

RESPONSES TO COMMENTS ON THE SUPPLEMENTAL EA/RECIRCULATED DRAFT EIR SECTIONS

Introduction

The Regional Connector Transit Corridor Project Supplemental Environmental Assessment/Recirculated Sections of the Draft EIR (Supplemental EA/Recirculated Draft EIR Sections) was made available to identified stakeholders, agencies, and the general public for review and comment for a 45-day review period from July 22, 2011 through September 6, 2011.

This volume of this Final EIS/EIR contains copies of all written comments and provides written responses to all comments received on the Supplemental EA/Recirculated Draft EIR Sections. A total of 31 comment letters were received during the public review period. Overall, a total of 263 individual comments were received on the Regional Connector Transit Corridor Project Supplemental EA/Recirculated Draft EIR Sections.

The format for the responses to comments presents each comment letter bracketed into separate comments, followed by corresponding responses to each individual comment of that comment letter. The comment letters and responses are organized and grouped into the following categories based on the affiliation of the commenter as follows:

Letter ID Prefix	Description
R-AF	Federal Agency
R-AL	Local Agency
R-AS	State Agency
R-BU	Businesses and Business Groups
R-CN	Community Groups and Non-Profit Organizations
R-PC	Public Comment

To assist the reader's review and use of the responses to comments, two indices that provide the commenter name, affiliation, and comment letter identification designator (e.g., R-PC1) for each comment letter are provided below. The first index lists all the comment letters by comment letter identification designator and the second lists all of the comment letters alphabetically by commenter's last name.

Supplemental EA/Recirculated Draft EIR Sections Index by Comment Letter Designator

Comment Letter	Affiliation	Last Name	First Name	Comment Page	Response Page
Federal Agencies					
R-AF1	U.S. Department of Homeland Security - FEMA	Blackburn	Gregor	F4-2	F4-4
R-AF2	U.S. Department of the Interior	Port	Patricia Sanderson	F4-5	F4-7
Local Agencies					
R-AL1	City of Los Angeles - Bureau of Engineering	Tran	Curtis	F4-9	F4-10
R-AL2	City of Los Angeles - Department of Transportation	Bok	Susan	F4-11	F4-12
R-AL3	City of Los Angeles - Department of Public Works, Bureau of Sanitation	Poosti	Ali	F4-13	F4-16
R-AL4	County of Los Angeles - Community and Senior Services	Donnelly	Roseann	F4-17	F4-18
State Agencies					
R-AS1	State of California Native American Heritage Commission	Singleton	Dave	F4-20	F4-25
R-AS2	State of California - Department of Transportation, District 7	Watson	Dianna	F4-26	F4-28
R-AS3	State of California - Public Utilities Commission	Gilbert	Daren	F4-29	F4-30
Businesses and Business Groups					
R-BU1	Green Bamboo	Hong	William	F4-32	F4-33
R-BU2	Hines	Shepherd	Colin	F4-34	F4-35
R-BU3	Allen Matkins Leck Gamble Mallory & Natsis LLP on behalf of the Los Angeles Times	Friess	K. Erik	F4-36	F4-42
R-BU4	Thomas Properties Group, Inc.	Ricci	Thomas S.	F4-45	F4-63

Comment Letter	Affiliation	Last Name	First Name	Comment Page	Response Page
R-BU5	Little Tokyo Business Association and Little Tokyo Business Improvement District; Little Tokyo Community Council	Liu; Okamoto	Wilson; Mike	F4-86	F4-87
R-BU6	DLA Piper LLP on behalf of Hines Interest Limited Partnership	Leaderman	Ryan M.	F4-89	F4-107
R-BU7	Latham & Watkins LLP on behalf of Japanese Village, LLC	Crockett	Robert D.	F4-125	F4-156
R-BU8	Downtown LA Arts District Business Improvement District	Lopez	Estela	F4-175	F4-179
R-BU9	Weisenhaus Architecture	Weisenhaus	Duane	F4-182	F4-186
R-BU10	Westin Hotels & Resorts	Czarcinski	Michael	F4-187	F4-189
Community Groups and Non-Profit Organizations					
R-CN1	Fixing Angelenos Stuck in Traffic (FAST)	Norton	Hilary	F4-193	F4-194
R-CN2	The Colburn School	Kardan	Sel	F4-195	F4-196
R-CN3	Community Connector Coalition	Broad; Kardan	Eli; Sel	F4-197	F4-203
R-CN4	Los Angeles Conservancy	Fine	Adrian Scott	F4-207	F4-212
Public Comments					
R-PC1		Kasperavicius	Alexis	F4-216	F4-218
R-PC2		Tooley	Eric	F4-219	F4-221
R-PC3		Norton	Jim	F4-222	F4-224
R-PC4		Dillard	Joyce	F4-225	F4-227
R-PC5		Kay	Gregory	F4-230	F4-232
R-PC6		Braunstein	Alex	F4-233	F4-234
R-PC7		Johnston	Mark R.	F4-235	F4-236
R-PC8		Frevele	Dave	F4-237	F4-239

Supplemental EA/Recirculated Draft EIR Sections Index by Commenter's Last Name

Last Name	First Name	Comment Letter	Affiliation	Comment Page	Response Page
Blackburn	Gregor	R-AF1	U.S. Department of Homeland Security - FEMA	F4-2	F4-4
Bok	Susan	R-AL2	City of Los Angeles - Department of Transportation	F4-11	F4-12
Braunstein	Alex	R-PC6		F4-233	F4-234
Broad; Kardan	Eli; Sel	R-CN3	Community Connector Coalition	F4-197	F4-203
Crockett	Robert D.	R-BU7	Latham & Watkins LLP on behalf of Japanese Village, LLC	F4-125	F4-156
Czarcinski	Michael	R-BU10	Westin Hotels & Resorts	F4-187	F4-189
Dillard	Joyce	R-PC4		F4-225	F4-227
Donnelly	Roseann	R-AL4	County of Los Angeles - Community and Senior Services	F4-17	F4-18
Fine	Adrian Scott	R-CN4	Los Angeles Conservancy	F4-207	F4-212
Frevele	Dave	R-PC8		F4-237	F4-239
Friess	K. Erik	R-BU3	Allen Matkins Leck Gamble Mallory & Natsis LLP on behalf of the Los Angeles Times	F4-36	F4-42
Gilbert	Daren	R-AS3	State of California - Public Utilities Commission	F4-29	F4-30
Hong	William	R-BU1	Green Bamboo	F4-32	F4-33
Johnston	Mark R.	R-PC7		F4-235	F4-236
Kardan	Sel	R-CN2	The Colburn School	F4-195	F4-196
Kasperavicius	Alexis	R-PC1		F4-216	F4-218
Kay	Gregory	R-PC5		F4-230	F4-232
Leaderman	Ryan M.	R-BU6	DLA Piper LLP on behalf of Hines Interest Limited Partnership	F4-89	F4-107
Liu; Okamoto	Wilson; Mike	R-BU5	Little Tokyo Business Association and Little Tokyo Business Improvement District; Little Tokyo Community Council	F4-86	F4-87

Last Name	First Name	Comment Letter	Affiliation	Comment Page	Response Page
Lopez	Estela	R-BU8	Downtown LA Arts District Business Improvement District	F4-175	F4-179
Norton	Hilary	R-CN1	Fixing Angelenos Stuck in Traffic (FAST)	F4-193	F4-194
Norton	Jim	R-PC3		F4-222	F4-224
Poosti	Ali	R-AL3	City of Los Angeles - Department of Public Works, Bureau of Sanitation	F4-13	F4-16
Port	Patricia Sanderson	R-AF2	U.S. Department of the Interior	F4-5	F4-7
Ricci	Thomas S.	R-BU4	Thomas Properties Group, Inc.	F4-45	F4-63
Shepherd	Colin	R-BU2	Hines	F4-34	F4-35
Singleton	Dave	R-AS1	State of California Native American Heritage Commission	F4-20	F4-25
Tooley	Eric	R-PC2		F4-219	F4-221
Tran	Curtis	R-AL1	City of Los Angeles - Bureau of Engineering	F4-9	F4-10
Watson	Dianna	R-AS2	State of California - Department of Transportation, District 7	F4-26	F4-28
Weisenhaus	Duane	R-BU9	Weisenhaus Architecture	F4-182	F4-186

Responses to Federal Agency Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-AF1	U.S. Department of Homeland Security - FEMA	Blackburn	Gregor
R-AF2	U.S. Department of the Interior	Port	Patricia Sanderson

U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



August 30, 2011

Ms. Dolores Roybal Saltarelli
 Los Angeles County Metropolitan Transportation Authority
 1 Gateway Plaza, MS 99-22-2
 Los Angeles, California 90012

Dear Ms. Saltarelli:

This is in response to your request for comments regarding the Regional Connector Transit Corridor Project Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County (Community Number 065043) and City (Community Number 060137) of Los Angeles, Maps revised September 26, 2008. Please note that the City of Los Angeles, Los Angeles County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

1

Dolores Saltarelli
 Page 2
 August 30, 2011

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

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Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Los Angeles floodplain manager can be reached by calling Gary Moore, City Engineer, at (213) 485-4935. The Los Angeles County floodplain manager can be reached by calling George De La O, Senior Civil Engineer, at (626) 458-7155.

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Sincerely,

for Ray Lumbury

Gregor Blackburn, CFM, Branch Chief
 Floodplain Management and Insurance Branch

cc:

Gary Moore, City Engineer, City of Los Angeles
 George De La O, Senior Civil Engineer, Los Angeles County Public Works, Watershed Management Division
 Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
 Cynthia McKenzie, Senior Floodplanner, CFM, DHS/FEMA Region IX
 Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

R-AF1

Responses to Comments from the U.S. Department of Homeland Security – FEMA, Blackburn, Gregor

Response to Comment R-AF1-1

Metro has reviewed the applicable Flood Insurance Rate Maps. No part of the proposed project would be located within a riverline floodplain, regulatory floodway, or coastal high hazard area. No project activities would change any existing special flood hazard area. This is documented in Section 4.10, Water Resources, of the Draft EIS/EIR and this Final EIS/EIR, and additional detail is provided in Appendix V, Water Resources Technical Memorandum. The above-referenced section and appendix of this EIS/EIR also include analysis based on local City of Los Angeles requirements.



United States Department of the Interior

OFFICE OF THE SECRETARY
 Office of Environmental Policy and Compliance
 Pacific Southwest Region
 333 Bush Street, Suite 515
 San Francisco, CA 94101

IN REPLY REFER TO:
 ER# 10/741

Electronically Filed

1 September 2011

Ms. Dolores Roybal Saltarelli, AICP, Project Manager
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, MS 99-22-2
 Los Angeles, CA 90012
 e-mail: roybald@metro.net

Mr. Ray Tellis, Team Leader
 Los Angeles Metropolitan Office
 Federal Transit Administration
 888 South Figueroa Street, Suite 1850
 Los Angeles, CA 90017
 e-mail: ray.tellis@dot.gov

Subject: Federal Transit Administration (FTA) Draft Environmental Impact Report
 Supplemental Environmental Assessment/Recirculated Sections, Regional Corridor
 Transit Corridor Project, Los Angeles CA

Dear Ms. Saltarelli and Mr. Tellis:

The Department of the Interior has received and reviewed the subject document and has no
 comments to offer.] 1

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
 Regional Environmental Officer

cc:
Director, OEPC

R-AF2

Responses to Comments from the U.S. Department of the Interior, Port,
Patricia Sanderson

Response to Comment R-AF2-1

Comment noted.

Responses to Local Agency Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-AL1	City of Los Angeles - Bureau of Engineering	Tran	Curtis
R-AL2	City of Los Angeles - Department of Transportation	Bok	Susan
R-AL3	City of Los Angeles - Department of Public Works, Bureau of Sanitation	Poosti	Ali
R-AL4	County of Los Angeles - Community and Senior Services	Donnelly	Roseann

From: Curtis Tran [mailto:curtis.tran@lacity.org]
Sent: Tuesday, September 06, 2011 01:30 PM
To: Kerman, Ann
Cc: Hu, Kang <Kang.Hu@lacity.org>; Calvin Chow <calvin.chow@lacity.org>; Bok, Susan <Susan.Bok@lacity.org>; Wang, Allen <Allen.Wang@lacity.org>; Matthew Masuda <Matthew.Masuda@lacity.org>; Sobalvarro, Ivania <ivania.sobalvarro@lacity.org>; Mohr, Laura <Laura.Mohr@aecom.com>; Ray.tellis@dot.gov <Ray.tellis@dot.gov>; Roybal, Dolores; Gonzalez, Fernando <Fernando.Gonzalez@lacity.org>; Cheung, David <David.Cheung@lacity.org>
Subject: Re: Metro Regional Connector Update

Hi Ann,

Here are the review comments from Bureau of Engineering:

1) For Article 2.3.6.2 Route Configuration, 5th paragraph, Is the City (CLA and LADOT) agrees to eliminate the north-south traffic along Hewitt Street and 1st Street Intersection? The Hewitt Street and 1st Street intersection was designed and constructed, during the Eastside LRT Project, to accommodate the north-south traffic along Hewitt Street for the future Mangrove property development. This elimination is not accepted. We need to discuss this ASAP.] 1

2) For Article 4.18.2.5.1 Cut and Cover Construction, please contact Bureau of Sanitation for proper water (potable, groundwater, etc.) discharges into the City sewer and/or stormdrain systems. There will be a sewer service charge for discharging water into the City sewer system. Proper water treatment is needed before the water can be discharged into the City stormdrain system.] 2

Thx.

On Thu, Sep 1, 2011 at 6:15 PM, Ann Kerman <kermana@metro.net> wrote:



Reminder: Supplemental EA/Recirculated Draft EIR Sections Available for Public Review

Metro is currently circulating the Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report (Supplemental EA/Recirculated Draft EIR Sections) presenting information on the refinements to the Locally Preferred Alternative (LPA) for the Regional Connector.

You are invited to review and comment on this document. The 45-day public review and comment period for the Supplemental EA/Recirculated Draft EIR Sections began on July 22, 2011 and will end September 6, 2011.

A copy of the Supplemental EA/Recirculated Draft EIR Sections is available at metro.net/regionalconnector and at public libraries in the study area. For a full listing of these libraries, please visit the project website at metro.net/regionalconnector.

You may submit your comments as follows:

- By e-mail to: regionalconnector@metro.net
- By US Mail to: Ms. Dolores Roybal Saltarelli, Project Manager, Metro, 1 Gateway Plaza, MS 99-22-2, Los Angeles, CA 90012
- By going to our website at metro.net/regionalconnector and clicking on "Contact Us"

Many thanks for your ongoing interest in the Metro Regional Connector.

This message was sent to curtis.tran@lacity.org by:

Los Angeles County Metropolitan Transportation Authority
 1 Gateway Plaza
 Los Angeles, CA 90012
 (213) 922-6000

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R-AL1**Responses to Comments from the City of Los Angeles – Bureau of Engineering, Tran, Curtis****Response to Comment R-AL1-1**

Comment noted. This elimination of through north-south traffic movement at the intersection of 1st and Hewitt Streets was included in Sections 2.3.6.2 and impacts associated with the elimination of the through north-south traffic movement was discussed in Section 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR. The intersection is not projected to have a significant negative change in Level of Significance (LOS measured in seconds of delay) when compared to the No Build Alternative conditions. Therefore, no significant adverse impacts were identified. As indicated in Section 2.3.6.2 of the Draft EIS/EIR and this Final EIS/EIR, automobile access to the Mangrove property would continue to be available from Temple and 1st Streets. Metro has coordinated with the City of Los Angeles, including the Los Angeles Department of Transportation (LADOT), throughout the environmental and design process for this project. Metro will continue to coordinate with the City of Los Angeles, including LADOT, regarding intersection modifications throughout the project process.

Response to Comment R-AL1-2

Metro has been in coordination and will continue to coordinate with the Bureau of Sanitation, refer to comment letter R-AL3. Metro will obtain the required permits from the Bureau of Sanitation for discharges into the drainage and sewer systems as indicated in Section 4.22 of the Draft EIS/EIR and this Final EIS/EIR. As indicated in Section 4.10.3.5 of the Draft EIS/EIR and this Final EIS/EIR, there would be a potential need for dewatering if groundwater is encountered during construction activities. In order to comply with water discharge requirements, a dewatering permit would be obtained from the Los Angeles Regional Quality Control Board and proper water treatment would be performed before water is discharged, as indicated in Sections 4.10.3.3 and 4.10.3.5 of the Draft EIS/EIR and this Final EIS/EIR.

From: Susan Bok [mailto:susan.bok@lacity.org]
Sent: Tuesday, September 06, 2011 04:23 PM
To: Regional Connector
Cc: Kerman, Ann; Calvin Chow <calvin.chow@lacity.org>; Kang Hu <Kang.Hu@lacity.org>; Curtis Tran <curtis.tran@lacity.org>; Jesus Escamilla <jesus.escamilla@lacity.org>
Subject: Comments on Regional Connector Supplemental EA

Hi Ann,

LADOT acknowledges receipt of the **Supplemental EA** for the Regional Connector and has the following comments.

1. Section 2.3.6.2 - Mitigation measures will need to be developed for alternate access to the Mangrove development site if the Hewitt Street access driveway will be closed or limited as proposed.
2. Chapter 2, Page 24 (Revision from Metro) states: "Permanent roadway and lane reconfigurations would also be needed around the proposed 2nd/Hope Street station and the proposed pedestrian walkway enhancement along Flower Street. At the 2nd/Hope Street station, the ramps between Flower and Hope Streets would be modified. All existing traffic movements would still be possible in this location under the LPA. Final lane configurations will be developed with LADOT." LADOT will continue to work with Metro to define a preferred roadway configuration for the 2nd/Hope Street intersection layout.
3. Chapter 2, Page 1 states: "An enhanced pedestrian walkway would be created along the west side of Flower Street from the 4th Street and Flower Street area to the existing 7th Street/Metro Center Station entrance at 7th and Flower Streets. LADOT would like to work with Metro to ensure that roadway capacity along Flower St. is not negatively impacted and that the proposed pedestrian walkway meets all applicable City standards."

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2
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thanks,
Susan

Calvin S. Chow
LADOT
(213) 972-8621

Reminder: Supplemental EA/Recirculated Draft EIR Sections Available for Public Review

Metro is currently circulating the Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report (Supplemental EA/Recirculated Draft EIR Sections) presenting information on the refinements to the Locally Preferred Alternative (LPA) for the Regional Connector.

You are invited to review and comment on this document. The 45-day public review and comment period for the Supplemental EA/Recirculated Draft EIR Sections began on July 22, 2011 and will end September 6, 2011.

A copy of the Supplemental EA/Recirculated Draft EIR Sections is available at metro.net/regionalconnector and at public libraries in the study area. For a full listing of these libraries, please visit the project website at metro.net/regionalconnector.

You may submit your comments as follows:

- By e-mail to: regionalconnector@metro.net
- By US Mail to: Ms. Dolores Roybal Saltarelli, Project Manager, Metro, 1 Gateway Plaza, MS 99-22-2, Los Angeles, CA 90012
- By going to our website at metro.net/regionalconnector and clicking on "Contact Us"

Many thanks for your ongoing interest in the Metro Regional Connector.

This message was sent to curtis.tran@lacity.org by:

Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza
Los Angeles, CA 90012
(213) 922-6000



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Susan
Susan Bok, AICP
Supervising Transportation Planner
Transit Corridor Development
Los Angeles Department of Transportation
213-972-8623

R-AL2**Responses to Comments from the City of Los Angeles – Department of Transportation, Bok, Susan****Response to Comment R-AL2-1**

As indicated in Section 2.3.6.2 of the Draft EIS/EIR and this Final EIS/EIR, access to the Mangrove property would continue to be available via Temple Street and the westbound lanes of 1st Street.

Response to Comment R-AL2-2

Metro looks forward to continuing working with the Los Angeles Department of Transportation (LADOT). Figure 2-12 of this Final EIS/EIR illustrates the proposed roadway configuration, which is discussed in Section 3.3.5.2.2 of this Final EIS/EIR.

Response to Comment R-AL2-3

Metro looks forward to continuing working with LADOT. The impacts of the lane reduction along Flower Street are examined in Section 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measures to address these impacts are included in Section 3.4 of the Draft EIS/EIR and have been incorporated into Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. The pedestrian walkway would meet applicable state and federal standards, as discussed in mitigation measure number SS-8 in the Mitigation Monitoring and Reporting Program.

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

August 23, 2011

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2714 MEDIA CENTER DRIVE
LOS ANGELES, CA 90065
FAX: (323) 342-6210 OR 342-6211

File: SC.CE.

Ms. Dolores Roybal Saltarelli
Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012

Dear Ms. Roybal Saltarelli:

Regional Connector Transit Corridor Project – Recirculated Draft EIR

This is in response to your letter requesting wastewater service information for the proposed project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) has conducted a preliminary study of the existing sewer lines and gauges located within the vicinity of the proposed project location.

The City of Los Angeles sewer system consists of primary sewers (16-inches and larger in diameter) and secondary sewers (less than 16-inches in diameter). The secondary sewers service the property laterals and feed into the primary sewer lines. The primary sewers constitute the trunk, interceptor, and outfall portions of the system. These sewers ultimately convey the wastewater to the Hyperion Treatment Plant which has sufficient capacity for current and future development.

The majority of sewer lines within the proposed project area consist of secondary lines. The secondary reaches run along W 7th St, S Hill St, E Cesar E Chavez Ave, E Commercial St, and S Alameda St. The primary sewer reaches run along Flower St, E Cesar E Chavez Ave. and Alameda St near the 7th St/Metro Center, Union Square, and the Little Tokyo Stations, respectively. Gauging within the project area show relatively low flows which indicates the existing sewer system might be able to accommodate future discharges related to this project. Figure 1 shows the existing sewer lines and gauging locations along the alignment of the proposed project.

Currently, the project description lacks sufficient detail for us to conduct a detailed wastewater capacity analysis. Should the project descriptions change or more details

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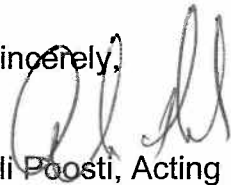
Page 2 of 2

related to the construction dewatering flows become available, please continue to send us information so that we may determine if a sewer assessment is required in the future.

