.

• Design and operate Project buildings to meet building energy efficiency and performance as required by ASHRAE/IESNA 90.1-1999 or the local energy code, which ever is more stringent.

• Zero use of CFC-based refrigerants, HCFC's or Halon in base building HVAC and refrigeration systems to reduce ozone depletion.

Because of the urgency of the energy crisis, and the prospective impacts this Project could have on the long-term energy planning of the City of Los Angeles, we request that a full energy analysis with mitigation measures be completed for inclusion in the final EIR as required by CEQA.

RESPONSE 26.2

Refer to Response to Comment 15.3 for discussions regarding the Project energy analysis.

COMMENT 26.3

B. A Plan to Increase Open and Green Space Is Needed for 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." (DEIR, p. 394.) Yet rather than address even the open space needs of the over 2,000 new residents planned for the project, Project Applicant merely proposes to 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." (DEIR, p. 394.) At the same time, however, the Project Applicant wants a credit against such fees for making some open space available on a limited basis for the public. (DEIR, p. 393.) We believe this is an inappropriate solution both for the Project and 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 west side city council district averages 1.7 acres of park space. Both fail to meet the four acres per thousand residents standard, but west side residents have more than three times more park space per capita than people in the Figueroa Corridor. Viewed in land area, the differences are even more striking. There are 75 acres of parks in the inner city of Los Angeles, compared to 1,310 acres in the west side. Further decreased access to green space adversely affects community health, civic engagement, and has even been linked to increased domestic violence. (See Sullivan, W. C. and Kuo, F. E. 1996. Do trees strengthen urban communities, reduce domestic violence? Technology Bulletin. R8-FR56. Atlanta, GA: U.S. Department of Agriculture, Forest Service, Southern Region, Southern Station and Northeastern Area. ([Not paged])

The DEIR acknowledges that there are not enough parks and open space in the Project site area: "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." (DEIR, p. 388.) 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. (DEIR, p. 391, emphasis added.) The Project Applicant admits it will only increase the problem by adding over 2,000 full time residents, as well as hundreds of thousands yearly visitors, to an area starved for more green and open space. (DEIR, p. 393.) The families and children already living near the Project site do not have enough green and open space in their community, and many do not have adequate access to cars or to a decent transit system that would enable them to reach parks in other neighborhoods. Plainly put, the local residents are deprived of the simple joys of playing in the park, and this project will only increase the problem.

RESPONSE 26.3

Refer to Response to Comment 15.30 for discussions regarding parks and open space.

COMMENT 26.4

In addition to community benefits, as noted in the FCCEJ comments to the DEIR, adding green space and trees would offset the "urban heat island" effect, well documented by the United States Environmental Protection Agency. (See Cities Are Heat Islands, The Zunis Foundation, 1998; see also EPA Region III Green Cities: Urban Heat Island website at http://www.epa.gov/greenkit/pavement.htm.) To avoid this heat island effect, the EPA Green Cities Program suggests adding green space, especially trees, in urban environments, to provide at minimum the following benefits:

• 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 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 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 (The Benefits of Urban Trees, EPA Region III Green Cities, supra).

RESPONSE 26.4

See Response to Comment 15.31 for discussions regarding the "urban heat island" effect.

COMMENT 26.5

The lack of sufficient green and open space in the Project area is alarming, and exacerbating the problem cannot simply be dismissed as an unfortunate by-product of Project development. The need for green and open space in the Project site area is undisputed. What is less clear is how the Project Applicant will mitigate this problem. We especially encourage consideration of all possible

alternatives for creation of green space, including potentially using the roofs of larger buildings, as well as reducing the area of paved surfaces and significantly increasing the use of landscaping and green areas to the maximum extent possible.

In addition to the mitigation measures proposed by FCCEJ. we propose that the Project Applicant work closely with the City of Los Angeles to develop, implement and fund a plan to increase green and open space in the area surrounding the Project. This green and open space plan should be developed in addition to improving the provisions for greenery and public space included in the current Project plan. This specific plan to increase green space in the area must including ongoing maintenance provisions.

RESPONSE 26.5

Refer to Responses to Comments 15.30 and 15.32 for discussions regarding parks and open space.

COMMENT 26.6

C. The Alternative Site is Infeasible, Making the DEIR Analysis Inherently Flawed.

As required by CEQA, the DEIR includes analysis of Project alternatives, including an Alternative Site scenario. (DEIR, p. 5, pp. 482-491.) Project Applicants chose the Chinatown Yards "Cornfield" Site, located northeast of Chinatown, for its alternative analysis. By any measure, however, the Cornfield site is unlikely to be available to Project Applicants in the foreseeable future. The Cornfield site, currently owned by Union Pacific, has been optioned for sale with plans to build warehouse and manufacturing facilities. A coalition of community and other organizations, with hopes of turning the site into park and mixed-use development, and has challenged that plan. The use and future of the Cornfield Site is currently being litigated in state court as a CEQA matter. (Friends of the Los Angeles River, et al. v. City of Los Angeles, Los Angeles. Supr. Ct. Case No. BS 065205 (2000).) Environmental Defense is a named plaintiff in the state action. The Cornfield is also under a federal administrative civil rights investigation by the U.S. Department of Housing and Urban Development. The existence of these legal challenges was not mentioned in the DEIR analysis, and the potential impact of the ongoing litigation and federal investigation was not discussed at all. While the fact of these challenges may not amount to negative environmental impacts under CEQA, they do call into question the feasibility of the Cornfields Site as a project alternative. The use of the Cornfields site in the DEIR appears pro forma rather than serious consideration of an alternative.

CEQA requirements support revised analysis of the alternative site. The alternatives presented in an EIR must be potentially feasible. (14 Cal. Code Regs § 15126.6(a).) The term "feasible" is defined in California Public Resources Code section 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological facts." Off-site alternative considerations include site suitability, economic

viability, availability of infrastructure, general plan consistency, other plan or regulatory limitations, jurisdictional boundaries, whether the project proponent already owns the site, and whether the project proponent can acquire, control or have access to the site if it does not own it. Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal. 3d 553, 576.

The legal challenges involving the Cornfield Site means that it cannot, with certainty, be "capable of being accomplished in a successful manner within a reasonable period of time." Because the Cornfield Site is not a legally feasible alternative site, we request that an environmental impact analysis of a different site be completed and included in the final EIR.

We appreciate the opportunity to comment on the DEIR and are available to answer any questions the City Planning staff may have. Please contact us at (310) 441-5604.

RESPONSE 26.6

Refer to Response to Comment 15.35 for discussions regarding the alternatives analysis for the Project.