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cont'd

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

Sincerely,



Ali Poosti, Acting Division Manager
Wastewater Engineering Services Division
Bureau of Sanitation

Attachments:
Figure 1 – Sewer Map

cc: - Kosta Kaporis, BOS
Daniel Hackney, BOS
Rowena Lau, BOS

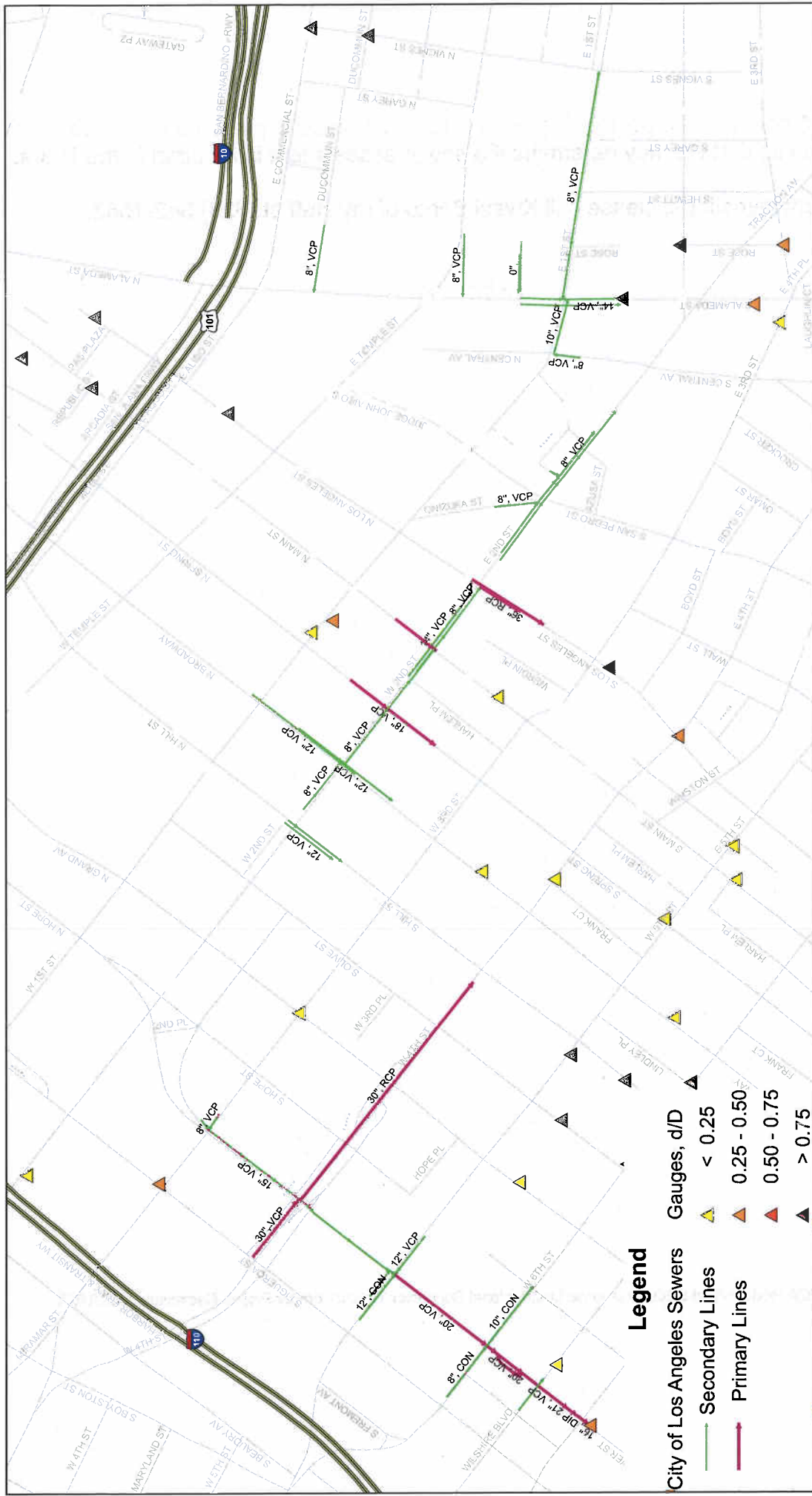


FIGURE 1
Regional Connector Transit Corridor Project
Sewer Map

Wastewater Engineering Services Division
 Bureau of Sanitation
 City of Los Angeles



Thomas Brother Data reproduced with permission granted by THOMAS BROS MAP

R-AL3

Responses to Comments from the City of Los Angeles – Department of Public Works, Bureau of Sanitation, Poosti, Ali

Response to Comment R-AL3-1

Thank you for the information regarding sewer lines in the project area. Metro would obtain the appropriate permits from the Bureau of Sanitation as described in Section 4.22 of the Draft EIS/EIR and this Final EIS/EIR. Metro will coordinate with the Bureau of Sanitation regarding construction wastewater disposal.



County of Los Angeles COMMUNITY AND SENIOR SERVICES

3175 West Sixth Street • Los Angeles, CA 90020
Tel: 213-738-2600 • Fax 213- 487-0379



lacounty.gov

css.lacounty.gov

Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

"Enriching Lives Through Effective And Caring Service"

Cynthia D. Banks
Director

Otto Solórzano
Chief Deputy

September 2, 2011

Diego Cardoso, Executive Officer
Los Angeles County Metropolitan Transit Authority
One Gateway Plaza
Los Angeles, California 90012

Dear Mr. Cardoso,

Thank you for soliciting my department's input regarding the Regional Connector project. I am responding to you on behalf of our director, Cynthia Banks, to whom you sent the original request. While I can definitely see the benefits of implementing this project, it operates exclusively within the City of Los Angeles. As such, it would not be appropriate for us to provide an official endorsement, and instead I would defer our comments to the City of Los Angeles Department of Aging.

1

Again, your interest in our feedback on this ambitious project is greatly appreciated. If you have any questions, please contact me at (213) 738-4238 or rdonnelly@css.lacounty.gov.

Sincerely,

Roseann Donnelly, Program Manager
Adult Protective Services Planning & Special Operations Division

RD:DK

c: Cynthia D. Banks
Otto Solórzano
Lorenza C. Sanchez

R-AL4

Responses to Comments from the County of Los Angeles – Community and Senior Services, Donnelly, Roseann

Response to Comment R-AL4-1

Comment noted.

Responses to State Agency Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-AS1	State of California Native American Heritage Commission	Singleton	Dave
R-AS2	State of California - Department of Transportation, District 7	Watson	Dianna
R-AS3	State of California - Public Utilities Commission	Gilbert	Daren

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 ds_nahc@pacbell.net



August 29, 2011

Ms. Delores Roybal Salterelli

Los Angeles County Metropolitan Transportation Authority

One Gateway Plaza
 Los Angeles, CA 90012

Re: SCH#2009031043; CEQA Notice of Completion; Recirculated draft Environmental Impact Report (REIR) for the "Regional Connector Transit Corridor Project" located from Montclair to Santa Monica; Los Angeles County, California.

Dear Ms. Roybal Salterelli:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were identified within one-half mile of some of the 'areas of potential effect (APEs) based on the USGS coordinates provided.** Contact the Native American on the attached list for further information. Note: the absence of recorded Native American cultural resources does not preclude their existence.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

1
cont'd

Furthermore, the NAHC is of the opinion that the current project remains under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

2

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

3

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

4

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

5

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contact List
Los Angeles County
August 29, 2011

R-AS1

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

San Manuel Band of Mission Indians
Ann Brierty, Policy/Cultural Resources Departmen
26569 Community Center. Drive Serrano
Highland , CA 92346
(909) 864-8933, Ext 3250
abrierty@sanmanuel-nsn.
gov
(909) 862-5152 Fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva

tattnlaw@gmail.com
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009031043; CEQA Notice of Completion; draft Recirculated Environmental Impact Report (REIR) for the Regional Connector Transit Corridor; located from Montclair to Santa Monica via downtown Los Angeles; Los Angeles County, California.

California Native American Contact List
Los Angeles County
August 29, 2011

R-AS1

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino Tongva
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009031043; CEQA Notice of Completion; draft Recirculated Environmental Impact Report (REIR) for the Regional Connector Transit Corridor; located from Montclair to Santa Monica via downtown Los Angeles; Los Angeles County, California.

R-AS1**Responses to Comments from the State of California Native American Heritage Commission, Singleton, Dave****Response to Comment R-AS1-1**

Thank you for the letter. The Supplemental EA/Recirculated Draft EIR Sections did not include information concerning archaeological/tribal resources or consultation with tribes as these resources would not be impacted beyond those impacts already described in the Draft EIS/EIR. The Draft EIS/EIR and this Final EIS/EIR document the early consultation with the individuals and groups that were previously identified by the Native American Heritage Commission (NAHC). As part of the Draft EIS/EIR and preparation of the project Memorandum of Agreement, consultation and coordination was conducted with the NAHC to identify Native American cultural resources in the project area and a list of appropriate Native American contacts for the project. Correspondence was also sent to the Native American tribes identified by the NAHC inviting comments on the project Memorandum of Agreement. In addition, as part of the EIS/EIR, notices were sent to the NAHC soliciting input on the project during the environmental review process. The record of these consultations is summarized in Section 4.12, Historic Resources, of the Draft EIS/EIR and this Final EIS/EIR and is described more specifically in Appendix Y, Cultural Resources - Archaeology (Updated). The Federal Transit Administration and Metro distributed the EIS/EIR, applicable Technical Memoranda, and the project Memorandum of Agreement to interested individuals and groups. No additional comments from interested tribal members and groups have been received to date. All of the cited relevant regulations and laws have been complied with as documented in this Final EIS/EIR including relevant appendices. Metro will continue to coordinate and consult with the NAHC, as appropriate.

Response to Comment R-AS1-2

Please refer to Response to Comment R-AS1-1, above.

Response to Comment R-AS1-3

Please refer to Response to Comment R-AS1-1, above.

Response to Comment R-AS1-4

Please refer to Response to Comment R-AS1-1, above.

Response to Comment R-AS1-5

Please refer to Response to Comment R-AS1-1, above.

DEPARTMENT OF TRANSPORTATION
 DISTRICT 7, OFFICE OF REGIONAL PLANNING
 IGR/CEQA BRANCH
 100 MAIN STREET, MS # 16
 LOS ANGELES, CA 90012-3606
 PHONE: (213) 897-9140
 FAX: (213) 897-1337



*Flex your power!
 Be energy efficient!*

September 9, 2011

Ms. Dolores Roybal Saltarelli
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, MS 99-22-2
 Los Angeles, CA 90012

Re: Regional Connector Transit Corridor Project
 IGR#110738/CS
 Vic: LA-101-0.6, SCH# 2009031043

Dear Ms. Roybal Saltarelli

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above mentioned project. Based on the information received we have the following comments:

The proposed LRT system would provide direct service from Pasadena to Long Beach and from East Los Angeles to Santa Monica via the Regional Connector Transit Corridor subway. However, if the headways for each of the LRT lines were lengthened as part of the project, then this would result in reduced overall service to transit patrons. An alternative system would be to have a trunk line as originally envisioned, which would link Pasadena to Long Beach. The Gold Line to East Los Angeles and the Expo Line to Santa Monica would be stub lines. With a trunk line system, only the trunk line would use the Regional Connector Transit Corridor with existing or improved headways. The stub lines would also operate with existing headways but would require transfers at respective transit stations.

1

The Regional Connector Transit Corridor Project would directly link the 7th Street/Metro Center Station (Metro Blue Line terminus and Metro Expo Line Terminus) to the Metro Gold Line, near Little Tokyo/Arts District Station. The fully underground Light Rail Transit (LRT) alternative was designated as the Locally Preferred Alternative (LPA).

2

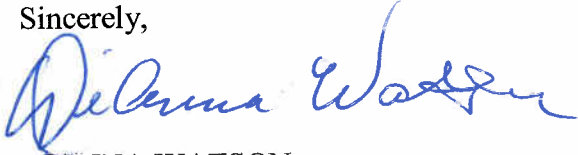
As a result of the construction tunnel boring activity, the excavation material would require transport to an off-site location. We request that construction-related truck trips on State highways be limited to off-peak commute hours. We also request that the contractor avoid bunching or platooning of truck trips on mainline freeways, on freeway on/off-ramps and at freeway ramp intersections. Transport of over-size or over-weight construction equipment on State highways will require a Caltrans Transportation Permit.

3

Ms. Dolores Roybal Saltarelli
September 9, 2011
Page 2 of 2

If you have any questions regarding these comments, you may contact Carl Shiigi, project coordinator at (213) 897-1726. Please refer to our internal record number 110738/CS.

Sincerely,



DIANNA WATSON
IGR/CEQA Program Manager
Caltrans, District 7

cc: Scott Morgan, State Clearinghouse

R-AS2**Responses to Comments from the State of California - Department of Transportation, District 7, Watson, Dianna****Response to Comment R-AS2-1**

The proposed headways on the light rail system with the Regional Connector in place would be every five minutes on the North-South Line and every five minutes on the East-West Line, as shown in Table 2-1 of the Draft EIS/EIR and this Final EIS/EIR. This would match or improve the existing headways on the Metro Blue, Gold, and Expo Lines. One primary purpose of the Regional Connector is to make the transit system more convenient by reducing transfers. The North-South and East-West Lines proposed in Section 2.3.6.2 of the Draft EIS/EIR and this Final EIS/EIR would more effectively meet this goal than stub lines, and would still preserve or improve existing headways.

Response to Comment R-AS2-2

This information is correct.

Response to Comment R-AS2-3

As indicated in Section 3.4 of the Draft EIS/EIR, truck haul trips would be primarily scheduled along existing freight routes during off-peak hours. This has been incorporated into mitigation measure number AQ-15 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Metro will continue to coordinate with Caltrans throughout the design and construction process and will acquire appropriate permits for construction of the Locally Preferred Alternative, which may include a Caltrans Transportation Permit if over-size or over-weight vehicles travel on state highways during construction as indicated in Section 4.22 of this Final EIS/EIR. Once construction lay down areas are identified, haul routes will be finalized and submitted to Caltrans for review. The platooning of truck trips on mainline freeways, freeway on/off-ramps, and freeway ramp intersections would be avoided. Refer to Section 4.22 of this Final EIS/EIR regarding coordination and approvals related to Caltrans.

PUBLIC UTILITIES COMMISSION

180 PROMENADE CIRCLE, SUITE 115
SACRAMENTO, CA 95834



September 7, 2011

Ms. Dolores Roybal Saltarelli
Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012

Re: Supplemental EA/Recirculated Draft Environmental Impact Statement for the Regional Connector Transit Corridor Project

Dear Ms. Roybal Saltarelli:

Thank you for providing us with a copy of your Supplemental EA/Recirculated Draft Environmental Impact Statement (Supplemental EA/Recirculated Draft EIR Sections) for the Regional Connector Transit Corridor Project. The California Public Utilities Commission (CPUC or Commission) has been interacting with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the project since last year, most recently the CPUC had a meeting with the project's consultants on July 20th regarding the Regional Connector and grade crossings.

1

We do not have any additional written comments to those provided to your agency on October 20, 2010 on this project.

2

CPUC looks forward to continuing work with the Metro and your consultants in finalizing those items discussed at the July 20th meeting, processing the General Order 88-B for authorization to alter a couple of at-grade crossings and the completion of this important project.

3

Thank you very much for the opportunity to review and comment on your Supplemental EA/Recirculated Draft EIR Sections. Commission staff is available to meet with you and discuss our concerns.

We look forward to working with Metro on this project. Should you have any questions, please contact Jose Pereyra (213) 576 – 7083 or email at jfp@cpuc.ca.gov.

Sincerely,

Daren Gilbert, Manager
Rail Transit and Crossings Branch
Consumer Protection and Safety Division

R-AS3

Responses to Comments from the State of California Public Utilities Commission, Gilbert, Daren

Response to Comment R-AS3-1

Metro looks forward to continued coordination with the California Public Utilities Commission.

Response to Comment R-AS3-2

Responses to the prior written comments are included in Volume F-2 of this Final EIS/EIR as Responses to Comments AS3-1 through AS3-10.

Response to Comment R-AS3-3

Thank you for your comment. As discussed in Section 4.22 of this Final EIS/EIR, Metro will construct and operate the project according to the guidelines and oversight provided by the California Public Utilities Commission.

Responses to Businesses and Business Groups Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-BU1	Green Bamboo	Hong	William
R-BU2	Hines	Shepherd	Colin
R-BU3	Allen Matkins Leck Gamble Mallory & Natsis LLP on behalf of the Los Angeles Times	Friess	K. Erik
R-BU4	Thomas Properties Group, Inc.	Ricci	Thomas S.
R-BU5	Little Tokyo Business Association and Little Tokyo Business Improvement District; Little Tokyo Community Council	Liu; Okamoto	Wilson; Mike
R-BU6	DLA Piper LLP on behalf of Hines Interest Limited Partnership	Leaderman	Ryan M.
R-BU7	Latham & Watkins LLP on behalf of Japanese Village, LLC	Crockett	Robert D.
R-BU8	Downtown LA Arts District Business Improvement District	Lopez	Estela
R-BU9	Weisenhaus Architecture	Weisenhaus	Duane
R-BU10	Westin Hotels & Resorts	Czarcinski	Michael

From: Will Hong [mailto:willhong1981@gmail.com]
Sent: Thursday, August 04, 2011 10:16 PM
To: Regional Connector
Subject: Review - Supplemental EA/REcirculated Draft - Question

Dear Ms. Dolores Roybal Saltarelli:

My name is William Hong and an attorney here in Los Angeles. I'm also the son of one of the business owner "Green Bamboo" located at 136 S. Central Ave. Los Angeles (near Office Depot - parcel: 516101802). I was asked to take a look at the Supplemental Environmental Impact Draft that was online according to a notice that was sent by Metro.

Upon my initial review of the project (and as quite impressive it is) I did find that Metro is planning a "partial takings" of the land where the business is located. I also read that businesses will be "relocated." However, how exactly the relocation and/or mitigation will be completed is a bit vague for me.

Is it possible that I may meet with you to discuss exactly what the plans would entail regarding the businesses that are located on the above mentioned parcel? I would just like some clarification of the plans for the businesses. If it helps, we maintain a great relationship with the majority of the business owners that are currently operating in this parcel.

Thank you for your time and cooperation.

Best regards,

William Hong

Tel: 951.333.4644

1

R-BU1

Responses to Comments from Green Bamboo, Hong, William

Response to Comment R-BU1-1

For the Locally Preferred Alternative, some acquisitions are planned on the block bounded by 1st Street, Central Avenue, 2nd Street, and Alameda Street. These are outlined in the parcel table in Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The only businesses on this block that would be displaced are Señor Fish, the Spice Table, Weiland Brewery, and the adjacent parking lot. Green Bamboo is not part of these acquisitions, and would not be displaced or relocated. General information about relocation is provided in Section 4.2, Displacement and Relocation, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Relocation assistance plans would be developed based on the specific needs of each business and ongoing coordination between Metro and the business owners. Any displacement and relocation would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Since Green Bamboo would not be displaced, no relocation assistance would be necessary. Metro has discussed the project with a representative of Green Bamboo, and would be happy to schedule further meetings upon request. Metro shall develop a Construction Mitigation Program that includes protocol for community notification of construction activities including traffic control measures, schedule of activities, and duration of operations, with written communications to the community translated into appropriate languages.

August 17, 2011

Mr. Arthur T. Leahy
Chief Executive Officer
Metropolitan Transportation Authority
One Gateway
25th Floor
Los Angeles, CA 90012

Dear Mr. Leahy:

We are the owners of Citigroup Center office building located at 444 South Flower Street on the northeast corner of Flower and 5th Streets in Downtown Los Angeles. I am writing this letter in regard to the upcoming construction of the Regional Connector Transit Corridor on Flower Street (the "Regional Connector") in Downtown Los Angeles and the impact of the construction to Citigroup Center.

As you may be aware, the most recent environmental impact report for the Regional Connector released July 22, 2011 suggests that the plaza area of Citigroup Center will be tagged with a "temporary construction easement" and be utilized as a staging area for construction of the Regional Connector. **This simply cannot happen, as the financial impact to Citigroup Center would be devastating!** We have recently spent over \$6,000,000 to renovate the Plaza and upgrade elevators in order to assist with our effort in renewing approximately 650,000 rentable square feet of leases that are scheduled to expire in our building during 2012 and 2013. We hope to renew a majority of these tenants who view the newly renovated Plaza as a significant amenity of Citigroup Center. The construction of the Regional Connector occurring right outside of our front door will make the leasing effort challenging enough, and we certainly hope the Los Angeles County Metropolitan Transit Authority will be doing everything possible to minimize traffic delays on 5th and Flower Streets, but we cannot be expected to have the recently renovated Plaza area taken as a construction staging area as well. The taking of the Plaza could easily cost our project in excess of \$100,000,000 in damages, including the time it will take to re-lease the space and the inherent added costs of replacing rather than renewing the existing tenants of Citigroup Center.

It seems to me that there are several alternative locations nearby that would not cause such economic hardship. I would appreciate hearing your thoughts with respect to eliminating this proposed "temporary construction easement". Please feel free to contact me at the number below.

Thank you very much.

Sincerely,

Colin P. Shepherd
Senior Vice President

444 South Flower Street, Suite 2100
Los Angeles, California 90071
P 213.629.6200
F 213.629.1423

Hines

1

R-BU2

Responses to Comments from the Hines, Shepherd, Colin

Response to Comment R-BU2-1

This proposed temporary construction easement was included in both the Supplemental EA/Recirculated Draft EIR Sections released on July 22, 2011, and the earlier Draft EIS/EIR released on September 3, 2010. As with all of the proposed easements and acquisitions described in these documents, Metro is working to minimize the amount of land needed. Metro analyzed all viable alternate locations for construction staging in the vicinity of Flower Street as part of the ongoing preliminary engineering process. As indicated in Section 4.2.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would provide compensation for the temporary construction easement consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. No businesses would be displaced as a result of this easement, and access to businesses would be maintained at all times. No tenants would be required to leave. Given that Metro would provide compensation for the temporary construction easement, no businesses would be displaced as a result of this easement, and access to businesses would be maintained at all times, impacts to this parcel with respect to displacement and relocation would be less than significant and no adverse effect would occur. Metro shall develop a Construction Mitigation Program that includes protocol for community notification of construction activities including traffic control measures, schedule of activities, and duration of operations, with written communications to the community translated into appropriate languages. Recent renovations to the plaza are noted. Following construction of the Regional Connector, Metro would restore the plaza to its pre-construction condition. Metro would also ensure that any physical damage resulting from construction is repaired.

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
1900 Main Street, 5th Floor | Irvine, CA 92614-7321
Telephone: 949.553.1313 | Facsimile: 949.553.8354
www.allenmatkins.com

K. Erik Friess
E-mail: rfriess@allenmatkins.com
Direct Dial: 949 851 5478 File Number: 225957-00108/OC936629.02

VIA ELECTRONIC AND FIRST CLASS MAIL

August 31, 2011

Ms. Dolores Roybal Saltarelli
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, MS 99-22-2
Los Angeles, California 90012

Re: Regional Connector Transit Corridor Project: Comments Concerning
Metro's Supplemental EA/Recirculated Draft EIR

Dear Ms. Saltarelli:

This firm represents the Los Angeles Times. The Los Angeles Times owns property that will be directly impacted by the Regional Connector Transit Corridor Project as proposed by the Metropolitan Transportation Authority. While the Los Angeles Times has regularly and consistently supported the efforts of Metro to develop new transit facilities throughout the Los Angeles region, it has real concerns about the impacts the Connector Project, and in particular one of its proposed stations, will have on the Los Angeles Times' property and on its operations. Because of those concerns, the Los Angeles Times supplements its earlier (October 18, 2010) comments regarding Metro's Draft Environmental Impact Report/Draft Environmental Impact Statement with these comments regarding Metro's Supplemental Environmental Assessment/Recirculated Draft Environmental Impact Report. (A copy of the October 18, 2010, comment letter is enclosed.)

1

Specifically, the Los Angeles Times operates from the "Square," its historic home. The Square consists of the block surrounded by West Second Street, South Spring Street, West First Street, and South Broadway, plus the portion of the adjoining block located south of Second Street between Broadway and Spring Street. The Los Angeles Times has its employee parking structure on the adjoining block and has a surface parking area on the land between the parking structure and the operations buildings. Beneath the surface parking is a 15,000-gallon, underground fuel tank, which supplies the Los Angeles Times' emergency generators, which, in turn, provide the Los Angeles Times with the ability to publish even in an extended power outage, for instance, following a disaster.

2

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Ms. Dolores Roybal Saltarelli

August 31, 2011

Page 2

The Los Angeles Times understands that Metro's preferred alternative places a subway station on the Los Angeles Times' properties located at 201 South Spring Street and 200 and 208 South Broadway. These are the properties where the Los Angeles Times has its surface parking and 15,000-gallon tank. Metro's taking of these properties would have the effect of cutting the Los Angeles Times' campus into unconnected pieces. Yet, Metro's environmental documents, including the Supplemental EA, nowhere address the impacts to the Los Angeles Times' operations of having the Square bisected nor do the documents address how this severing will impact future use of the overall campus. For example, nowhere in Chapter 4, which deals with displacements and relocations and which has been revised in the Supplemental EA, is the Los Angeles Times even mentioned. Instead, as far as can be told from the environmental documents, 201 South Spring Street and 200 and 208 South Broadway make up a stand-alone parking lot with no relationship to the Los Angeles Times' operations.

If Metro thoroughly evaluates the impacts of taking the Los Angeles Times' properties, the Los Angeles Times believes Metro will decide that another location for the subway station will make more environmental and economic sense. Because of this, the Los Angeles Times asks that Metro specifically evaluate the impact of taking these properties in its accurate context: the midst of the Los Angeles Times' operations. For example, the environmental documents should discuss that by retaining the surface parking in the center of its campus the Los Angeles Times' property has maximum flexibility for both interim use and long-term growth and development. Currently, for instance, the Los Angeles Times receives substantial operating revenues by leasing portions of its property for movie shoots. A big part of what makes its property competitive for these shoots is the availability of the surface parking to accommodate the large trucks and other equipment necessary for a movie shoot. If Metro removes that surface parking, this will drive changes to the Los Angeles Times' movie leasing business and likely drive changes in how the Los Angeles Times must configure and use the overall campus. In other words, Metro's takings are likely to drive changes in land use for the Los Angeles Times' entire campus. These are potential environmental impacts that Metro needs to thoroughly evaluate.

Other impacts that the Los Angeles Times raised in its previous comment letter, but which are nowhere addressed in Metro's supplemental environmental document, include the impacts of removing the 15,000-gallon tank needed to power the emergency backup generating equipment for the entire Square and the impact of employee circulation if the parking structure is separated from the operations buildings.

These substantial impacts to the Los Angeles Times' campus and operations contrast to the minimal impacts that would be associated with a subway station located elsewhere on Second Street, for example between Main Street and Los Angeles Street. That location would involve only a partial take of a portion of the affected property and a permanent underground easement for another portion. Displacement of existing uses would thus be minimal, and there would be no disruption of access to adjoining properties. Simply put, in order to properly weigh these alternative

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Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Ms. Dolores Roybal Saltarelli

August 31, 2011

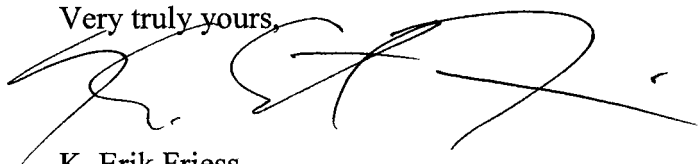
Page 3

locations, Metro's environmental documents need to completely analyze the impacts to the Los Angeles Times' property.

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cont'd

Thank you for the opportunity to provide these comments on the Supplemental EA. Please contact me if you have any questions.

Very truly yours,



K. Erik Friess

KEF
Enclosure

Allen Matkins

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Via Electronic and First Class Mail

October 18, 2010

Ms. Dolores Roybal Saltarelli
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, MS 99-22-2
 Los Angeles, California 90012

Re: Regional Connector Transit Corridor Project

Dear Ms. Saltarelli:

This firm represents the Tribune Company, owner and publisher of the Los Angeles Times, which occupies the property located on the block surrounded by West Second Street, South Spring Street, West First Street, and South Broadway (the "Tribune Property"). The Tribune Company also owns the property located south of Second Street between Broadway and Spring Street, which is currently used as a surface parking lot. The Los Angeles Times has regularly supported the efforts of the Metropolitan Transportation Authority ("Metro") to develop new transit facilities throughout the Los Angeles Region. Upon careful review of the Draft Environmental Impact Report/Draft Environmental Impact Statement ("DEIR/DEIS") for the Regional Connector Transit Corridor Project (the "Project"), the Tribune Company nevertheless has a number of concerns regarding potential impacts that the construction and operation of the Project may have with respect to the ongoing operations of the Los Angeles Times.

The proposed alignment of each of the light rail transit alternatives studied in the DEIR/DEIS is located along Second Street between Hope Street and Alameda Street and will therefore be immediately adjacent to the Tribune Property between Broadway and Spring Street. Under the At-Grade Emphasis LRT Alternative, trains would travel at grade along this portion of Second Street, which would be dedicated as a transit-only roadway providing only emergency vehicle access and local access to adjacent properties. Under the Underground Emphasis LRT Alternative, trains would travel underground below Second Street, but a station would be located either between Broadway and Spring Street or between Main Street and Los Angeles Street. Under the Fully Underground LRT Alternative, trains would similarly travel underground below Second Street, but there is no option to locate a station between Main Street and Los Angeles Street, and the proposed station would be located between Broadway and Spring Street, immediately adjacent to the Tribune Property.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

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Each of the three light rail transit alternatives analyzed in the DEIR/DEIS would adversely impact operations at the Tribune Property to varying degrees; however, the fewest adverse impacts would result from the Underground Emphasis LRT Alternative, which locates the proposed station on Second Street between Main Street and Los Angeles Street. The Tribune Company accordingly urges Metro to adopt the Underground Emphasis LRT Alternative with the proposed station to be located between Main Street and Los Angeles Street, or to adopt the Fully Underground LRT Alternative with the proposed station to be relocated to an alternate location.

The entrance into the main parking structure for the Tribune Property is located on Second Street. Two driveways into the surface parking lot located south of Second Street are also located on Second Street. A majority of the employees of the Los Angeles Times park in a parking facility south of Second Street and walk to the Tribune Property along Spring Street or Broadway. Construction of the Project will interfere with vehicular and pedestrian access to the Tribune Property under any of the Project Alternatives analyzed in the DEIR/DEIS.

Operation of the Project will also significantly interfere with pedestrian and vehicular access to the Tribune Property under the At-Grade Emphasis LRT Alternative, which proposes that Second Street be dedicated as a transit-only roadway with limited vehicular access. Vehicular restrictions along Second Street between Broadway and Spring Street will limit vehicular access to the parking structure and the surface parking lot that both have access from Second Street. Should this Alternative be implemented, it is imperative that full access be maintained to the Tribune Property during both construction and operation of the Project. Protection for pedestrians walking to and from the Tribune Property from south of Second Street along Broadway and Spring Street must also be maintained during both construction and operation of the Project should the At-Grade Emphasis LRT Alternative be implemented.

The impacts of the Underground Emphasis LRT Alternative and the Fully Underground LRT Alternative on the Tribune Property would be similar if a station were located on Second Street between Broadway and Spring Street. In addition to the adverse impacts on pedestrian and vehicular circulation associated with the construction of the At-Grade Emphasis LRT Alternative identified above, use of cut-and-cover techniques proposed in connection with the construction of the segment of the Project located between Broadway and Spring Street would completely disrupt all access to the Tribune Property and adjoining properties from Second Street during construction. Moreover, use of the sidewalks along Broadway and Spring Street both north and south of Second Street for construction staging will exacerbate adverse impacts on pedestrian safety and pedestrian access to the Tribune Property during construction.

In addition to adversely impacting access to the Tribune Property, development of the proposed station between Broadway and Spring Street will require the full take of the property located south of Second Street currently used by the Tribune Company for surface parking, as well as the full take of two adjoining properties located south of Second Street and east of Spring Street.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Ms. Dolores Roybal Saltarelli
October 18, 2010

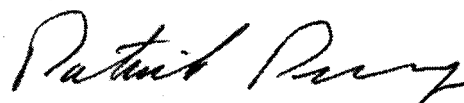
Page 3

The Tribune Company derives parking and filming support revenues from its property located south of Spring Street and also maintains a 15,000 gallon underground fuel storage tank on the property to operate emergency backup generating equipment for the Tribune Property. Displacement of the fuel storage tank not only has the potential to disrupt operations, but few viable alternative locations exist for the relocation of the fuel storage tank. The DEIR/DEIS does not address the potential hazards associated with the risk of upset in connection with the displacement of the existing fuel storage tank or the potential cost or disruption to operations that would result from the displacement of the storage tank.

In contrast to the difficulties associated with constructing a station between Broadway and Spring Street, development of a station along Second Street between Main Street and Los Angeles Street would involve only a partial take of a portion of the affected property and a permanent underground easement for another portion. Displacement of existing uses would be minimal, and there would be no disruption of access to adjoining properties. If the construction of the proposed station between Main Street and Los Angeles Street is not feasible for other reasons, there are alternative locations for the proposed station along Second Street between Olive Street and Hill Street and between Hill Street and Broadway that would have less impact on surrounding uses. The DEIR/DEIS should therefore analyze additional alternatives for the location of the proposed station that would be less disruptive to existing businesses.

Thank you very much for the opportunity to provide these comments on the DEIR/DEIS. Please contact me if you have any questions or if I can provide further information with respect to this matter.

Very truly yours,



Patrick A. Perry

PAP

cc: Mr. Ray Tellis

R-BU3**Responses to Comments from Allen Matkins Leck Gamble Mallory & Natsis LLP on behalf of the Los Angeles Times, Friess, K. Erik****Response to Comment R-BU3-1**

Comment acknowledged. Metro has continued meeting with the Los Angeles Times throughout the EIS/EIR process. Metro received the referenced October 18, 2010 comment letter and has included written responses numbered BU32-1 through BU32-6 in Volume F-2 of this Final EIS/EIR.

Response to Comment R-BU3-2

Thank you for providing this information. Metro is aware of the underground fuel tank beneath the surface parking lot, and its importance to the operations of the LA Times. Metro would relocate the tank in place during construction to allow it to continue operating, as shown in drawing A-102 in Appendix R-1 of the Supplemental EA/Recirculated Draft EIR Sections. No significant impacts or adverse effects resulting from this relocation are anticipated.

Response to Comment R-BU3-3

As shown in Table 4.2-4 (and referenced in Section 4.2.3.5) of the Draft EIS/EIR and Table 4.2-5 (and referenced in Section 4.2.3.5) of this Final EIS/EIR, Metro proposes to acquire the properties at 201 South Spring Street and 200 and 208 South Broadway (Assessor's Parcel Numbers 5149-008-032, 5149-008-031, and 5149-008-030 respectively) as part of the Locally Preferred Alternative. The Tribune Company is identified as the owner of these parcels in Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR, Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections, and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The impacts of these acquisitions, including inconvenience for users of the parking lot, were examined in more detail in Section 5.4.1.3 (and referenced in Section 5.5.1.3) of Appendix N, Displacement and Relocation Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, and determined not to be significant/adverse. Section 4.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated EIR Sections, and this Final EIS/EIR references Appendix N, Displacement and Relocation Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR for additional analysis of proposed acquisitions where significant impacts or adverse effects would not occur.

Metro is aware of the existing parking lot and the fuel tank, and its importance to the operations of the LA Times. Metro would relocate the tank in place during construction to allow it to continue operating, as shown in drawing A-102 in Appendix R-1 of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. No significant impacts or adverse effects resulting from this relocation are anticipated.

Metro proposes to convert the surface parking lot to a station entrance and plaza, which would enhance the pedestrian environment and allow easier traversal of the above-listed parcels than the existing fenced parking lot. This improved pedestrian space between the parking structure

and 2nd Street would enhance, rather than bisect, the connection between the Los Angeles Times' buildings.

As shown in Section 4.2.3 of the Draft EIS/EIR and Section 5.4.1.3 (and referenced in Section 5.5.1.3) of Appendix N, Displacement and Relocation Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, Metro has adequately evaluated and disclosed the impacts of acquiring these properties. After comparing these impacts with those of alternative station locations, Metro determined that the properties at 201 South Spring Street and 200 and 208 South Broadway would be the most environmentally and economically suitable location for the 2nd/Broadway station entrance and plaza. The interim use of the surface parking lot for movie shoots is noted. The property tax associated with parcels to be acquired and the potential for construction of the alternative to have substantial, adverse effects on businesses along the alignment was used to determine economic and fiscal impacts associated with the project. Refer to Section 4.14, Economic and Fiscal Impacts, of this Final EIS/EIR. Business compensation and assistance would be provided in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Alternate parking locations are available in the area, and the addition of a transit station to the area would likely cause some people to ride transit instead of driving, thus reducing the overall need for parking. No other land use changes on the Los Angeles Times' properties are proposed as part of the Regional Connector project and the conversion of the parking lot to transit use is not expected to change uses on any of the other Los Angeles Times parcels. Land use impacts are evaluated in Section 4.1, Land Use and Development, of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU3-4

Metro is aware of the fuel tank and its importance to the operations of the LA Times. Metro would relocate the tank in place during construction to allow it to continue operating, as shown in drawing A-102 in Appendix R-1 of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. No significant impacts or adverse effects resulting from this relocation are anticipated.

Response to Comment R-BU3-5

The parking structure has exits onto both Spring Street and Broadway, and there are no legal crosswalks on 2nd Street between Spring Street and Broadway. As indicated in Chapter 3, Transportation Impacts and Mitigation, of the Draft EIS/EIR and this Final EIS/EIR, unavoidable adverse effects under NEPA and significant and unavoidable impacts under CEQA would occur to pedestrian circulation during construction even with incorporation of mitigation. Nevertheless, once construction has been completed, pedestrian circulation would still be possible across the proposed station plaza because the plaza would be open to public access. The plaza would likely be more easily traversed than the existing fenced parking lot, thus enhancing the pedestrian connection between the parking structure and 2nd Street. This would represent an improvement to the pedestrian environment. Once the new station has opened, some Los Angeles Times employees may choose to ride transit to work instead of driving, thus eliminating their need to walk beyond the station entrance to the parking structure.

Response to Comment R-BU3-6

Metro has adequately analyzed the potential impacts to the Los Angeles Times' properties. Metro evaluated the potential station location on 2nd Street between Main and Los Angeles Streets as part of the Underground Emphasis LRT Alternative in the Draft EIS/EIR, but found that this location would offer poor connections to the shopping district and proposed downtown streetcar project on Broadway. The Main/Los Angeles location would also be closer to the proposed station in Little Tokyo, and would result in uneven station spacing along 2nd Street. As shown in Section 4.2.3 of the Draft EIS/EIR and this Final EIS/EIR and Section 5.4.1.3 (and referenced in Section 5.5.1.3) of Appendix N, Displacement and Relocation Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, there would be no significant impacts/adverse effects associated with the displacement of the existing parking lot at 201 South Spring Street and 200 and 208 South Broadway. There are several other privately-operated parking lots and structures in the vicinity of these locations. Although loss of the current parking lot may cause an inconvenience for users, it would not represent a significant impact or adverse effect and the Regional Connector would provide new non-automobile access to the area, which would partially offset the parking demand in the area. Access to adjoining properties would be maintained at all times during construction.



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September 1, 2011

VIA E-MAIL AND U.S. MAIL

Ms. Dolores Roybal Saltarelli
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**Re: State Clearinghouse No. 2009031043
Los Angeles County Metropolitan Transportation Authority
Regional Connector Transit Corridor Project
Supplemental Environmental Assessment/Recirculated Sections of the
Draft Environmental Impact Report**

Dear Ms. Roybal Saltarelli and Mr. Tellis:

Thomas Properties Group ("TPG") is the real property owner and property manager of the properties located at 515-555 South Flower Street, referred to as the "City National Plaza and Towers" in the Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report ("SEA/RSDEIR"), and 400 South Flower Street, referred to as the "J-2 Garage" (collectively, the "Adjacent Properties"). Both of the Adjacent Properties are immediately adjacent to the proposed locations of the Los Angeles County Metropolitan Transportation Authority ("LACMTA") Regional Connector Transit Corridor Project ("Regional Connector" or "Project").

LACMTA has solicited comments only on the revisions to the previously circulated Draft EIS/EIR included in the SEA/RSDEIR. However, it must also be recognized that the substantial revisions in the SEA/RSDEIR must be considered in context with the Draft EIS/EIR, if the impacts cannot be distinguished with a bright-line test. Consequently, pursuant to CEQA/NEPA,¹ the following comments are submitted on the Draft EIS/EIR and SEA/RSDEIR for consideration

¹ References to "CEQA" are to the California Environmental Quality Act, at California Public Resources Code, Sections 21000 et seq. References to the "CEQA Guidelines" are to Title 14 of the California Code of Regulations, Sections 15000 et seq. References to "NEPA" are to the federal National Environmental Policy Act, at Title 42 U.S.C. sections 4321 et seq.

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TPG understands that the Regional Connector will be constructed, and that its path will follow Flower Street in immediate proximity to the Adjacent Properties. As a developer, owner, and property manager of predominantly sustainable, transit-oriented developments, TPG is an overall supporter of mass transit, and of the Regional Connector, specifically. However, TPG has a significant economic interest in ensuring that the construction impacts of the Regional Connector on emergency personnel and on the tenants, employees, patrons, and visitors of the Adjacent Properties are avoided or at least minimized to the greatest extent possible.

2

TPG understands that the Fully Underground LRT Alternative described in the Draft EIR/EIS has now been selected as the Locally Preferred Alternative ("LPA"). We also understand that the LPA has been revised to eliminate the station proposed for Flower/5th/4th Streets due to lack of funding. TPG asks that this station continue to be included in the Regional Connector and in future studies, and not be eliminated at this time. A station in this location would provide an important and needed connection at the center of the Financial District and adjacent to the Central Library. The area around 5th Street is the major hub of commercial and financial services in downtown Los Angeles and should be served by the Regional Connector for all transit lines. Having no stations between 2nd Street and 7th Street (a distance of $\frac{3}{4}$ of a mile) will reduce the convenience and hence revenue-generating abilities of the entire rail system. In addition, as we note below, the EIS/EIR should continue to include a full discussion of the environmental impacts of this station, since the SEA/RSDEIR acknowledges that it is a reasonably foreseeable future development.

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The SEA/RSDEIR depicts a proposed extensive and intrusive Temporary Construction Easement on the west and east sides of Flower Street in front of the Adjacent Properties, and on 5th Street north of the City National Plaza and Towers, in Figure 2-15. Like the Draft EIS/EIR, the SEA/RSDEIR proposes to use the easement for construction staging.

TPG met with representatives from the LACMTA and AECOM on August 22, 2011 to discuss our concerns about the Temporary Construction Easement shown in the SEA/RSDEIR. At that meeting, LACMTA representatives assured TPG that the scope and purpose of the Temporary Construction Easement would be sharply curtailed and narrowly defined, compared to the drawings included in the SEA/RSDEIR, describing an easement that would only extend a few feet inside of the property line and would be only as deep onto our property off the property line as is necessary to install any required K-rails and vehicular and pedestrian ramps (as discussed below). At that meeting, LACMTA presented a revised set of drawings showing a proposed revised Temporary Construction Easement ("Potential Revised Temporary Construction Easement") across the Adjacent Properties. A set of these revised drawings was not left with us. We were told that the proposed revised plans are not final and have not been distributed to the public.

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In our discussion, LACMTA representatives made it clear that the sole purposes of any Temporary Construction Easement over our Adjacent Properties, including the Proposed Revised Temporary Construction Easement, would be (i) to allow the contractor to install and remove K-rails and fences that are necessary to separate pedestrians from the street where work is being done, with such K-rails and fences to be located along our property line, immediately to the east of the existing retail escalator structures along our easterly property line on Flower Street, and (ii) to install and remove temporary pedestrian and driveway ramping, if any, that may be necessary to transition between the elevation of the construction cut and cover plates on Flower Street and the elevation of the existing driveways and sidewalks along Flower Street between Fourth and Sixth Streets.

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LACMTA representatives indicated that the cut and cover construction could be done using one of two different methods. One method would have the steel plates installed at existing street level (which no grade differential). The other method would have steel plates installed higher than existing street level, resulting in a grade differential that may be as much as 18 to 24 inches between the steel plates and the existing driveway and sidewalk elevations.

As expressed in the meeting, TPG has serious concerns about any grade differential between the sidewalks and the steel plates installed in the street, and specifically the height of the proposed grade differential. Any such grade differential will have serious impacts on safe and convenient access for vehicles into and out of the Adjacent Properties' driveways, and for pedestrians who access the Adjacent Properties from buses, taxis and shuttles in the drop off area on the west side of Flower Street in front of City National Plaza, from the mid-block cross-walk in front of City National Plaza, at each corner of the City National Plaza property, and on the east side of Flower Street in front of the J-2 Garage.

5

The size and safety of the temporary ramping that would be required to overcome as much as a 24 inch grade differential along Flower Street is of great concern to TPG. It is questionable whether such ramping would be safe for our visitors and tenants to navigate and whether it could comply with the Americans with Disabilities Act of 1990 (Title 42 U.S.C. §§ 12101 et seq.; "ADA") and other disabled access laws, and whether it can provide access for emergency vehicles. TPG also expressed our concerns about the impact of any grade differential on the use of the mid-block pedestrian cross-walk and the safety and efficiency of bus loading and unloading in the bus drop off area, with the resulting congestion that will result along Flower Street, past the City National Plaza and Towers underground garage entrance ramp, if buses are unable to efficiently drop off and pick up passengers. In particular, there does not appear to be sufficient area between the garage entrance ramp and the bus drop off area for efficient use.

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We understand that LACMTA is speaking with LADOT about these and other traffic concerns that would arise from the cut and cover construction along Flower Street, including possible impairment of the sight lines for cars accessing and departing from the City National Plaza and Towers underground garage on the Flower Street ramps and the safety of pedestrians. LACMTA should discuss with LADOT the need for the Adjacent Properties to have continuous and uninterrupted ingress and egress for vehicles from and onto Flower Street and for pedestrians to have such access across the mid-block cross-walk and over our plazas. TPG has experienced severe congestion in the underground parking garage at City National Plaza when cars were unable to exit onto Flower Street in the past year due to one or more lanes of Flower Street being blocked south of the complex by road work, and may experience similar problems if there were serious congestion on Flower Street as a result of the temporary and permanent effects of the Project. Not only is such congestion an inconvenience to our tenants and visitors, it also creates serious operating and safety risks in the garage (with cars unable to move on the garage ramps, resulting in blocking of a key exit from the property).

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In our August 22, 2011 meeting with LACMTA representatives, TPG emphasized that at all times pedestrians must have continuous and unimpeded access to and from our property across each corner on Flower Street, across the mid-block cross-walk, to and from the bus drop off area on Flower Street, to and from the 5th Street Pedestrian Bridge, and into and out of each of the retail escalators that run from our B Level Retail Shops and Restaurants to Flower Street.

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TPG mentioned that we have been in communication with the City Battalion Fire Chief Michael Thomas regarding the need to protect the exit routes from each tower across our plaza areas and to safe zones at least 300 feet from the buildings. LACMTA construction cannot be allowed to impair or impede this safety requirement. LACMTA representatives assured our team that MTA understood and shared this goal of keeping access to our Adjacent Properties open and unimpeded.

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LACMTA clarified at our August 22, 2011 meeting that the cut and cover construction could be done in two different ways. We understand from that meeting that the Project could be constructed with steel plates installed in Flower Street at existing grade level, so that there would be no separation or grade differential between the existing Flower Street and the steel plates and, therefore, no need for ramps for vehicles or pedestrians along the Adjacent Properties. TPG strongly prefers this method of cut and cover construction for the Project along the Adjacent Properties if the work is not done by tunnel boring.

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TPG also mentioned in our August 22, 2011 meeting that our restaurants are open on evenings and weekends and that continuous access will be needed during those hours for vehicles to park for the restaurants. We also have a fitness club that operates 24 hours per day and restaurants on the B Level of the City National Plaza and Towers that operate during late hours. LACMTA representatives mentioned that work on the Project would be done on weekends and after normal business hours, but our restaurants and other businesses that operate 24 hours or after normal business hours will need special protection for access and noise abatement even during those hours.

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As you know, City National Plaza is unique in that it has almost 200,000 square feet of underground retail and restaurant tenants and other users on B Level. This space is located adjacent to where the subway tunneling will be done under Flower Street. Mitigation steps should be taken to minimize noise and vibration during the Regional Connector work that could be heard or felt on the B Level. While other properties on Flower Street may not be as affected by subterranean work under Flower Street, our tenants on B Level could definitely be adversely impacted by such noise and vibration.

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Additionally, based on the meeting, LACMTA is now considering relocating the pocket track away from Flower Street between 4th and 6th Streets, thereby reducing the tracks to two and narrowing the tunnels along the Adjacent Properties, which moves the tunnels farther away from the existing improvements. TPG agrees with this approach and asks that LACMTA limit the tracks under Flower Street to two and narrow the size of the tunnels between 4th and 6th Streets so that the work under Flower Street is moved as far as possible away from the underground structures under the Adjacent Properties. We may have additional concerns and comments if LACMTA decides to build a pocket track under Flower Street in the area of the Adjacent Properties.

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Our comments concerning the impacts of the Project reflect our understanding that the scope and purpose of the proposed Potential Revised Temporary Construction Easement described in this letter, and the relocation of the pocket track, are consistent with LACMTA's intent. If LACTMA's intent is not as described in this letter, TPG requests that LACMTA immediately inform us, so we can discuss this further before the Final EIS/EIR s completed.

TPG has every confidence in the good faith of LACMTA's representations at our August 22, 2011 meeting regarding its current plans (i) to limit the scope and purpose of the Temporary Construction Easement to be consistent with the scope and limited purposes that were described for the Potential Revised Temporary Construction Easement presented at the meeting with LACMTA representatives on August 22, 2011, as described above, and (ii) to redesign the subway tunnels to have only two tracks along the Adjacent Properties, with no pocket track in that area. Even so, this letter contains our comments

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on the SEA/RSDEIR and the Draft EIS/EIR (collectively, the "Circulated Documents"), as well as on the Potential Revised Temporary Construction Easement and the other issues raised at our August 22, 2011 meeting, in order to retain all of TPG's legal rights.

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In light of the proximity of, and potential impacts to, the Adjacent Properties, TPG requests the following be addressed with respect to the construction and operation of the Regional Connector, as more fully explained, below:

- The feasibility of constructing the Regional Connector by the tunnel boring method under Flower Street to minimize any surface impacts on Flower Street, 5th Street and 6th Street, which are all highly congested and provide critical circulation and access for thousands of workers, visitors and transit riders, as well as emergency personnel who need to access the Adjacent Properties.
- The adverse vehicular access and circulation impacts that would result to the Adjacent Properties during construction using the cut and cover construction technique, including, without limitation, any barriers or grade differentials created by work on Flower Street, 5th Street and 6th Street.
- The adverse impacts to pedestrians, many of whom are employees and visitors to the City National Plaza and Towers, that would result from the cut and cover construction activities, including, without limitation, any barriers or grade differentials created by the work on Flower Street, 5th Street and 6th Street.
- The adverse impacts to the retail and restaurant tenants in the City National Plaza and Towers from any interruption to access to that property during construction.
- The adverse impacts to downtown traffic flow due to the interference with the Flower Street stop for transit, shuttle and other modes of transportation between 4th and 6th Streets, including, without limitation, the size or ease of access to those stops.
- The adverse impacts that construction and tunneling under Flower Street could have on the B Level and the subterranean garage at the City National Plaza and Towers and the subterranean portion of the J-2 Garage.
- The potentially significant impacts that construction noise and vibration levels may have on TPG's tenants, including, without limitation, the subterranean B Level tenants. General mitigation measures have been identified in the Draft EIS/EIR;

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however, no mitigation measure has been specifically identified in the SEA/RSDEIR despite TPG's prior comments to address the substantial change in ambient noise and vibration levels in the immediate vicinity of the Adjacent Properties.

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- The significant traffic impacts identified in the Draft EIS/EIR (decreased LOS), and potentially exacerbated by the revisions to the LPA described but not analyzed in the SEA/RSDEIR, that would result from permanently reducing the number of traffic lanes in the immediate vicinity of the Adjacent Properties on Flower Street.

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The Draft EIS/EIR and the SEA/RSDEIR make the general and unsupported statement that access to the Adjacent Properties would be maintained at all times. To the contrary, the Temporary Construction Easement depicted in the SEA/RSDEIR would block access to the Adjacent Properties from Flower Street and 5th Street for both vehicles and pedestrians, which would create significant and unavoidable impacts on traffic, access and safety.

However, during the August 22, 2011 meeting with TPG, LACMTA expressed its intent that vehicular and pedestrian access to the Adjacent Properties will not be blocked along Flower Street, including the mid-block cross-walk, or 5th Street for any period during the business hours of City National Plaza and its businesses (which are generally from 6:00 am through midnight on business days and from 11:00 am through midnight on weekends, subject to the 24 hour fitness club and late restaurant hours of some tenants), and that the construction will not be allowed to cause any adverse impacts to the safety of TPG's tenants and visitors. We request that appropriate mitigation measures be addressed in consultation with TPG to assure that such vehicular and pedestrian access is assured. Any such blockage would potentially cause severe and unacceptable safety and hazards impacts, not to mention millions of dollars of economic damages, to TPG and our tenants.

22

TPG's concerns over the potential impacts to the Adjacent Properties from the Temporary Construction Easement described in the Draft EIS/EIR and the SEA/RSDEIR are heightened by the almost total lack of information in the Draft EIS/EIR and the SEA/RSDEIR regarding the purposes and use of the Temporary Construction Easement. CEQA, including, e.g., Sections 21001 through 21003.1, and Sections 15124 through 15126.6 of the CEQA Guidelines, requires that any facet of a project which has so many potential adverse impacts be clearly defined and that the environmental analysis include mitigation measures to address the significant impacts. The Draft EIS/EIR and SEA/RSDEIR, in contrast, do little more than provide a dotted-line representation of the extent of the Temporary Construction Easement and promise, without substantiation, that it will be made "as compatible as possible" to the Adjacent Properties. This general description falls far short of CEQA's requirements. There is no description of what activities will be conducted on the easement area, what sorts of equipment will be involved in

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the use of the easement, whether there be any access through the easement or whether there will be barricades. (See, e.g., SEA/RSDEIR Chap. 4, §§ 4.2.3.5 et seq.) Further, the Circulated Documents do not indicate what will happen to the garage ingress and egress points, or the bus, shuttle and taxi and other car drop off areas, or the pedestrian overpass over 5th Street, or whether access will be provided to and from the J-2 Garage, which is a major source of tenant and visitor parking for the City National Plaza and Towers. The Draft EIS/EIR and the SEA/RSDEIR fail to provide this information, as well as what other mitigation measures could be included in the Project to address this myriad of impacts and what their effects would be.

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CEQA simply does not permit a project to brush off such significant considerations with a "we will deal with it when we get there" approach. (See, e.g., *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92 [When setting aside a city's promise to adopt a greenhouse gas reduction plan in the future to mitigate a project's significant impacts, the Court of Appeal noted that "[n]umerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking"]; *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR found defective for failing to analyze impacts, provide mitigation and analyze the impacts of mitigation; if "[t]he success or failure of mitigation efforts ... may largely depend on management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR," the EIR is defective].) The failure to identify the significant impacts of the Temporary Construction Easement, to provide feasible mitigation for such impacts, and to evaluate alternatives, renders the Draft EIS/EIR and SEA/RSDEIR fatally flawed. (See, e.g., *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1233 ["CEQA compels government first to identify the environmental effects of projects, and then to mitigate those adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives"]; *Mountain Lion Foundation v. Fish & Game Commission* (1997) 165 Cal.4th 105, 134 [CEQA contains a substantive mandate not to approve a project with significant environmental effects if there are feasible mitigation measures or alternatives that can substantially lessen or avoid those effects].)

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As indicated above, TPG believes in the good faith of the LACMTA team at our August 22, 2011 discussion in delineating and explaining the true scope and purpose of the Potential Revised Temporary Construction Easement, which are more limited than as disclosed in the Circulated Documents. However, since all we can officially comment on are the Circulated Documents, TPG must go on record with our objections and concerns based on those documents.

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1. Vehicular access to the Adjacent Properties.

The City National Plaza and Towers has three vehicular access points: one from 5th Street just west of Flower Street, one near the main bus stop south of 5th Street on the west side of Flower Street and a loading dock access ramp from 5th Street adjacent to the parking garage ramp. The egress from the underground parking structure to the surface includes a one-lane exit-only ramp on the north side of 6th Street, west of Flower Street, and a similar ramp exiting to Flower Street just north of 6th Street. Because both exit ramps angle onto one-way streets leading away from the City National Plaza and Towers (6th Street is restricted to eastbound traffic, and Flower Street is restricted to southbound traffic) neither exit (leaving aside other constraints) can be converted into suitable ingress points during construction. All of these ingress and egress points must be preserved at all times and cannot be impacted by the Temporary Construction Easement. Any interruption in access to the underground parking structure would severely impact the safety and convenience of the office and retail tenants, visitors, vendors, and customers at City National Plaza and Towers, and the safety of the structures, would result in significant economic impacts to both our tenants and to City National Plaza and Towers, and could result in the exercise of remedies by our tenants against TPG based on the inability to access and use the parking and the buildings.

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The main vehicular access points from Flower Street to the J-2 Garage, a main supplemental source for tenant parking, would also be impacted by the Temporary Construction Easement on the east side of Flower Street between 4th and 5th Streets. Again, this access point to the J-2 Garage must be preserved and kept open at all times for use by the tenants, visitors and customers of the City National Plaza and Towers, which access is required by the applicable leases. The bulk of the parking for City National Plaza and Towers is accommodated at the J-2 Garage and it is as important to the operation of the property as our on-site underground parking structure.

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2. Pedestrian access to the Adjacent Properties.

Tower Access. Due to security concerns, both of the City National Plaza office towers can only be accessed from the inward facing doors in front of the security desks. Neither the Temporary Construction Easement, nor the Potential Revised Temporary Construction Easement can interfere with pedestrian access across the plaza to the front doors at each tower. In addition, such access must be compliant with the ADA for impaired or disabled persons. There can be no obstructions or ramps that would not permit continued ready access for impaired or disabled pedestrians to the buildings in compliance with the ADA. Most of the pedestrians who visit the property access it from the east, crossing Flower Street at each corner and at the mid-block crosswalk. All of these access points must be kept open and readily accessible at all times for all pedestrians, in compliance with the ADA.

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Access to Retail Tenants. According to Figure 2-15 in the SEA/RSDEIR, the exterior pedestrian access escalators to the underground retail area on B Level of the City National Plaza and Towers would be impacted by the Temporary Construction Easement. This retail area requires continuous access from the escalators at each end of the block along Flower Street in order for visitors and customers from the area to access the businesses on B Level. Any interference with such access would adversely affect the retail establishments in an already depressed economy, and limit the restaurant/food options for workers and visitors in the financial district. Direct access to this retail area is necessary at all times, which is not assured by the changes in the SEA/RSDEIR.

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Access to J-2 Garage and beyond. The SEA/RSDEIR does not reveal how the Temporary Construction Easement will affect, if at all, the existing escalator and elevated pedestrian walkway, which crosses 5th Street between the City National Plaza and Towers and the Bonaventure Hotel complex. Figure 2-15 in the SEA/RSDEIR indicates that the escalator and walkway over 5th Street could be impacted. The elevated pedestrian accesses between J-2 Garage and the Bonaventure Hotel Complex and from the City National Plaza and Towers across 5th Street are critical to the safety of the pedestrians who move between these buildings and facilities, many of whom are tenants and visitors to the City National Plaza and Towers.

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If the existing overpass between the Bonaventure Hotel Complex and the J-2 Garage is obstructed, the current access to properties east of Flower Street will be impaired. Currently, this overpass bears a significant amount of pedestrian traffic that is kept off the sidewalks and out of the cross-walks, resulting in both pedestrian and traffic benefits that would be lost during construction of the Regional Connector if the bridge and walkways are obstructed or impaired. The Draft EIS/EIR concluded that there were no significant problems with pedestrian traffic capacity in the area, but failed to appreciate the importance of the overpass network in creating that pedestrian flow.

3. Safety of the tenants, visitors, vendors and customers of the City National Plaza and Towers.

As TPG has indicated, pedestrian access to and from the City National Plaza and Towers from the east must be kept open at all times, and fire/life safety concerns dictate that the fire/emergency exits on the east sides of the office towers be unobstructed at all times. There can be no interference with fire access through the fire doors on the east side of the buildings. If those exits were ever blocked in connection with the Project, the safety of our tenants and visitors would be imperiled, with inadequate means of exiting during an emergency, and leaving disabled and infirm persons no means of exit. Given the thousands of people who occupy the City National Plaza and Towers, and the high state of panic that fires and other emergencies create, any interference with use of those exits and unimpeded access from the doors

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across the plaza areas adjacent to each set of exit doors for evacuation purposes, and for emergency personnel access to the office towers, creates a significant and unsupportable safety hazard, and is a recipe for a major disaster. In addition, TPG is concerned that the Temporary Construction Easement, as described in the Draft EIS/EIR and the SEA/RSDEIR, and even as described in the meeting with LACMTA representatives, may impair access by fire department, ambulance and other medical and emergency services to the City National Plaza and Towers and subterranean levels by virtue of the construction activities on Flower Street, together with the existing grade separation between Figueroa Street and the plaza level. The Draft EIS/EIR and SEA/RSDEIR provide no information on how fire trucks and other emergency vehicles would reach the buildings if access from the east is impaired and only the limited western access is available.

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Moreover, as noted above, the Temporary Construction Easement could also impair the use of the exterior escalators between the street level and the retail tenants on the B level of the Towers, which would interfere with an important exit route from the retail area in the event of an emergency, and which is particularly important in view of the fact that this retail area sits two levels below the surface.

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4. Bus, shuttle and other transit modes, affecting the entire downtown traffic flow.

The bus stops on Flower Street just south of 5th Street adjacent to the City National Plaza and Towers are the terminus or a main stop for a large number of bus lines in Los Angeles and surrounding areas, including the San Gabriel Valley, Long Beach, Santa Monica, and the San Fernando Valley, Santa Clarita, San Bernardino County and Orange County. They also handle considerable traffic from several DASH routes, including the A, B, and F lines. In addition, TPG provides shuttle service to Union Station, all local government and court buildings, Staples Center and other downtown destinations from the City National Plaza and Towers on Flower Street, and taxis and other cars use the cut-out along the west side of Flower Street between 5th and 6th Streets. These transportation lines and services are heavily utilized by employees, tenants, patrons, guests and visitors of City National Plaza and Towers. During rush hours, it is sometimes necessary for transit vehicles to queue or double-park at the bus stops because of the heavy bus traffic, which exceeds that of many other downtown locations. Therefore, it is important that this area remain open and accessible on Flower Street throughout the Project to allow staging of shuttles, taxis and passenger vehicles as they load passengers without blocking traffic lanes on Flower Street. The Temporary Construction Easement shown in the Circulated Documents could displace transit and other traffic flow, and create congestion on other downtown streets already severely congested, for a number of years. For the reasons we have described, these impacts are not acceptable and the bus stop area on Flower Street should remain open and functioning at all times.

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5. The subterranean garages.

TPG is concerned about the width of the subterranean tunnel work along the Adjacent Properties shown on the Draft EIS/EIR and the SEA/RSDEIR. Based on the August 22, 2011 meeting, TPG understands that LACMTA is planning to relocate the pocket track away from the Adjacent Properties, so the tracks under Flower Street would be limited to two tracks. From this information, we understand that the tunneling work would remain further away from the foundations of the Adjacent Properties. This is an important development to TPG, since the two track design should keep the tunneling from severely physically impacting our subterranean structures. However, the SEA/RSDEIR fails to clarify how the impacts to the structures, lateral support, drainage, utilities, geotechnical and other factors affecting the underground levels of the Adjacent Properties will be avoided or mitigated during construction of the Project.

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In addition to concerns regarding geotechnical matters, TPG also objects to any use of the Temporary Construction Easement or the Potential Revised Temporary Construction Easement for staging or other uses that could damage the subterranean structures below the easement area. Placement of equipment or construction materials within the easement area could cause immediate damage, certainly, but could also cause less obvious, long-term damage. In addition, use of the Temporary Construction Easement area or the Potential Revised Temporary Construction Easement area could result in vibration and other impacts to the garage structure, both at the City National Plaza and Towers and at the J-2 Garage. At the meeting with LACMTA, TPG was advised that no such uses of the Temporary Construction Easement or the Potential Revised Temporary Construction Easement were proposed or contemplated by LACMTA, but TPG needs assurance that the final easement proposed on the Adjacent Properties will not permit any such staging or other uses that would adversely affect the subterranean structure. TPG requests that appropriate mitigation measures be added to the Final EIS/EIR in coordination with TPG, to preclude any such uses of the final Temporary Construction Easement, however it is configured.

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6. Construction noise and vibration impacts.

Although previously raised in TPG's October 2010 comment letter on the Draft EIS/EIR, the concerns regarding construction phase noise and vibration impacts on TPG's tenants have not been addressed. These impacts will no doubt result in claims being made by our tenants, and TPG will expect compensation from LACMTA, as discussed below. TPG requests that appropriate mitigation measures be adopted with respect to the Adjacent Properties in order to mitigate potential ground movement associated with the construction, including, without limitation, the cut and cover construction and tunneling. We request that measures similar to those described on Page 4.12-45 of the SEA/RSDEIR be adopted with respect to the work contemplated along the Adjacent Properties.

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7. The SEA/RSDEIR fails to mitigate these severe impacts.

The Draft EIS/EIR clearly acknowledges the substantial impacts that the Temporary Construction Easement and the Project construction would cause, even though it provides no effective mitigation measures. The Draft EIS/EIR offers several conclusory mitigation measures, none of which provides any specifics, particularly with respect to the Adjacent Properties. For example, page 3-52 of the Draft EIS/EIR states that "Bus lines that would be affected by lane closures due to construction activities would continue to operate where feasible in the remaining traffic lanes." Unless the Temporary Construction Easements on both sides of Flower Street and on 5th Street in the vicinity of the existing bus stops are strictly limited in scope and purpose as described in the meeting with LACMTA representatives on August 22, 2011, and all due care and attention is given to assure that access is provided to these stops at all times, there may be no access to buses whatsoever in this area for the period that the Temporary Construction Easements are in effect. The Draft EIS/EIR further states that "Bus stops that would be affected by sidewalk construction would be temporarily relocated and construction activities would be phased to consider the maintenance of bus service and minimize disruption." For the same reasons, this statement is more of a goal than a feasible mitigation. CEQA, including, for example, Sections 21002 and 21003.1, and CEQA Guidelines Sections 15126 through 15126.4, require that all feasible mitigation measures be adopted to address significant impacts; deferral of analysis and determination of mitigation is not allowed.

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Additionally, an EIR is required to analyze alternatives that could achieve the project's goals but mitigate significant adverse impacts. If there were any intent to use either the Temporary Construction Easement or the Potential Revised Temporary Construction Easement for staging or other purposes that would obstruct or impede vehicles or pedestrians, then we believe that LACMTA should consider the alternative of conducting all such activities on the Maguire Gardens, which would reduce a number of the significant impacts without creating as many impacts itself. The Maguire Gardens would not require extensive infrastructure demolition (except for one restaurant), would not cause substantial impacts to access and fire safety, and would more easily be reconstructed after the Temporary Construction Easement terminates. Operation budgets for the Maguire Gardens are provided by the City of Los Angeles and could be redirected during the easement period. Based on the meeting with LACMTA representatives on August 22, 2011, we understand that the Potential Revised Temporary Construction Easement on the Adjacent Properties will not be used in any manner that would obstruct access (other than the potential impairment from a grade differential discussed above), so that the need to consider an alternative location for the Temporary Construction Easement or Potential Revised Temporary Construction Easement may not be necessary. If our understanding is incorrect, or if LACMTA's plans change, then due consideration should be given to this alternative, regardless of whether the Maguire Gardens is considered a "park" and therefore not subject to the

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same standards of review in terms of disruption by the Project. We noted in our meeting that it would be much more disruptive, and cause much more significant economic harm, to obstruct the Adjacent Properties than it would be to obstruct the Maguire Gardens.

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8. The SEA/RSDEIR does not acknowledge or analyze all of the operational impacts of the Regional Connector.

The SEA/RSDEIR makes material changes to the LPA, but fails to analyze the impacts of those changes. First, the previously planned Flower/5th/4th Street station has been eliminated, and a traction power substation is now included along Flower between 4th and 5th Streets (p. 2-2; see also p. 2-34); however, the SEA/RSDEIR makes clear that the Flower/5th/4th Street station could still be considered as a future project (p. 2-7). Since this station is a foreseeable consequence of the LPA, its impacts must be analyzed in conjunction with the impacts of the LPA with the other changes to the LPA identified in the SEA/RSDEIR.

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As noted above, TPG strongly believes that the station at Flower/5th/4th Street is critical to the utility of the Regional Connector and fundamental to the usefulness of the subway system to serve the many thousands of visitors and employees located within the immediate vicinity of this location. The proposed cut and cover construction along Flower Street near the Adjacent Properties will cause our property significant inconvenience and disruption while not providing any of the benefits of the originally proposed station at Flower/5th/4th Street. TPG would accept the necessity of using cut and cover construction on Flower Street if LACTMA were building the station at Flower/4th/5th Street. However, TPG objects to use of the cut and cover construction in front of the Adjacent Properties if no such station is being constructed. If that station will not be provided, then TPG believes that LACMTA should use the tunnel boring machine to continue tunneling south under Flower Street past 6th Street, at which point a machine access point can be created, with cut and cover construction to continue south on Flower Street to the existing tracks adjacent to the 7th Street Metro Station. TPG believes that there is sufficient distance to allow for the necessary elevation changes from the 7th Street Metro level to the planned depth of the subway tunnels without using cut and cover methods in front of the Adjacent Properties. At the August 22, 2011 meeting, when the subject of using the tunnel boring machine was raised for the segment of Flower Street near our Adjacent Properties, the LACMTA representatives stated that existing tie-backs in the street bed would require higher costs to remove if the tunnel boring machine were used. TPG believes that the circulated studies have not adequately analyzed the alternative of using the tunnel boring machine for this segment of the work as compared to the costs and disruption of the cut and cover technique, especially in the context of the elimination of the station at Flower/5th/4th Streets.

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Second, the LPA appears to include a pocket track, which could also serve as a crossover, located beneath Flower Street between 5th and 6th Streets, which the SEA/RSDEIR states would allow for a new possible future station at this location as a separate project (pp. 2-2, 2-34). Since this new station is a foreseeable consequence of the LPA, its impacts must be analyzed in conjunction with the impacts of the LPA with the other changes to the LPA identified in the SEA/RSDEIR. (See, e.g., *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 396 [an EIR must analyze a "project" defined to include not only the current project, but also future phases of, and other foreseeable consequences of, the initially approved project]; see also, CEQA § 21065 ["project" under CEQA is defined as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment"].) As discussed, TPG understands from the August 22, 2011 meeting that the location of the pocket track in this area is being reconsidered in the final plans, but that even with the relocation of the pocket track, a station could be constructed at Flower/5th/4th Streets.

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Third, the SEA/RSDEIR states that an enhanced pedestrian walkway has been added to the LPA. However, the SEA/RSDEIR contains only a few sentences describing the walkway - about the length of the walkway - but includes no discussion or analysis of its construction, its construction and operational impacts, or even how it will be accessed, or any other details, ***other than to indicate that it will require removing at least one traffic lane from the west side of Flower Street***, which is evidence of a significant impact in and of itself. Other details, such as access to and from the walkways, particularly for handicapped patrons, and other potential impacts are simply not discussed. Additionally, as first mentioned in the first bullet point on Page 2-1 of the SEA/RSDEIR, the reference to the west side of Flower Street is inconsistent with the enhanced pedestrian walkway on the east side of Flower Street, as shown on the Exhibit. Please correct this reference in the Final EIS/EIR to remove any confusion.

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While TPG's clear preference is for the station to be built at Flower/5th/4th Streets, TPG is supportive of plans to improve pedestrian access from the vicinity of the Adjacent Properties to the 7th Street Metro Station if no station will be built on Flower Street. However, there is no question that this walkway will create significant impacts. To accommodate this enhanced walkway, one traffic lane would be removed from the east side of Flower Street between 4th and 6th Streets. The Draft EIS/EIR acknowledged that the removal of one traffic lane from the east side of Flower Street between 4th and 6th Streets needed for the now-eliminated station would result "in increased intersection congestion along this intersection of Flower Street" (p. 3-43). Despite the fact that the SEA/RSDEIR now removes the same traffic lane from the east side of Flower Street for a different purpose, it does not acknowledge any such significant impact. In fact, it states that it would be a future station at Flower/5th/4th Streets that would require eliminating one traffic lane from the east side of Flower Street in the future. It is unclear how a future station at

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Flower/5th/4th Streets would impact the widened sidewalk that is being contemplated on the east side of Flower. We believe that the SEA/RSDEIR requires more clarity to avoid any implication that more than one of the existing lanes of Flower Street would be eliminated

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Again, CEQA, including Sections 21002 and 21003.1, and CEQA Guidelines Sections 15126 through 15126.4, require that an EIR identify all significant impacts and feasible mitigation measures to reduce those impacts to a less than significant level; deferred analysis and determination of mitigation is not allowed.

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Compensation

Under California eminent domain law, LACMTA is, of course, required to compensate TPG for the value of the final Temporary Construction Easement that may be taken and to pay severance damages for the impact of the taking on the remainder of the parcel, which would include the entire City National Plaza and Towers. The potential impacts on the tenants and visitors to the City National Plaza and Towers could be very substantial unless the scope and purpose of the Temporary Construction Easement are tightly restricted as described for the Potential Revised Temporary Construction Easement above. Use of the Temporary Construction Easement for anything other than preserving vehicular and pedestrian access and for separating pedestrians on the sidewalks from the street work by K-rails and fences along the specific areas of the property line that were discussed in the meeting with LACMTA would potentially disrupt the ability of tenants and visitors to use the stores, restaurants, offices and parking in City National Plaza and Towers, and the parking at J-2 Garage in a normal fashion, as a result of impaired access, noise and vibration from work that is contemplated immediately adjacent to the stores, restaurants and offices in City National Plaza and Towers.

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Any such disruption to our tenants will give rise to claims by those tenants that such disruption has caused them to incur damages. Moreover, prospective new tenants will likely consider several years of disruption and inconvenience to be a major impediment to entering into a lease at our property. Downtown office space is currently quite competitive and lessees have a wide range of choices. It is possible, even likely, that any disruptive work adjacent to or on City National Plaza and Towers will cause potential lessees to divert to other spaces in the area instead of leasing at the City National Plaza and Towers.

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The impairment of TPG's existing leases and the loss of even one or two new leases could reasonably cause tens of millions of dollars in damages to TPG, all of which would be compensable as severance damages by the taking of the Temporary Construction Easement, if such easement permits any obstruction or impairment of access to the property by tenants or visitors. Such severance damages would add substantially to the cost of the Regional

Connector Project, and unnecessarily so, since the impacts of any such disruptive uses of the Temporary Construction Easement in other areas would be significantly less.

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For all of these reasons, TPG respectfully requests that we be an active participant in the specific planning for use of the final Temporary Construction Easement along the Adjacent Properties as well as in the implementation of the mitigation measures associated with the actual work. We request that the general contractor for the Regional Connector be required to consult and coordinate with TPG with respect to all of the work done on and below Flower Street and 5th Street along the Adjacent Properties, so that TPG is assured that the necessary mitigation measures will actually be implemented during the work. As owner and property manager of two properties whose operations, employees, tenants, patrons, guests and visitors will be directly, and negatively, impacted by construction of any of the alternatives, and given the extreme reliance on the functionality of both 5th Street and Flower Street, TPG has a vested interest in minimizing the short term impacts of the construction. As indicated above, TPG expects to be intimately involved during the planning phases to ensure that LACMTA provides all feasible mitigation measures to reduce construction impacts and effects in the vicinity of the Adjacent Properties.

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In summary:

- TPG requests that the Project be constructed using the tunnel boring technique along the Adjacent Properties, avoiding the surface impacts on the access to, and desirability of, the Adjacent Properties that would result from cut and cover construction.
- TPG requests that the proposed station at Flower/5th/4th Street be reinstated in the planning for the Project and be constructed as part of the Project, in which case TPG would accept the cut and cover construction in the area of the station.
- If cut and cover construction is used on Flower Street, the steel plates that cover the construction area should be installed at existing grade level to avoid any grade differential between existing sidewalk and Flower Street levels and the level of the construction area, so that vehicles and pedestrians have safe and unobstructed access to and from the Adjacent Properties.
- The noise and vibration from the construction under Flower Street should be mitigated by appropriate measures to minimize the impact on the tenants and visitors in our subterranean retail area.
- The potential harm to the Adjacent Properties from the tunneling and construction should be minimized by appropriate mitigation measures.

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- The Temporary Construction Easement should be strictly limited to the area along the property line of the Adjacent Properties that is required for the installation of any necessary K-rails to protect pedestrians from the construction area. If cut and cover construction is used and the steel plates are installed at existing grade level, no ramping would be required at the mid-block crosswalk or at the bus stop and sidewalks. TPG is very concerned about the impact of any grade differential created by the construction and the resulting need for ramps at each garage ramp and pedestrian access point, which may cause safety issues and interfere with the access to and from the Adjacent Properties during all of the hours that our businesses are operating.
- The traffic impacts from the construction on Flower Street and the proposed reduction in the number of traffic lanes on Flower Street should be more carefully studied and mitigated.
- TPG should be consulted with in the design of the final mitigation measures and should be provided with updated plans for the Project that confirm both the limited scope of the Potential Revised Temporary Construction Easement as well as the relocation of the pocket track away from Flower Street.

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Thank you for your consideration of our concerns and our requests. TPG looks forward to working with LACMTA for the long-term success of the Regional Connector Project.

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Sincerely,

THOMAS PROPERTIES GROUP, INC.



Thomas S. Ricci
Executive Vice President

TSR/ct

cc: Martha Welborne, Los Angeles Metropolitan Transit Authority
Paul S. Rutter, Thomas Properties Group, Inc.
Ayahlushim Getachew, Thomas Properties Group, Inc.
Alix Wisner, Thomas Properties Group, Inc.

R-BU4

Responses to Comments from Thomas Properties Group, Inc., Ricci, Thomas S.

Response to Comment R-BU4-1

Thank you for the information regarding the properties. As written in the 2011 CEQA guidelines §15088.5(f)(2):

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Also, per 23 CFR 771.130(b), an Environmental Assessment may be prepared to assess the impacts of changes, new information, or new circumstances and to ascertain the significance of any new impacts. Sections containing significant new information were recirculated as part of the Supplemental EA/Recirculated Draft EIR Sections. Sections that were not recirculated do not contain significant new information. Responses to comments from the Thomas Properties Group (TPG) on the Supplemental EA/Recirculated Draft EIR Sections below are provided in context with both the Supplemental EA/Recirculated Draft EIR Sections and the Draft EIS/EIR. Responses to Thomas Properties Group's comments received during the Draft EIS/EIR comment period (September 3, 2010 to October 18, 2010) are provided in Volume F-2 of this Final EIS/EIR as responses to comment letters BU30 and BU36.

Response to Comment R-BU4-2

Metro appreciates TPG's support of the Regional Connector project. The Locally Preferred Alternative alignment would run underneath Flower Street, adjacent to the referenced properties. It is Metro's goal to minimize construction impacts to the extent feasible. Metro has made refinements to the Locally Preferred Alternative since publication of the Draft EIS/EIR to minimize the construction impacts of the Regional Connector, as described in Chapter 2, Alternatives Considered, of this Final EIS/EIR. Metro would coordinate construction activities with emergency service personnel to ensure that emergency services and response times are not impacted, as indicated in Section 4.15.4.1 of the Draft EIS/EIR and Section 4.15.4.2 of this Final EIS/EIR. This coordination has been included as mitigation measure number CN-2 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-3

The Metro Board of Directors designated the Fully Underground LRT Alternative, without the Flower/5th/4th Street station, as the Locally Preferred Alternative on October 28, 2010. As indicated in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, the Locally Preferred Alternative would not preclude the

Flower/5th/4th Street station from being built as a separate future project. Neither the Draft EIS/EIR nor the Supplemental EA/Recirculated Draft EIR Sections identify the Flower/5th/4th Street station as a reasonably foreseeable future development. The Locally Preferred Alternative would be fully functional and would fully meet the purpose and need identified in Chapter 1 of the Draft EIS/EIR regardless of whether the Flower/5th/4th Street station is built, thus the ability to construct the Flower/5th/4th Street station does not affect the scope of the project. At this time, while the design of the Regional Connector system would allow construction of the station, no funding has been identified for such a station, and it is therefore not considered a reasonably foreseeable future phase of the Regional Connector. Metro understands the beneficial access and added convenience that a station at this location would provide. The Locally Preferred Alternative includes an enhanced pedestrian walkway that would improve connections to the existing 7th Street/Metro Center Station from the area around 5th and Flower Streets.

Response to Comment R-BU4-4

Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on Thomas Properties Group's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The reduced temporary construction easement would cover areas expected to be required for Americans with Disabilities Act (ADA)-compliant access from the sidewalk to the private property, and access from the roadway to the parking garage and driveways. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences.

Response to Comment R-BU4-5

- A. Raised Deck. Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Concrete deck panels would be used for this activity. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street. Any decking configurations would be designed to safely accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks.

Access to and from the bus stop, shuttle area, and mid-block pedestrian crossing would be accommodated in any decking configuration.

- B. Garage Access. Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks. The temporary (during construction) roadway configurations will be reviewed with the Los Angeles Department of Transportation (LADOT) for compliance with roadway standards and designed to meet vehicle standards.

Access to and from the bus stop, shuttle area, and mid-block pedestrian crossing would be accommodated in any decking configuration.

Response to Comment R-BU4-6

The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards, including those pertaining to sight lines.

Access to and from the bus stop, shuttle area, and mid-block pedestrian crossing would be accommodated in any decking configuration.

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction.

As shown in mitigation measure number AQ-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), construction activity that affects traffic flow on the arterial system would be primarily limited to off-peak hours, thus minimizing the traffic congestion impacts on Flower Street during construction.

Response to Comment R-BU4-7

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes late-night businesses such as the 24-hour gym. Access to and from the buses, shuttles, 505 Flower retail escalators, and pedestrian bridges would be maintained throughout construction. As indicated in Section 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR, intermittent lane closures would be needed during construction. When a crosswalk is closed due to construction activities, pedestrians would be directed to nearby alternate crosswalks, as indicated in mitigation measure number TR-4 of the Mitigation Monitoring and Reporting Program (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-8

Metro would keep entrances and exits clear of obstructions, and would ensure that adequate exit routes and safe zones are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro would not allow construction activities to impede safe evacuation of the buildings at any time.

Response to Comment R-BU4-9

Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Concrete deck panels would

be used as a temporary deck for vehicles and pedestrians during cut and cover operations on Flower Street. Preference for deck panels to be installed at existing grade level is noted.

Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to safely accommodate pedestrians, the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections.

Response to Comment R-BU4-10

As stated in Section 3.4.1.2 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during their business operating hours throughout construction. This includes businesses with late hours and those that operate 24 hours per day. As stated in Section 4.7.3.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, construction would be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code. The construction contractor would also use best management practices (BMPs) to reduce construction-related noise levels, such as temporary noise barriers, high performance mufflers, portable noise sheds, and other measures indicated in the Noise and Vibration section of the Mitigation Monitoring and Reporting Program (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-11

Some land use types are more sensitive to noise than others. For example, parks, churches, and residences are typically more noise-sensitive than industrial and commercial areas. The noise analysis contained in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR used the Federal Transit Administration noise impact criteria classification of sensitive land uses:

- Category 1: Buildings or parks where low noise is an essential element of their purpose (e.g., amphitheaters and concert pavilions)
- Category 2: Buildings where people normally sleep, including residences, hospitals, and hotels where nighttime sensitivity is assumed to be of utmost importance
- Category 3: Institutional land uses with primarily daytime uses that depend on low noise as an important part of operations (e.g., schools, libraries, churches, theaters, and places of study)

The City National Plaza and Towers is an office land use, which is not considered a sensitive land use. The same applies for the property's restaurant and retail uses.

As indicated in Section 4.7, Noise and Vibration, of this Final EIS/EIR, consistency with the goals of applicable local ordinances and implementation of BMPs would ensure that noise and

vibration levels associated with construction of the Locally Preferred Alternative would not result in a significant adverse noise impact under CEQA or NEPA. Given that the Locally Preferred Alternative would not result in an adverse noise impact during construction, mitigation is not required. The alignment would be constructed beneath Flower Street in the vicinity of the City National Plaza and Towers using cut and cover construction. Cut and cover construction would involve large bulldozers and drill rigs as the main sources of construction vibration. As indicated in Section 4.7, Noise and Vibration, vibration impacts (including ground-borne noise) associated with large bulldozers and drill rigs would be less than significant under CEQA and not substantially adverse under NEPA. Nonetheless, mitigation measures were included in the Supplemental EA/Recirculated Draft EIR Sections which would further reduce annoyance to sensitive land uses caused by ground-borne vibration. Since designation of a Locally Preferred Alternative, mitigation measures have been refined and confirmed for the Locally Preferred Alternative, which are listed in Section 4.7, Noise and Vibration, of this Final EIS/EIR, based on input received during the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections public review periods. Mitigation measures for the Locally Preferred Alternative have been carried forward and included in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-12

The proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The pocket track is being considered for relocation as a refinement to the Locally Preferred Alternative, however that determination has not been made at this time. Only locations that would not create new impacts beyond those disclosed in the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections are under consideration. Locations under consideration would minimize or avoid impacts, or otherwise would not create new impacts. The location will be confirmed during final design.

Response to Comment R-BU4-13

The proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The pocket track is being considered for relocation as a refinement to the Locally Preferred Alternative, however that determination has not been made at this time. Only locations that would not create new impacts beyond those disclosed in the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections are under consideration. Locations under consideration would minimize or avoid impacts, or otherwise would not create new impacts. The location will be confirmed during final design. The comments in the bulleted list are addressed individually in Responses to Comments R-BU4-14 through R-BU4-21, below.

Response to Comment R-BU4-14

Flower Street from 4th Street to the existing tracks just south of 6th Street is highly constrained with existing subsurface tie-backs from previous construction projects that interfere with

tunneling activity. Tunneling activities using a tunnel boring machine south of 4th Street are hindered as existing tie-backs are encountered. Each time a tie-back is encountered, tunneling would halt in order to allow the tie-back to be removed. This constraint renders tunnel boring machine construction not practicable in this area. Also, it would not be feasible to construct the proposed pocket track in this location using a TBM. This is indicated in Section 2.3.6.2 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU4-15

Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Metro will continue to review opportunities to reduce construction impacts and improve schedule. The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards. As part of the Metro Construction Community Relations program, Metro will meet with all business and property owners to confirm access need and to keep the community aware of construction activities prior to initiation. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to safely accommodate pedestrians, the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections.

As stated in Section 3.4.1.2 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during their business operating hours throughout construction. As shown in mitigation measure number AQ-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), construction activity that would affect traffic flow on the arterial system would be primarily limited to off-peak hours, thus minimizing the traffic congestion impacts on Flower Street during construction.

Response to Comment R-BU4-16

Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Metro will continue to review opportunities to reduce construction impacts and improve schedule. Access will be maintained. As part of the Metro Construction Community Relations program, Metro will meet with all business and property owners to confirm access need and to keep the community aware of construction activities prior to initiation. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to safely accommodate pedestrians, the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections. Impacts to pedestrian circulation during

construction, such as temporary sidewalk closures and changes to pedestrian flow, are discussed in Section 3.3.5.1.4 of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU4-17

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction.

Response to Comment R-BU4-18

As discussed in Section 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR, temporary peak period lane closures would be minimal, and temporary off-peak lane closures would be intermittent, so as to minimize traffic circulation impacts during peak times. As included in mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), Metro would maintain traffic flow to the degree feasible. Mitigation measure number TR-9 would ensure that shuttle bus drop-off areas at City National Plaza would be provided throughout construction. Mitigation measure numbers TR-12 and TR-13 would ensure that Metro would maintain access to bus stops, minimize temporary bus stop closures, and ensure that any temporarily closed bus stops are relocated to a nearby location to minimize inconvenience. Similar candidate mitigation measures were also discussed in Sections 3.4.1.1 and 3.4.1.2 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and the Transportation Impacts section of the Mitigation Monitoring and Reporting Program (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-19

Metro does not anticipate construction-related damage to the building. As discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would conduct a pre-construction survey of all structures within 21 feet of anticipated vibration-producing construction activity to verify the building category (type of construction), structural condition, and to provide a baseline for monitoring of ground-borne vibration and the potential for ground-borne vibration to cause damage. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified sensitive structures. These mitigation measures were included in Sections 4.7.4.1 and 4.9.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 and 4.9.4.2.1 of this Final EIS/EIR, and are included as mitigation measure numbers NV-1 and GT-1 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). In the unlikely event that there is damage due to construction, Metro would ensure that any damage caused by construction is repaired to pre-construction survey condition.

Response to Comment R-BU4-20

Please refer to Response to Comment R-BU4-11, above. Section 4.7.5 of the Supplemental EA/Recirculated Draft EIR Sections specifically identified mitigation measures for the Locally Preferred Alternative. This section includes mitigation measures that would be implemented to

ensure to address the potential for noise and vibration impacts in the vicinity of the TPG properties. Since designation of a Locally Preferred Alternative, mitigation measures have been refined and confirmed for the Locally Preferred Alternative, which are listed in Section 4.7, Noise and Vibration, of this Final EIS/EIR, based on input received during the public review periods for the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections. Mitigation measures for the Locally Preferred Alternative have been carried forward and included in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-21

Refinements made to the Locally Preferred Alternative would not create new significant traffic impacts under CEQA or adverse effects under NEPA, or exacerbate impacts beyond what is disclosed in the Draft EIS/EIR. The Draft EIS/EIR analyzed this permanent reduction in traffic lanes on Flower Street in Section 3.3.5.2.2. The same mitigation measures for this lane reduction identified in Section 3.4.2.2.4 of the Draft EIS/EIR have been included in Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure numbers TR-6, TR-7, and TR-8.

Response to Comment R-BU4-22

Mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) contains additional detail about how Metro will meet its commitment to maintain access to businesses (including those on the TPG property) during operating hours, including temporary driveways and signage.

Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. This reduced easement would cover less of the street frontage adjacent to the referenced properties. Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections. The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards.

The construction traffic impacts on Flower Street were adequately analyzed in Section 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measures to address construction traffic impacts were presented in Section 3.4.2.2.4 of the Draft EIS/EIR, and have been adopted in Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred

Alternative (Chapter 8) of this Final EIS/EIR. These mitigation measures would minimize traffic impacts during construction.

Metro would ensure that construction activities do not cause safety hazards. Candidate construction safety measures were included in Section 4.15.4.1 of the Draft EIS/EIR. These mitigation measures have been expanded and incorporated into Section 4.15.4.2.1 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Per the discussion with TPG at the referenced meeting, and as stated in Section 3.4.1.2 of the Draft EIS/EIR and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during their business operating hours throughout construction. This includes late night and 24-hour businesses.

Response to Comment R-BU4-23

The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR do not defer analysis or mitigation. The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR identify the proposed temporary construction easement in Section 4.2.3.5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR. In compliance with CEQA, all proposed activities to be performed on temporary construction easements corridor-wide are clearly defined in a bulleted list in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. These activities were included in the analysis performed in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. In addition to a mapped outline of the location of the proposed easement on within the parcel, Table 4.2-5 provides maximum square footage. Metro plans to use the reduced temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. Mitigation measures identified in Section 4.18.4 of the Draft EIS/EIR and refined and confirmed in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR indicate how Metro would reduce or avoid construction impacts.

Response to Comment R-BU4-24

Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks. The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards.

Mitigation measure number TR-9 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) would ensure that shuttle bus drop-off areas at City National Plaza would be provided throughout construction. Mitigation

measure numbers TR-12 and TR-13 would ensure that Metro would maintain access to bus stops, minimize temporary bus stop closures, and ensure that any temporarily closed bus stops are relocated to a nearby location to minimize inconvenience. Metro would also coordinate any temporary closures and relocations with other affected bus operators. Candidate mitigation measures similar to these final mitigation measures were also discussed in Sections 3.4.1.1 and 3.4.1.2 of the Draft EIS/EIR. Decking configurations used during construction would be designed to accommodate access to and from the bus stop, shuttle, and taxi drop-off areas. This is discussed in Section 4.18.2.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, which states that decking would allow the street to be open while construction activities occur underneath. No impacts to the pedestrian overpass over 5th Street are anticipated, since it would not be blocked or altered by construction activities.

As stated in Section 3.4.1.2 of the Draft EIS/EIR and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during their business operating hours throughout construction. This includes the office towers and garages.

Mitigation measures identified in Section 4.18.4 of the Draft EIS/EIR and refined and confirmed in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR indicate how Metro would reduce or avoid construction impacts.

Response to Comment R-BU4-25

The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR do not defer analysis or mitigation. The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR identify the proposed temporary construction easement in Section 4.2.3.5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR. In compliance with CEQA, all proposed activities to be performed on temporary construction easements corridor-wide are clearly defined in a bulleted list in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. These activities were included in the analysis performed in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. The Draft EIS/EIR and Final EIS/EIR fully disclose that reduction of access to properties along the proposed alignment would be a potential construction impact of the Locally Preferred Alternative in Section 4.3.3.5.

Feasible mitigation measures to address these impacts exist, were proposed as candidate measures in the Draft EIS/EIR, and have been committed to in this Final EIS/EIR. Mitigation measures to address the impacts of the activities to be performed on the temporary construction easements corridor-wide are identified in Section 4.18.4.3 of the Draft EIS/EIR and have been refined and confirmed as committed mitigation measures in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. Mitigation measures to address property and business access are proposed in Section 4.3.4 and 3.4.1.4 of the Draft EIS/EIR and have been refined and confirmed as

committed mitigation measures in Sections 3.4.2 and 4.3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure numbers TR-1, CN-1, CN-2, CN-3, CN-4, CN-5, CN-6, DR-4, and DR-5. Metro would ensure that any further refinements made to the Locally Preferred Alternative during the final design phase of the project do not create new significant impacts under CEQA or adverse effects under NEPA, or worsen impacts beyond what is disclosed in the EIS/EIR. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

Response to Comment R-BU4-26

The limitation of comments to the contents of the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections is noted.

Response to Comment R-BU4-27

Metro is aware of the vehicular access and egress points on the property. Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections. The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards.

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes both of the City National Plaza office towers. Metro would keep entrances and exits clear of obstructions, and would ensure that adequate exit routes and safe zones are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro would not allow construction activities to impede safe evacuation of the buildings or access for emergency personnel at any time.

It may not be possible to keep all vehicular entrances to garages open at all times during operating hours, but Metro would ensure that access is provided via other vehicular entrances during those times as part of its goal to maintain access to businesses. Metro would coordinate with garage owners to ensure safety and minimize inconvenience.

Response to Comment R-BU4-28

Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower

Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections. The temporary (during construction) roadway configurations will be reviewed with LADOT for compliance with roadway standards and designed to meet vehicle standards. As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This applies to parking garages, including those that operate 24-hours a day. It may not be possible to keep all vehicular entrances to garages open at all times during operating hours, but Metro would ensure that access is provided via other vehicular entrances during those times so that the garages can continue to operate. Metro would coordinate with garage owners to ensure safety and minimize inconvenience.

Response to Comment R-BU4-29

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes both of the City National Plaza office towers. Access would be ADA-compliant. Any decking configuration would be designed to accommodate the mid-block crosswalk on Flower Street between 5th and 6th Streets, as well as pedestrian crossings at intersections.

Response to Comment R-BU4-30

The Draft EIS/EIR and this Final EIS/EIR state that reduction of access to properties along the proposed alignment would be a potential construction impact of the Locally Preferred Alternative in Section 4.3.3.5. As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes access to B Level businesses. No restaurants or other businesses on the referenced property would be required to close as part of construction activities. No changes to this potential impact have occurred since its analysis in the Draft EIS/EIR, so it was not necessary to repeat this discussion in the Supplemental EA/Recirculated Draft EIR Sections.

Response to Comment R-BU4-31

The access to and from the pedestrian overpasses would thereby be maintained during construction through the use of temporary ramps and K-rail. Safe pedestrian access would be provided at all times. Transportation impacts during construction, including those to pedestrian circulation, are described in Section 3.3.5.1 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measures to address these impacts were included in Section 3.4.1 of the Draft EIS/EIR and have been incorporated into Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU4-32

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes both of the City National Plaza office towers. Metro would keep entrances and exits clear of obstructions, and would ensure that adequate exit routes and safe zones are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro would not allow construction activities to impede safe evacuation of the buildings or access for emergency personnel at any time.

Response to Comment R-BU4-33

Metro would coordinate construction activities with emergency service personnel to ensure that emergency services and response times are not impacted, as indicated in Section 4.15.4.1 of the Draft EIS/EIR. This coordination has been included as mitigation measure number CN-2 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro is aware of the difference in elevation between the plaza level and Figueroa Street and would not allow construction activities to impede access for emergency personnel at any time.

Response to Comment R-BU4-34

Metro is aware of the subterranean location of the B level retail area. Metro would keep entrances and exits clear of obstructions, and would ensure that adequate exit routes and safe zones are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro would not allow construction activities to impede safe evacuation of the retail area or access for emergency personnel at any time.

Response to Comment R-BU4-35

Metro does not allow its buses to double park at bus stops, or to park or stop illegally or unsafely. Potential traffic and transit impacts during construction were discussed in Sections 3.3.5.1.1 and 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measure number TR-9 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) would ensure that shuttle bus drop-off areas at City National Plaza would be provided throughout construction. Mitigation measure numbers TR-12 and TR-13 would ensure that Metro would maintain access to bus stops, minimize temporary bus stop closures, and ensure that any temporarily closed bus stops are relocated to a nearby location to minimize inconvenience. Metro would also coordinate any temporary closures and relocations with other affected bus operators. Similar candidate mitigation measures were also discussed in Sections 3.4.1.1 and 3.4.1.2 of the Draft EIS/EIR. Decking configurations used during construction would be designed to accommodate access to and from the bus stop, shuttle, and taxi drop-off areas.

Response to Comment R-BU4-36

The pocket track is being considered for relocation as a refinement to the Locally Preferred Alternative; however, that determination has not been made at this time. Only locations that would not create new impacts beyond those disclosed in the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections are under consideration. Locations under consideration would minimize or avoid impacts, or otherwise would not create new impacts. The location will be confirmed during final design. If the pocket track is relocated, the width of the tunnel may not change in order to not preclude construction a 5th and Flower Station in the future. Drainage and utility lines would be protected in place or relocated prior to construction in conjunction with mitigation measure numbers CN-11 and GT-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. No damage to adjacent structures is anticipated. As discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would conduct a pre-construction survey of all structures within 21 feet of anticipated vibration-producing construction activity to verify the building category (type of construction), structural condition, and to provide a baseline for monitoring construction effects. This mitigation pertains to both geotechnical and vibration impacts. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified sensitive structures. These mitigation measures were included in Sections 4.7.4.1 and 4.9.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 and 4.9.4.2.1 of this Final EIS/EIR, and are included as mitigation measure numbers NV-1 and GT-1 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). In the unlikely event that there is damage due to construction, Metro would ensure that any damage caused by construction is repaired to pre-construction survey condition.

Response to Comment R-BU4-37

Metro does not anticipate that the proposed construction staging activities would cause damage to the subterranean structures. As discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would conduct a pre-construction survey of all structures within 21 feet of anticipated vibration-producing construction activity to verify the building category (type of construction), structural condition, and to provide a baseline for monitoring construction effects. This mitigation pertains to both geotechnical and vibration impacts. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified sensitive structures. These mitigation measures were included in Sections 4.7.4.1 and 4.9.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 and 4.9.4.2.1 of this Final EIS/EIR, and are included as mitigation measure numbers NV-1 and GT-1 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). In the unlikely event that there is damage due to construction, Metro would ensure that any damage caused by construction is repaired to pre-construction survey condition.

Response to Comment R-BU4-38

Please refer to Response to Comment R-BU4-11, above, and responses to comment letter BU36 in Volume F-2 of this Final EIS/EIR.

The referenced mitigation measures from Section 4.12.1, Cultural Resources – Built Environment, were repeated from Section 4.9, Geotechnical/Subsurface/Seismic/Hazardous Materials. These mitigation measures will be used during construction of the Locally Preferred Alternative to limit ground movement along the entire alignment, not just adjacent to historic resources. Since publication of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, mitigation measures to limit ground movement have been refined and confirmed for the Locally Preferred Alternative, as indicated in Section 4.9.4.2, of this Final EIS/EIR. With implementation of mitigation, impacts associated with ground movement would be reduced to less than significant under CEQA and not substantially adverse under NEPA.

Response to Comment R-BU4-39

Neither the Draft EIS/EIR nor this Final EIS/EIR defers analysis or mitigation. Detailed construction mitigation measures were identified in Section 4.18.4.3 of the Draft EIS/EIR, and have been refined and confirmed to Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. These mitigation measures are adequately specific to address the potential impacts at the referenced properties during construction. The referenced mitigation measures from the Draft EIS/EIR have been included in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure numbers TR-12 and TR-13. Metro would fulfill its commitment to these mitigation measures by staggering construction activities so as to maintain bus access. Not all construction activities would occur simultaneously. Temporary re-routing of bus service would be necessary, as discussed in Section 3.3.5.1.1 of the Draft EIS/EIR and this Final EIS/EIR. Temporary alternate stops would be established in accordance with mitigation measure numbers TR-12 and TR-13, and all parts of the project area would have continuous access to bus service during construction via the alternate stops. As a result of refinements made since publication of the Supplemental EA/Recirculated Draft EIR Sections, the temporary construction easements at APNs 5151-023-400 and 5151-018-017 have been reduced in size, as shown in Table 4.2-5 and the parcel data table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. This would allow more curb space for bus stop use along Flower Street during construction. As a key operator of bus service in the area, Metro has determined that the construction mitigation measures pertaining to bus service are feasible, and has committed to their implementation in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU4-40

Based on the analysis presented in the Draft EIS/EIR, Metro believes that the Locally Preferred Alternative is the least impactful build alternative. Consistent with Metro's continuing goal to minimize construction impacts, Metro has refined the Locally Preferred Alternative since publication of the Draft EIS/EIR to reduce cut and cover construction, reduce acquisitions of private property, and further minimize construction impacts, as discussed in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final

EIS/EIR. Chapter 2 also shows other alternatives studied, each with a unique construction scenario on Flower Street. As a result of refinements made since publication of the Supplemental EA/Recirculated Draft EIR Sections, the temporary construction easements at APNs 5151-023-400 and 5151-018-017 have been reduced in size, as shown in Table 4.2-5 and the parcel data table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. This includes the referenced properties.

As discussed in Chapter 5, Section 4(f) Evaluation, of the Draft EIS/EIR and this Final EIS/EIR, Maguire Gardens is a public park space. Since the Regional Connector would be partially funded by the United States Department of Transportation, it is subject to the federal USDOT Act of 1966. Section 4(f) of this act prohibits use of public parks for transportation projects, unless no feasible and prudent avoidance alternative exists. Based on the findings of the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections, there are no constraints that would render temporary construction easements across the identified portions of APNs 5151-023-400 and 5151-018-017 not feasible and prudent. As such, the USDOT Act of 1966 would not allow the use of Maguire Gardens as part of the Regional Connector project. Metro has included mitigation measures in the Mitigation Monitoring and Reporting Program to minimize and avoid construction impacts associated with temporary construction easements, as noted in the responses to comments above.

Response to Comment R-BU4-41

The Metro Board of Directors designated the Fully Underground LRT Alternative, without the Flower/5th/4th Street station, as the Locally Preferred Alternative on October 28, 2010. However, the impacts of a station at this location were analyzed in the Draft EIS/EIR as part of the Fully Underground LRT Alternative and the Underground Emphasis LRT Alternative. As indicated in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, the Locally Preferred Alternative would not preclude the Flower/5th/4th Street station from being built as a separate future project. Neither the Draft EIS/EIR nor the Supplemental EA/Recirculated Draft EIR Sections identify the Flower/5th/4th Street station as a reasonably foreseeable future development. The Locally Preferred Alternative would be fully functional and would fully meet the purpose and need identified in Chapter 1 of the Draft EIS/EIR regardless of whether the Flower/5th/4th Street station is built. A separate NEPA/CEQA process would be completed as necessary should a future separate Flower/5th/4th Street station project be undertaken.

The proposed Flower/5th/4th Street station would have included a traction power substation (TPSS) in an ancillary room. Construction of the TPSS would not preclude a station from being built in this location as a separate future project. TPSS construction would be consistent with the description of cut and cover construction in Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU4-42

Support for the Flower/5th/4th Street station is noted. As indicated in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, the Locally Preferred Alternative would not preclude the Flower/5th/4th Street station from being built as a separate future project. Flower Street from 4th Street to the existing light rail tunnel just south of 6th Street is highly constrained with existing subsurface tie-backs from previous construction projects that would interfere with tunneling activity. Tunneling activities south of 4th Street presents additional issues of removing tie-backs as well as retrieving the tunnel boring machine from under Flower Street at 6th Street which is the narrower part of Flower Street. Tunneling activities using a tunnel boring machine south of 4th Street would not be practicable due to the need to remove tie-backs ahead of the tunnel boring machine. As such, cut and cover construction, as identified in Figure 2-13 of the Draft EIS/EIR and Figure 2-16 of this Final EIS/EIR, is continuing to be pursued in this location. Using tunnel boring machine construction would also create some challenges on the ability of not precluding a 5th and Flower station as the alignment would be changed from a box structure to separate bored tunnels.

Response to Comment R-BU4-43

The referenced language in the introduction to Chapter 2, Alternatives Considered, and in Section 2.3.6.2 has been clarified since publication of the Supplemental EA/Recirculated Draft EIR Sections. The pocket track beneath Flower Street between 5th and 6th Streets would not preclude a possible future station from being constructed beneath Flower Street between 4th and 5th Streets as a separate project. Neither the Draft EIS/EIR nor the Supplemental EA/Recirculated Draft EIR Sections identify the Flower/5th/4th Street station as a reasonably foreseeable future development. The Locally Preferred Alternative would be fully functional and would fully meet the purpose and need identified in Chapter 1 of the Draft EIS/EIR regardless of whether the Flower/5th/4th Street station is built. A separate NEPA/CEQA process would be completed as necessary should a future separate Flower/5th/4th Street station project be undertaken.

Response to Comment R-BU4-44

This language has been corrected in Chapter 2, Alternatives Considered, of this Final EIS/EIR. The traffic lane would be removed from the east side of Flower Street, as shown in Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and this Final EIS/EIR, Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections, and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The proposed walkway would include a widened sidewalk, landscaping, and potentially additional pedestrian and bicycle facilities. The walkway would be similar in character to the previously proposed Flower/5th/4th Street station entrance, and would occupy the same location. The impacts and mitigation measures associated with lane removal for the station entrance would be the same for the walkway. The Draft EIS/EIR and this Final EIS/EIR analyzed this permanent lane reduction on Flower Street in Section 3.3.5.2.2. The same mitigation measures for this lane reduction identified in Section 3.4.2.2.4 of the Draft EIS/EIR have been included in Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure numbers TR-6, TR-7, and TR-8. All Regional Connector facilities would comply with the ADA, as discussed in Section 4.15.4.2 of the Draft EIS/EIR. This commitment has also been included in

Section 4.15.4.2.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure number SS-8.

Response to Comment R-BU4-45

Impacts of the enhanced pedestrian walkway and the associated lane removal would be the same as those analyzed in Section 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR. The same mitigation measures for this lane reduction identified in Section 3.4.2.2.4 of the Draft EIS/EIR have been included in Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR as mitigation measure numbers TR-6, TR-7, and TR-8. No significant new information has been added to Chapter 3, Transportation Impacts and Mitigation, since publication of the Draft EIS/EIR; therefore, it was not included in the Supplemental EA/Recirculated Draft EIR Sections. As it did in the Draft EIS/EIR, Chapter 3 continues to acknowledge the significant impact under CEQA and adverse effect under NEPA of removing a traffic lane from Flower Street for the Regional Connector in this Final EIS/EIR in Section 3.3.5.2.2. If the Flower/5th/4th Street station is built as a separate future project, the entrance could fit within the enhanced pedestrian walkway with no further lane removals required. The Supplemental EA/Recirculated Draft EIR Sections does not say that further lane removal would be required to accommodate a separate future Flower/5th/4th Street station project.

Response to Comment R-BU4-46

The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR do not defer analysis or mitigation. Please see Responses to Comments R-BU4-41 through R-BU4-45, above.

Response to Comment R-BU4-47

Since the Regional Connector would be partially funded by the United States Department of Transportation, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) would apply instead of the California Relocation Act, as discussed in Section 4.2.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. Metro would compensate TPG for the temporary construction easements in accordance with the Uniform Act.

In compliance with CEQA, all proposed activities to be performed on temporary construction easements corridor-wide are clearly defined in a bulleted list in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. These activities were included in the analysis performed in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. Mitigation measures to address the impacts of the activities to be performed on the temporary construction easements corridor-wide are identified in Section 4.18.4.3 of the Draft EIS/EIR and have been refined and confirmed as committed mitigation measures in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU4-48

The temporary construction easement identified in the revised right of way plan would be used to preserve vehicular and pedestrian access and for separating pedestrians on the sidewalks from the street work by K-rails and fences.

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. In compliance with CEQA, all proposed activities to be performed on temporary construction easements corridor-wide are clearly defined in a bulleted list in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. These activities were included in the analysis performed in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. In addition to a mapped outline of the location of the proposed easement on within the parcel, Table 4.2-5 provides maximum square footage. Metro plans to use the reduced temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians on the sidewalks from street work by K-rail and fences. Mitigation measures identified in Section 4.18.4 of the Draft EIS/EIR and refined and confirmed in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR indicate how Metro would reduce or avoid construction impacts.

Response to Comment R-BU4-49

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. It is Metro's goal to minimize disruption and inconvenience stemming from construction activities. Refinements to the Locally Preferred Alternative have reduced the size of the proposed temporary construction easement on TPG's property to 3,960 square feet, as shown in Table 4.2-5 and the parcel data table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. It is unlikely that this type of temporary activity on the easement, intended to preserve safe pedestrian access to the property, would cause substantial disruption. Mitigation measures to address the impacts of the activities to be performed on the temporary construction easements corridor-wide are identified in Section 4.18.4.3 of the Draft EIS/EIR and have been refined and confirmed as committed mitigation measures in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Construction staging areas have been identified on portions of both of the non-park plazas in the vicinity of 5th and Flower Streets (APNs 5151-023-400 and 5151-018-017), as shown in Table 4.2-5 and the parcel data table in Appendix R-1, Locally Preferred Alternative Drawings, of the

Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR, and Table 4.2-5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and this Final EIS/EIR. All other properties along the alignment in the vicinity of 5th and Flower Streets are occupied by aboveground structures or precluded from use by Section 4(f) of the USDOT Act of 1966, thus rendering them unsuitable for temporary construction easements.

Response to Comment R-BU4-50

Metro will continue its ongoing coordination with TPG throughout the planning, design, and construction phases of the project, and will involve the construction contractor as needed to ensure effective implementation of the mitigation measures in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro recognizes the importance of Flower and 5th Streets to the operation of TPG's properties. It is Metro's goal to minimize construction impacts, as demonstrated by the extent of measures included in the Mitigation Monitoring and Reporting Program, which include adequate mitigation measures to reduce or avoid significant environmental impacts under CEQA and adverse effects under NEPA. As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction.

Response to Comment R-BU4-51

Flower Street from 4th Street to the existing light rail tunnel just south of 6th Street is highly constrained with existing subsurface tie-backs from previous construction projects that would interfere with tunneling activity. Tunneling activities using a tunnel boring machine south of 4th Street would not be practicable due to the need to remove tie-backs ahead of the tunnel boring machine. Tunnel boring would also preclude a future Flower/5th/4th Street station due to the separate bored tunnels instead of a box structure.

As such, cut and cover construction, as identified in Figure 2-13 of the Draft EIS/EIR and Figure 2-16 of this Final EIS/EIR, is continuing to be pursued in this location. As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction.

Response to Comment R-BU4-52

The Metro Board of Directors designated the Fully Underground LRT Alternative, without the Flower/5th/4th Street station, as the Locally Preferred Alternative on October 28, 2010. As indicated in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, the Locally Preferred Alternative would not preclude the Flower/5th/4th Street station from being built as a separate future project. As noted in Response to Comment R-BU4-51 above, tunnel boring machine construction would not be practicable due to the presence of tie-backs in the area. This segment of the alignment is identified for cut and cover construction in Figure 2-13 of the Draft EIS/EIR, Figure 2-14 of the Supplemental EA/Recirculated Draft EIR Sections, and Figure 2-16 of this Final EIS/EIR. As shown in Figure 2-

14 of the Supplemental EA/Recirculated Draft EIR Sections and Figure 2-16 of this Final EIS/EIR, Metro has reduced the amount of cut and cover construction required on Flower Street since publication of the Draft EIS/EIR. Cut and cover would no longer be needed between 3rd and 4th Streets.

Response to Comment R-BU4-53

Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Concrete deck panels would be used as a temporary deck for vehicles and pedestrians during cut and cover operations on Flower Street. Preference for deck panels to be installed at existing grade level is noted.

Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to safely accommodate pedestrians, the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections.

Response to Comment R-BU4-54

Please refer to Response to Comment R-BU4-11, above.

Response to Comment R-BU4-55

As shown in Figure 2-14 of the Supplemental EA/Recirculated Draft EIR Sections and Figure 2-16 of this Final EIS/EIR, the Locally Preferred Alternative would not involve tunneling adjacent to the referenced TPG properties. These segments of the alignment would be constructed using cut and cover construction. Metro does not anticipate that the proposed construction would cause damage to adjacent structures. As discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would conduct a pre-construction survey of all structures within 21 feet of anticipated vibration-producing construction activity to verify the building category (type of construction), structural condition, and to provide a baseline for monitoring construction effects. This mitigation pertains to both geotechnical and vibration impacts. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified sensitive structures. These mitigation measures were included in Sections 4.7.4.1 and 4.9.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 and 4.9.4.2.1 of this Final EIS/EIR, and are included as mitigation measure numbers NV-1 and GT-1 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Detailed construction mitigation measures are also identified in Section 4.18.4.3 of the Draft EIS/EIR, and have been refined and confirmed in Section 4.18.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. In the unlikely event that there is damage due to construction, Metro would ensure that any damage caused by construction is repaired to pre-construction survey condition.

Response to Comment R-BU4-56

Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. In compliance with CEQA, all proposed activities to be performed on temporary construction easements corridor-wide are clearly defined in a bulleted list in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. These activities were included in the analysis performed in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. Concrete deck panels would be used as a temporary deck for vehicles and pedestrians during cut and cover operations on Flower Street. Preference for deck panels to be installed at existing grade level is noted.

Any decking configurations would require construction of ADA-compliant ramps and accesses as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Any decking configurations would be designed to safely accommodate pedestrians, the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks as indicated in the same sections.

Response to Comment R-BU4-57

The construction traffic impacts on Flower Street were adequately analyzed in Section 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR. The permanent reduction of traffic lanes on Flower Street is also adequately analyzed in Section 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR. Since no significant new information regarding these impacts resulted from refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR, no repetition of this discussion was required in the Supplemental EA/Recirculated Draft EIR Sections. Traffic circulation analysis was performed using the methodology presented in Section 3.1.2 of the Draft EIS/EIR and this Final EIS/EIR. As indicated in Section 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR, significant increases in delay would occur at one intersection during the AM peak hour, and three intersections during the PM peak hour. Sufficient feasible mitigation measures are included in the Draft EIS/EIR to reduce these impacts below the level of significance except at one intersection during the AM peak hour. As shown in Figure 3-16 of the Draft EIS/EIR and this Final EIS/EIR, the 4th and Flower Streets intersection would continue to experience a significant decrease in performance after mitigation during the AM peak hour. Mitigation measures to address both construction and operation traffic impacts are presented in Sections 3.4.1.2 and 3.4.2.2.4 of the Draft EIS/EIR, and have been refined and confirmed in Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU4-58

Metro will coordinate with the community, including TPG, regarding construction activities through the Regional Connector Community Leadership Council, as provided in mitigation measure numbers CN-4 and CN-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). It is Metro's goal to provide timely information to stakeholders.

Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed temporary construction easement on TPG's property has been reduced, consistent with Metro's continuing goal to minimize construction impacts and the use of private property. This reduction is reflected in Table 4.2-5 and the parcel impacts table in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The proposed activities to be performed on temporary construction easements corridor-wide are discussed in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. Metro plans to use the temporary construction easement on TPG property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences.

Response to Comment R-BU4-59

Thank you. Metro also looks forward to continued coordination with TPG throughout the project process.

Little Tokyo Community Council

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Little Tokyo Business Association

Little Tokyo Business Improvement District
200 S. San Pedro St., #400B
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August 29, 2011

Mr. Diego Cardoso
Executive Officer, Countywide Planning and Development
METRO
One Gateway Plaza
Los Angeles, CA 90017

Dear Mr. Cardoso:

On behalf of the Little Tokyo Community Council, Little Tokyo Business Association and the Little Tokyo Business Improvement District, we take this opportunity to reiterate in writing priority and outstanding concerns of the Little Tokyo community related to the Regional Connector transit project, and to ensure inclusion of our concerns as public commentary.

1

The refined alignment does not fully mitigate impacts of four years of construction to small independent businesses and community/cultural institutions that define the cultural character of Little Tokyo. Loss of business and patronage due to perceived or real accessibility into the Little Tokyo area will negatively impact these entities that operate within modest margins of profitability or depend upon patronage and donations.

2

We have identified key areas previously and are dismayed that they were not specifically addressed in the environmental document: Community Marketing, a Business Interruption Fund, a Community Valet Parking System and a Community Shuttle Bus Service System. We note that the Environmental Assessment and final environmental documents do not address anything beyond the draft environmental documents in this and other areas of concern to our business entities and non-profit community organizations. We are prepared to provide specifics for the Community Marketing, Business Interruption Fund, the Community Valet Parking System and the Community Shuttle Bus Service System in order to support implementation.

3

The structure and responsibilities of the Regional Connector Community Resource Council (RCCRC) were also unaddressed in the environmental document. Previous timeline had announced formation of the Council in early summer 2011.

4

We are anxious to move forward the marketing, business interruption fund, and parking/shuttle bus projects, as well as the formation of the RCCRC, and look forward to discussing all these matters with you in the near future.

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Sincerely,


Little Tokyo Community Council *Chair*


Little Tokyo Business Association
Little Tokyo Business Improvement District

R-BU5**Responses to Comments from the Little Tokyo Business Association and Little Tokyo Business Improvement District; Little Tokyo Community Council, Liu, Wilson; Okamoto, Mike****Response to Comment R-BU5-1**

Metro appreciates this input from the Little Tokyo Community Council and the Little Tokyo Business Improvement District. Responses to the identified concerns are provided in Responses to Comments R-BU5-2 through R-BU5-5 below.

Response to Comment R-BU5-2

Metro recognizes the importance of small independent businesses and community/cultural institutions in Little Tokyo. Metro has developed the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) with input from the Little Tokyo Working Group, Little Tokyo Community Council, and Little Tokyo Business Improvement District. Metro and the Federal Transit Administration (FTA) are fully committed to all mitigation measures in the Mitigation Monitoring and Reporting Program. The Mitigation Monitoring and Reporting Program includes measures to address and minimize loss of business and patronage, and to maintain access to businesses at all times during operating hours. These mitigation measures, developed with input from the community, would reduce the impacts below the level of significance under CEQA and to a not substantially adverse level under NEPA.

Response to Comment R-BU5-3

These concerns are addressed in the Environmental Justice section, Section 4.17 of the Draft EIS/EIR and this Final EIS/EIR. It should be noted that the Environmental Justice section was not included in the Supplemental EA/Recirculated Draft EIR Sections because it contains no significant new information beyond what was included in the Draft EIS/EIR. The Mitigation Monitoring and Reporting Program in this Final EIS/EIR incorporates the specific mitigation measures for the Locally Preferred Alternative that address the issues raised in this comment, such as alternative parking services and targeted marketing services. Both Section 4.17 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) are included in this Final EIS/EIR and contain the specific mitigation measures to address these issues. Metro looks forward to continued coordination with the Little Tokyo community regarding the implementation of the Mitigation Monitoring and Reporting Program mitigation measures.

Response to Comment R-BU5-4

The Regional Connector Community Leadership Council (RCCLC) formation is included in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) as mitigation measure number CN-6. Metro will establish the RCCLC following FTA's issuance of a Record of Decision.

Response to Comment R-BU5-5

Metro looks forward to continued coordination with the Little Tokyo community regarding the implementation of the Mitigation Monitoring and Reporting Program mitigation measures. This coordination, including formation of the RCCLC and further discussions regarding implementation of mitigation measures, would occur following FTA's issuance of a Record of Decision.



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September 2, 2011

Your File No. SCH # 2009031043
Our File No. 231259-000013

Via FedEx

Ms. Dolores Roybal Saltarelli, AICP, Project Manager
Los Angeles County Metropolitan Transportation Authority ("Metro")
One Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012
E-mail: roybald@metro.net, regionalconnector@metro.net

Re: Comments on the Regional Connector Transit Corridor Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Statement/Environmental Impact Report and the Regional Connector Transit Corridor Project Draft Environmental Impact Statement/Environmental Impact Report

Dear Ms. Roybal Saltarelli:

This office represents Hines Interest Limited Partnership, the owner (the "Owner") of Citigroup Center, the 48-story skyscraper located at 444 S. Flower Street, Los Angeles, California 90017 (the "Property"). On behalf of the Owner, this letter constitutes comments on the *Regional Connector Transit Corridor Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Statement/Environmental Impact Report* ("Draft EIR") as well as the *Regional Connector Transit Corridor Project Draft Environmental Impact Statement/Environmental Impact Report* ("Original DEIR") (collectively, the "DEIR").

1

The Property is immediately adjacent to the proposed Regional Connector light rail transit ("LRT") line (the "Project"). The Project and all of the construction alternatives include a construction staging area that would destroy the Property's street-level open air plaza (the "Plaza") during the multi-year construction timeline of 2014 to 2019. See Original DEIR p. 4-362, Draft EIR p. 4.7-12.

The Owner supports improved access and traffic conditions in the area that may eventually occur with the implementation of the Project, but cannot support Metro's proposed take and destruction of the Plaza and replacement of it for several years with construction noise, fumes, increased air pollution, vibration, and other hazards associated with potentially contaminated soil removal and blocked emergency ingress and egress into the Property, none of which has been adequately analyzed or mitigated in the DEIR. While the Owner appreciates the commitments Metro staff made to dramatically

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reduce the size of the temporary construction easement and construction staging area on or adjacent to the Property (the "Revised Construction Design") at the August 22, 2011 meeting,¹ placing a construction staging area in the two easterly lanes of Flower Street adjacent to the Plaza, while substantially better than the destruction of the Plaza described in the DEIR, will still have significant and unavoidable environmental impacts that have not been adequately analyzed or mitigated.² As such, because it is uncertain whether the Revised Construction Design and additional mitigation measures will become part of the Project, the Owner has no choice but to comment on the Revised Construction Design and the Project analyzed and described in the DEIR that would cause significant new construction traffic, noise, air, and aesthetic impacts, among others.

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The approval process for the Project must comply with the California Environmental Quality Act ("CEQA") which requires an applicant not only to disclose environmental impacts to the public, but also to mitigate the significant impacts and consider alternatives that can reduce or eliminate the significant environmental impacts. As a general matter, in several areas critically important to the Owner, Project impacts have not been adequately analyzed or mitigated in the DEIR. In fact, the negative environmental impacts would be significantly more severe than disclosed in the DEIR.

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Consequently, unless Metro irrevocably commits to the Revised Construction Design presented at the August 22, 2011 meeting and agrees to additional enforceable mitigation measures to reduce the construction noise, vibration, air quality and hazard impacts, the Owner requests recirculation of the Draft EIR pursuant to Section 15088.5 of the California Code of Regulations ("CCR") because not only has the public been deprived of a meaningful opportunity to comment on the Project's impacts, it is impossible for the public and decision makers to understand the true environmental impacts of the Project.

1. Legal Inadequacies

Pursuant to Public Resources Code Section 21177(a) which allows public comment on the Project prior to the close of the public hearing, the following is a list of the most significant DEIR legal inadequacies.

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¹ The meeting between the Metro and the Owner occurred to address Project impacts on the Property. Meeting attendees included Ginny-Marie Brideau, Ann Kerman, John S. Prizner, Jr., Dolores M. Roybal Saltarelli, Martha Welborne, Tracey Chavira, Leia Jensen, Jim Bonham, Diego Cardoso, and Girish Roy.

² See the attached "Construction Area Plan Structure Cut and Cover" Site Plan depicting the reduced Temporary Construction Easement and reduced Construction Staging Area that was presented at the 8/22/11 meeting.



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a. Noise Analysis Inadequate

The Project would create substantial temporary or periodic increases in ambient noise levels in the vicinity of the Property above levels existing without the Project. See CEQA Guidelines Appendix G Section XII(d). There is inadequate analysis of these significant environmental impacts.

7

i. The Draft EIR Does Not Adequately Analyze The Noise Impacts Of Construction

The Draft EIR states that construction noise impacts on the Property would be less than significant, even though a construction staging area would be located on the Property or immediately in front of the Property. See Draft EIR p. 10-18. There would be no setback separating the construction staging area and noise and vibration generating activities from the building entrance, offices and restaurants located on the Property. According to p. 2-36 of the Draft EIR, "construction staging areas are locations needed for: equipment storage; construction materials delivery and storage; equipment assembly; materials production; dewatering activities; access roads; construction worker parking; temporary trailer offices; demolition staging; removal of excavated materials; other related activities during the construction period." Thus, these noise and vibration generating activities must be assumed to occur immediately adjacent to the sensitive receptors at the building entrance, offices and restaurants on the Property, whether for the construction staging area on the Property or for the construction staging area proposed in the Revised Construction Design. The analysis in the DEIR only examined noise impacts at 50 feet from the noise source when in fact the impact will occur much closer than analyzed. Draft EIR pp. 4.7-15, 4.7-23 and 4.7-31. With no separation among the noise generating activities of bulldozers, dewatering, and other construction activities and the sensitive receptors both on the Property and across the street at the Bonaventure hotel, the noise impacts have not been adequately disclosed, analyzed and/or mitigated. For example, bulldozers would create 85 dBA of noise at 50 feet from the noise source. Draft EIR p. 4.7-15. As the construction staging area is on the Plaza or in the Flower Street right-of-way pursuant to the Revised Construction Design, bulldozers and other construction equipment would operate much closer than 50 feet to sensitive uses on the Property. Noise impacts will not only be worse than analyzed; when multiple pieces of construction equipment are operated together, they will greatly exceed the thresholds of significance (even though the DEIR does not appear to have analyzed the construction noise impact of multiple pieces of equipment operating simultaneously). In addition, increased noise from

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construction haul trucks does not appear to have been analyzed. Thus, new significant and unavoidable impacts may occur.

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Because the extent of the significant impacts has been greatly underestimated, substantial evidence does not support the conclusion that "consistency with the goals of the applicable local ordinances and implementation of best management practices would ensure that noise and vibration levels associated with construction of the Locally Preferred Alternative ("LPA") would not result in a significant impact." Draft EIR p. 10-18. As described later in this letter, it will be impossible for the Project to be consistent with the Los Angeles Municipal Code ("LAMC") regarding noise generating activities. If a Project with a construction schedule lasting five years, affecting thousands of sensitive receptors along a 1.9 mile route with massive excavation does not have a significant construction noise impact, then it would be highly unlikely that any Project would ever have a significant construction noise impact. Because this significant noise impact was not disclosed, nor was there any analysis as to how the mitigation proposed would reduce impacts to less-than-significant, CEQA requires revision and recirculation of the EIR. See CEQA Guidelines Appendix G Section XII(a).

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ii. City of Los Angeles Significance Thresholds and the LAMC

The DEIR does not place any standard on the acceptable noise limit in the City of Los Angeles. The Draft EIR states that "neither CEQA nor the City of Los Angeles provides quantitative thresholds for a substantial noise impact..." Draft EIR p. 4.7-7. To the contrary, the *LA CEQA Thresholds Guide* states that a project would normally have a significant impact on noise levels from construction if:

"Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; Construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; or Construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at anytime on Sunday."

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These are existing significance thresholds for construction noise in the City of Los Angeles, and it is difficult to understand why Metro has not utilized these City of Los Angeles CEQA thresholds when the Project is in the center of the City. There is no justification for why Appendix G of the State CEQA



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Guidelines and the *LA City CEQA Thresholds* were not followed for noise or other environmental thresholds. There are likely to also be other significant environmental impacts that have not been disclosed or analyzed. The *LA CEQA Thresholds Guide* should be followed because the Project is within the City of Los Angeles, a responsible agency. It must approve a number of discretionary entitlements to allow the Project, such as a haul route and street vacations. If these thresholds were followed, there would be a number of new significant construction noise environmental impacts because construction activities would last more than one day and would exceed ambient exterior noise levels by 10 dBA or more at a noise sensitive use (such as the Plaza and the Bonaventure hotel); construction activities would last more than 10 days in a three month period and would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; and construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive use after 9 p.m. on weekdays and during the weekend prohibited hours. See *LA CEQA Thresholds Guide* p. I.1-3. DEIR Appendix FF ("Construction Impacts") lists these thresholds of significance for noise impacts and it is unclear why the body of the DEIR ignores the analysis of these thresholds.

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In addition, the City of Los Angeles has standards both in the LAMC as well as the General Plan specifying when noise is clearly unacceptable, and these are omitted from the DEIR. The LAMC states that "it is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noise from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed." See LAMC Section 111.00. The high noise level of construction as it relates to the Property and the Plaza, lasting several years, will be excessive and annoying and therefore prohibited by the LAMC. And since the noise levels in the DEIR underestimate the noise levels that will be heard by sensitive receptors (people will be much closer to noise sources than analyzed in the DEIR), the significant impacts will be much worse than analyzed. The EIR fails to disclose this significant impact.

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iii. Noise and Vibration Attenuation Mitigation Measures Are Inadequate

While the Draft EIR states that "construction would be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code," there is nothing to indicate that compliance with goals would make the significant construction noise impacts less than significant. Draft EIR p. 4.7-15. It would be impossible for construction to occur in compliance with LAMC Sec. 41.40(a)'s preclusion of work

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between 9 p.m. and 7 a.m. (Draft EIR p. 4.7-30) since the Draft EIR on p. 4.18.2-6 states that “based on experience with the cut and cover construction of the two underground stations on the Metro Gold Line Eastside Extension, after the shoring system was in place, decking installation occurred in only several weekends with non-stop activity from Friday at 5:00 PM to Monday morning at 6:00 AM with community and local agency approval. Similar progressive staging could be performed for the Regional Connector project...” This internal inconsistency demonstrates that the mitigation measure cannot mitigate the impact, rendering this a new significant and unavoidable impact. Other mitigation measures discussed in the DEIR do not indicate how construction noise levels are brought to a level that is less-than-significant. While Best Management Practices (“BMPs”) are welcome, there is no indication in the Draft EIR how these BMPs would reduce the impact to less-than-significant. *Id.* Merely stating that a mitigation measure reduces the impact to less-than-significant is insufficient when there is no substantial evidence to support the claim that the mitigation measure will reduce the impact to less-than-significant. Punting the analysis on the applicable level of noise makes it impossible for the public to know whether there is a significant impact or how much of a noise reduction is necessary to reduce the impact to less-than-significant. Even if one were to actually believe that these vague measures would be enforceable and implemented, it is uncertain how much these measures would reduce noise heard by sensitive receptors and how they would attenuate noise to a less-than-significant level, especially considering that the construction staging areas will produce noise generating activities much closer to people than assumed in the EIR, including those across the street at the Bonaventure hotel.

Claiming that there would be a Worksite Traffic Control Plan and a Construction Mitigation Program without providing any details as to how the significant and unavoidable environmental impacts would be reduced, or providing standards for reducing the significant environmental impacts (Original DEIR p. 3-55) does not satisfy CEQA’s minimum legal requirements. This constitutes deferred analysis that does not meet the minimum requirements of *Sacramento Old City Association v. City Council* (1991) 229 Cal.App.3d 1011 and *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603. The existing construction mitigation measures are unenforceable and infeasible as they include language such as “to the extent practical,” or “when feasible” without a binding obligation to mitigate. Original DEIR p. 3-55 and Draft EIR p. 4.7-21 to 22. If a mitigation measure turns out to not be practical or infeasible, it does not satisfy its legal obligation to mitigate a significant environmental impact.

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Consequently, the vibration mitigation measures on p. 4.7-21 of the Draft EIR should remove the words "where feasible." If it is not feasible, it is not legally adequate mitigation.

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The construction noise mitigation measures on p. 4.7-42 need to be required whether or not there is a noise complaint. It is difficult to understand why a noise complaint should trigger monitoring and the implementation of mitigation measures to reduce significant impacts. CEQA does not make it the responsibility of the Owner and other members of the public to ensure that the Project does not violate the law. Since the worst case (and most probable likelihood) is that noise will exceed FTA (and City) thresholds, the mitigation measures on Draft EIR p. 4.7-42 cannot contain any complaint contingency to trigger their applicability.

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At the very least, additional mitigation measures should be added requiring (1) a sound barrier wall at ground level around the perimeter of the construction staging areas around/adjacent to the Property such that it attenuates noise to a minimum of 20 dBA; and (2) where health and safety are not compromised, additional temporary sound walls to be used in conjunction with noise intensive construction equipment that has limited mobility while in use (i.e. jackhammers, compressors, etc.). These sound barriers and other noise attenuation features must be aesthetically pleasing. Further, to reduce noise impacts at the Property, there should be a break in heavy noise-generating construction activities during the lunch hour. Construction activity that generates a significant amount of noise should be scheduled for weekends, evenings and early mornings.

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iv. Construction Vibration Impacts Are Significant

The Project involves a construction staging area on the Plaza adjacent to restaurants, the Property's skyscraper, and/or in the right of way in front of the Property. While the Property involves a reinforced steel structure and is within the FTA Vibration Damage Criteria I category, vibration damage may occur if a large bulldozer or caisson drilling occurs within eight feet of the Property's buildings. Draft EIR p. 4.7-7. The DEIR failed to analyze impacts of multiple vibration causing events occurring simultaneously. If equipment operates simultaneously there would need to be a greater separation between the construction equipment and vibration-sensitive uses on the Property since there would be greater impacts than analyzed. As this standard is based on *damage* to a building, the Draft EIR does not make any sense when it says that bulldozer use near buildings would remain infrequent and therefore, a vibration impact based on damage to a building would be less than significant. Damage may

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occur with infrequent events (and in any event, the DEIR does not provide a mitigation measure reducing the frequency of use of vibration-causing equipment in close proximity to buildings affected by the Project). According to the Draft EIR, the threshold is based on the vibration that may cause damage without specifying any frequency of events or simultaneous construction activities. *Id.* Thus, whether or not vibration events are infrequent, there may still be damage to the Property as a result of the proposed construction staging area, and this was not disclosed in the DEIR. In addition, with regard to the threshold regarding general assessment of vibration impacts (i.e., vibration annoyance) that depends on frequency of events, while the standard is listed on p.4.7-6 of the Draft EIR, there is no analysis as to whether the general assessment (i.e. annoyance) threshold would be exceeded for construction. There is no analysis of (1) the maximum amount of vibration that would occur or its frequency; (2) why there would be “a 10 dBA reduction in vibration for coupling to building foundation loss”; and (3) why this would result in a less than significant impact. Draft EIR p. 4.7-17. Consequently, due to all of the construction staging activities that would occur on the Property or nearby that would be annoying to sensitive receptors on the Property, and no mitigation measures or other Project features committing Metro to not use vibration-causing machinery within a distance that may cause damage to the Property’s buildings, there may be new significant vibration impacts that have not been disclosed.

b. Air Pollution Analysis Inadequate

i. Hazards Analysis Necessary

The DEIR states that soil removal may involve contaminated soil and “testing of materials would be required prior to transportation.” Draft EIR p. 4.18.2-4. It is unknown whether the soil is contaminated with harmful pollutants and whether the excavation, storage, removal and hauling of these unknown contaminants, as well as the air-borne exposure of these contaminants through dewatering will pose a threat to sensitive receptors immediately adjacent to the construction staging and cut and cover areas. CEQA does not allow this deferral of analysis and mitigation. If there is contamination, what will be the hazard posed to the thousands of people who are daily on the Property, let alone adjacent to other proposed construction staging areas and cut and cover construction areas? While the DEIR analyzes Localized Significance Thresholds (“LST”), Original DEIR p. 4-75, for example, it has not analyzed the health risks of the potentially hazardous soil and water that would be brought into close proximity to thousands of people daily. A Health Risk Assessment is absolutely mandatory not just to analyze

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construction equipment emissions, but also emissions associated with the removal of potentially hazardous soil and water, considering the high volume of people who would be exposed on a daily basis, for years, to excavation and removal. Appendix FF to the original DEIR claims that the Construction Health Risk Assessments demonstrate a less than significant impact (pp. 79 and 93), however, Tables 5-8 and 5-11 appear to show thresholds exceeded. If the threshold of significance is exceeded, there would be a significant impact. At the very least, the DEIR needs to redo the Health Risk Assessment to better explain why there is no significant impact, if that is the case, once it takes into account the potentially hazardous materials present in the soil and groundwater. Mitigation measures are also required to address the excavation, storage and removal of potentially contaminated soil. Merely indicating that hazardous materials will be removed to certain landfills does not protect the public prior to the disposal of that hazardous waste to appropriate landfills, and especially if the excavated hazardous waste is stored in the Plaza or adjacent to the Property. Draft EIR p. 4.18.2-4. The EIR fails to adequately analyze and mitigate the potential impacts from air-borne hazards associated with the construction of the Project.

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(a) Inadequate Analysis Of Release Or Transport Of Hazardous Materials

Original DEIR p. 4-139 states that "indirect impacts could occur from the accidental release of hazardous materials during the transport of soil or other media contaminated with hazardous materials to a disposal facility located away from the project area during construction." CEQA Guidelines Appendix G Sections VIII(b), and (c) require analysis of whether the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment and whether the Project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of a school, respectively. But there was no analysis of the very real impact that may result from the excavation and transport of hazardous materials from the Project site, including construction staging areas, or whether schools are located within 0.25 miles of the Project's hazardous materials. While Original DEIR p. 4-145 lists a requirement for a Contaminated Soil/Groundwater Management Plan in case hazardous materials are found within the Project site, it impermissibly defers analysis. As the construction staging area is on the Plaza, information regarding the "procedures for the proper handling, storage, transport, and disposal of contaminated soil and/or groundwater, in consultation with regulatory

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agencies” cannot be deferred until some future time. Original DEIR p. 4-145. The Owner and the public have a right to know now whether hazardous materials will be stored on the Property and what steps will be taken to preserve public health. Similarly, while the Worker Health and Safety Plan listed on p. 4-145 of the Original DEIR is a step in the right direction to protect construction contractors from hazards, it does nothing to protect members of the public from hazards occurring mere feet away from the construction areas. Further, stating that “specific precautions to protect workers and the public from exposure to toxic gases would be required, and specialized excavation methods would be needed to prevent explosion,” does not satisfy even minimum legal standards for mitigation. It is absolutely uncertain as to what these standards are or how they mitigate significant hazardous impacts. Deferring any meaningful analysis of those prevention steps and deferring analysis of the potential harms to be faced by the public by the accidental release of hazardous materials does not comply with CEQA’s requirements to inform the public and mitigate significant impacts.

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ii. The LST Analysis Is Also Legally Faulty

According to Original DEIR the LST analysis assumes construction activity at 25 meters to the nearest sensitive resource. The cut and cover construction and the construction staging areas presented in the DEIR and the Revised Construction Design involve excavation and storage of potentially hazardous materials, such as the soil, much closer to sensitive receptors than the 25 meters analyzed. Thus, the LST impacts will likely be much worse than analyzed and the conclusion that “with implementation of mitigation, localized emissions from construction activities would be less than significant...” is not supported by substantial evidence. Original DEIR p. 4-82.

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iii. Ventilation Shafts

There is also no information regarding the air quality impacts associated with the ventilation shafts and the air borne pollutants that may be expelled from the Project, including Aerially-Deposited Lead (“ADL”) and other pollutants. If there are ventilation shafts proposed on or adjacent to the Property, more analysis is necessary. To the extent that there are significant impacts, they need to be mitigated to a level less than significant. There is simply an absence of analysis and the community needs to know the risk to sensitive receptors in relation to air pollution and hazards directly coming from the Project.

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iv. Odors

Especially if the soil and groundwater contain petroleum products and other chemicals, there may be significant odors associated with the massive amounts of excavation and removal that would occur on or adjacent to the Property. Odors from the excavation may cause significant impacts at the Plaza and outdoor uses at the Property, and CEQA Guidelines Appendix G Section III(e) requires analysis of these impacts affecting a substantial number of people. Similar to odors caused by construction, excavation and construction may unleash a wave of rats and other vermin onto Downtown streets. Rats and other vermin, aside from creating a nuisance, may present a hazard to the public that needs to be analyzed and mitigated. The DEIR also lacks this analysis.

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c. Traffic Impacts Inadequately Analyzed

i. Flower and Fifth Streets

The DEIR analyzed the permanent removal of one lane of Flower Street adjacent to the Property; however, it did not analyze the removal of two lanes of traffic on Flower Street for the construction staging area proposed at the August 22, 2011 meeting. As the construction is scheduled to last up to five years, there may be a significant traffic impact that was not analyzed with the removal of two lanes of traffic along Flower Street adjacent to the Property. Not only will the level of service on Flower Street be degraded, motorists exiting the Property's parking garage on 5th Street will find it more difficult to exit the parking garage due to the various closure of lanes on Flower Street, additional haul and construction worker trucks, construction, and construction staging on or adjacent to the Property. This will cause unacceptable queuing inside the Property's parking garage as well as increase difficulty for motorists exiting the garage who are trying to get into the left lane of Fifth Street in order to turn left onto Flower Street so as to access the Harbor Freeway carpool lane south of Downtown. Combined with the anticipated construction and operation of the Stadium ("Farmers Field"), there will be a new significant or substantially worse significant impact that was not disclosed in the DEIR.

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ii. Additional Traffic Mitigation Measures Are Required

Excavation for the cut and cover will require 20-30 haul trucks per day according to the DEIR. Since the haul trucks may idle outside the construction staging areas, they should be limited to off-peak

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hours to reduce impacts on Flower Street, Fifth Street and the freeways that the trucks may use (i.e., 110, 101, 10 and 5). These haul trucks should not idle, travel in platoons or park in front of the Property.

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d. Inadequate Range Of Alternatives

All of the construction Project alternatives include the same underground cross-over section of track north of 5th Street adjacent to the Property. Draft EIR p. 2-25. This design feature requires cut and cover and precludes the use of a Tunnel Boring Machine ("TBM") at this location even though a TBM has much fewer construction impacts. Further, the use of a TBM would remove the need for construction staging areas on the Property or in front of the Property on Flower Street. Whether the use of a TBM is characterized as a mitigation measure or alternative, it is not clear why the cross-over section cannot occur farther to the northeast of the Property, especially where the Project tracks come to grade since it will reduce many of the noise and air quality significant impacts to this vibrant part of Downtown. Failure to analyze alternatives to this location of the cross-over component is a failure to mitigate and/or provide a reasonable range of alternatives and also a failure to mitigate construction impacts that would occur on or in front of the Property.

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e. Cumulative Impacts

During the time that the lead agency took to revise portions of the DEIR to address "... changes in the project or environmental setting as well as additional data or other information ... that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement"³ it should have also revisited its cumulative impacts analysis to include the construction and operation of Farmers Field (which will occur at the same time as the construction and eventual operation of the Project) since both, along with other related projects, will create significant traffic, access, circulation, noise, and air quality cumulative impacts. The Project will make a cumulatively considerable contribution to these impacts that will, for instance, completely gridlock Flower and 5th Streets during construction. The Farmers Field proposal presents new information, and since the Project's construction timeline would likely overlap with the construction and operation of Farmers Field, there are likely to be new significant environmental impacts that have not been analyzed or mitigated in the DEIR. Especially since various portions of the EIR were recirculated, it is

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³ Draft EIR p. 2.



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inconceivable why this important related project was not taken into account in the DEIR. Considering that Flower Street is the closest southbound arterial to Figueroa leading from Bunker Hill to South Park and the Farmers Field area, more mitigation is necessary to avoid construction gridlock and massive detours in Downtown; it would be reasonable to require coordination with the construction of the Farmers Field; coordination of haul routes; and additional flagmen and traffic personnel on days with heavy construction trips, road closures, and game days/events. None of these measures, including responsibility, fair share allocations, enforceability and payment for costs to mitigate is included in the DEIR as CEQA requires. In addition, the cumulative impacts of the 755 S. Figueroa Street project have not been taken into account. Taken together, the cumulative environmental impacts of the Project will be much worse than analyzed.⁴

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f. Emergency Access/Egress

The Project proposes to take away the Plaza and this could have a harmful impact on emergency ingress/egress for the Property. There is no analysis in the DEIR of whether construction of the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, as required by CEQA Guidelines Appendix G Section VIII(g).

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g. Uncertain Project Description

Metro proposes to temporarily take the Property's Plaza, a small portion of it, or the area in front of the Project for a construction staging area. Inexplicably, the At-grade LRT Alternative and Underground Emphasis LRT Alternative would require 13,325 sf of the Plaza (Draft EIR p. 4.2-5 and 4.2-9) while the Locally Preferred Alternative would require a take of 10,233 square feet of the Plaza (Draft EIR p. 4.2-17). There is no explanation of the reasons for the different takings and the different impacts that may result, such as for noise and vibration.

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The Revised Construction Design is not in the DEIR. While the Revised Construction Design is preferable to the unacceptable taking of the Plaza for a construction staging area, using Flower Street in front of the Plaza as a construction staging area will create vibration, noise and air quality emissions, as well as aesthetic impacts that have not been analyzed in the DEIR. Certainly, there are other portions along the proposed Project route where there would be more appropriate construction staging areas without the pedestrian traffic, vehicular traffic, sensitive hotel uses, commerce and other activities.

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⁴ Operational traffic is also faulty because it does not include the related projects of 755 S. Figueroa and Farmers Field. There may be additional significantly impacted intersections.



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Farther to the north along Flower Street are areas that are less dense, active, and have more open space so that construction impacts would be reduced significantly merely by moving the construction staging area away from the Plaza or the front of the Property.

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Metro has not made it known whether the Revised Construction Design is a new alternative, a variation of an alternative, or a new component of the Project since it appears nowhere in the DEIR. "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." See *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at 192. It is uncertain where the construction impacts would occur and the DEIR does not analyze the worst-case construction impacts for the areas within the proposed temporary construction easements and staging areas, including the placement of a construction staging area within Flower Street adjacent to the Plaza.

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h. Aesthetics: Full Visual Impact Not Shown

The Project Description and Noise Section do not adequately describe or show the visual impact of the construction barriers and noise attenuation features. Placement of construction worker parking, trailers and equipment on the Plaza, even temporarily, will create a new significant aesthetic impact. Nor is it clear how the operational design would be integrated with the adjacent properties or impact them. CEQA Guidelines Appendix G Section I(c) requires analysis and disclosure if the Project will degrade the existing visual character or quality of the site and its surroundings, and the Project Description does not give enough information about the appearance of the Project to satisfy this requirement.

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2. Ownership Issues Of Concern

While the Owner's issues of concerns are woven throughout this letter with the legal inadequacies, these are the Owner's most important issues regarding the Project:

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i. Protecting The Project's Plaza From Being Used As A Construction Easement

The Plaza is a focal point for the Property. It provides the main entrance to the building from Flower and Fifth Streets. It also is an area where tenants, workers and the public have lunch, meet people and generally activate the surrounding streetscape. The temporary construction easement proposed by the LPA and other alternatives would not only destroy this vibrant atmosphere, it would create many significant and unavoidable environmental impacts. Although Metro introduced a more

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attractive alternative plan, it has not been published yet or approved. The Owner strongly prefers not to have any construction staging area on or adjacent to the Property. If a construction staging area is necessary near the Property, the Revised Construction Design, with the same additional modifications, is much more acceptable. One modification that should be made is the removal of the stairwell temporary construction easement identified in the Revised Construction Design. It is simply not needed as there is no ADA access to the stairwell, and an easement to allow ADA access to an ADA inaccessible stairwell is not necessary.

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ii. Reasonable Range of Alternatives

As stated earlier in this letter, a reasonable range of alternatives has not been examined. One alternative not considered is an alternative construction staging area on Flower Street, north of 4th Street, or on 4th Street, under the 4th Street bridges. There, pedestrian traffic and urban density diminish greatly so that the environmental impacts of construction staging would be experienced by a considerably lower number of people.

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iii. Flush Deck on Flower and 5th Streets

At the August 22, 2011 Revised Construction Design meeting, Metro staff introduced a raised deck elevation along the Flower Street right-of-way. The Owner strongly prefers decking flush with the street level to avoid ramping so as to avoid damage to cars entering the Property's parking garage, and more importantly, to avoid hazards to pedestrians crossing Flower and 5th Streets.

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iv. Garage Ingress/Egress Congestion

The Property's sole vehicular entrance is located on Flower Street and it is already difficult to identify without construction barricades in front of it. Due to the inconveniences created by construction, including detours, dust, noise and roadway closures, the Property will likely experience a decline in cars parking in the garage and a commensurate drop in parking revenue. Metro must compensate the Owner for this loss, as well as any loss in tenancy as a result of five years of construction on or adjacent to the Property. Further, with construction on Flower Street (and 5th Street at its intersection with Flower Street), there will be significant congestion and delay during the multi-year construction timeline. Cars exiting the Property's parking garage already face a difficult exit and queuing, especially when the Harbor Freeway is congested since this backs up traffic on Fifth Street. Additional congestion on Flower Street

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and Fifth Street will make egress more difficult and measures are required to minimize this significant impact. The Owner is also very concerned regarding the ramp to the new street level deck; more information needs to be provided to understand how the ramping system will work to ensure the protection of people and property. Please also see comments in Section 2.c.ii of this letter.

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v. Other Comments

All construction staging areas, fencing and barriers must be aesthetically pleasing and well maintained. Noise, as addressed earlier in this letter, must be minimized. The Owner prefers that more noise intensive construction activities occur during off-peak hours, such as during the early morning, nights, and on weekends, to minimize disruption to tenants and visitors on the Property. Since so many tenants and members of the public enjoy eating lunch outside in the Plaza, the Owner requests that loud construction activities be scheduled outside of the lunch hour. Last, while the construction schedule anticipates construction commencing in 2014, the Owner requests that construction not begin until that date, at the earliest.

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3. Conclusion

The Owner is supportive of Metro's efforts with regard to the operational characteristics of the Project; however, construction impacts require additional analysis and legally adequate mitigation measures. The construction design proposed in the DEIR and the Reduced Construction Design would both have several significant and unavoidable environmental impacts that have not been analyzed or mitigated. The Revised Construction Design is the strong preference because it would likely avoid some of the significant environmental impacts and it would also cost Los Angeles County taxpayers considerably less than the more environmentally harmful options proposed in the DEIR. CEQA requires that the full environmental impacts of the Project be disclosed, analyzed and mitigated.

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We sincerely hope that Metro adequately addresses the modifications and concerns described in this letter. Without changes and additional enforceable and feasible mitigation measures, the Owner has no choice but to vigorously defend its Plaza and Property from the unwarranted proposed taking and the significant environmental impacts described in the DEIR.

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Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ryan Leaderman', written over a light blue horizontal line.

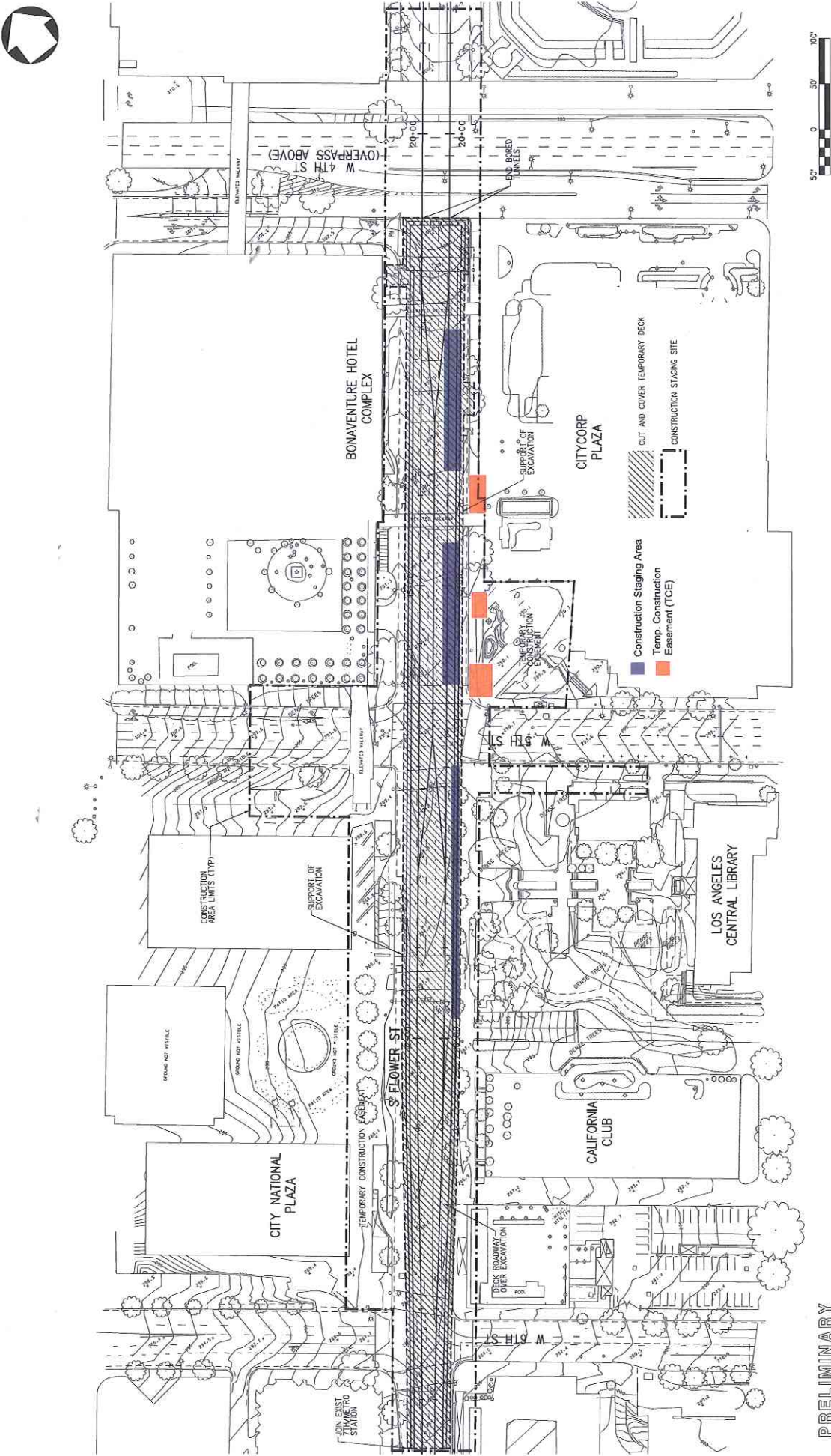
DLA Piper LLP (US)
Ryan M. Leaderman, Esq.

Admitted to practice in California

cc: Colin Shepherd
Jim Bonham
Leia Jensen
Linda Bozung, Esq.

Attachment: "Construction Area Plan Structure Cut and Cover" Site Plan

WEST224389016.4



ORIGINAL NO. C0980
 DRAWING NO. SG-001
 SCALE 1" = 50'
 SHEET NO. 19

REGIONAL CONNECTOR TRANSIT CORRIDOR
 ADVANCED CONCEPTUAL ENGINEERING
 CONSTRUCTION AREA PLAN
 STRUCTURE
 CUT AND COVER

LOS ANGELES COUNTY
 METROPOLITAN TRANSPORTATION AUTHORITY
 Metro
 The Connector Partnership

177 S. FLORENCE STREET
 LOS ANGELES, CA 90007
 P. 213.192.3100
 SUBMITTED
 APPROVED

DESIGNED BY: J.M.
 DRAWN BY: J.M.
 CHECKED BY: J.M.
 IN CHARGE: J.M.
 DATE: 05/04/2011

REV	DATE	BY	APP	REC NO	EXP REC	SCALE	HOLDER	DESCRIPTION

PRELIMINARY

THE INFORMATION ON THIS
 DRAWING IS UNWARRANTED
 EXCEPT AS PROVIDED BY
 THE TERMS OF THE CONTRACT OF
 THE STATE OF CALIFORNIA.

R-BU6

Responses to Comments from DLA Piper LLP on behalf of Hines Interest Limited Partnership, Leaderman, Ryan M.

Response to Comment R-BU6-1

Representation of Hines Interest Limited Partnership is noted. The public comment period for the Draft EIS/EIR was from September 3, 2010 to October 18, 2010. As written in the 2011 CEQA guidelines §15088.5(f)(2):

When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR.

Metro accordingly requested that comments on the Supplemental EA/Recirculated Draft EIR Sections be limited to the recirculated content in the introduction, under the “Supplemental EA/Recirculated Draft EIR Sections Review Process” heading. However, responses to comments from DLA Piper LLP on the Supplemental EA/Recirculated Draft EIR Sections below are provided in the context of both the Supplemental EA/Recirculated Draft EIR Sections and the Draft EIS/EIR.

The Locally Preferred Alternative would not destroy the open air plaza. Only part of the plaza would be used, as shown in Table 4.2-5 and Appendix 1, Updated Locally Preferred Alternative Drawings, of this Final EIS/EIR. Metro plans to use the temporary construction easement on the property to preserve vehicle and pedestrian access throughout the duration of cut and cover activities on the adjacent portion of Flower Street (24 to 48 months, as indicated in Table 4.18-1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR), and to separate pedestrians from street work with K-rail and fences. It is unlikely that this type of temporary activity on the easement, intended to preserve safe pedestrian access to the property, would cause substantial disruption. The entire plaza would be restored to its pre-construction condition upon completion of construction activities.

Response to Comment R-BU6-2

The Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections propose a temporary construction easement across parcel APN 5151-018-017 as shown in Table 4.2-5 and the parcel data table in Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections. Due to refinements made to the Locally Preferred Alternative to reduce impacts since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of this proposed easement has been reduced from 10,233 square feet to 1,019 square feet, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative

Drawings, of this Final EIS/EIR. The proposed activities to be performed on temporary construction easements corridor-wide are discussed in Sections 2.4.1 and 4.18.2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. Metro plans to use the temporary construction easement on Hines property to preserve vehicle and pedestrian access, and to separate pedestrians from street work with K-rail and fences. Construction impacts and mitigation measures are identified in Section 4.18, Construction Impacts, of the Draft EIS/EIR and this Final EIS/EIR, including noise, air quality, vibration, hazardous materials, and safety. Additional detail is provided in the preceding sections of Chapter 4, Environmental Analysis, Consequences, and Mitigation, and in the document appendices. Following construction, the plaza would be restored to its pre-construction condition. Metro would ensure that any damage caused by construction is repaired. Metro would keep entrances and exits clear of obstructions, and would ensure that adequate emergency ingress and egress routes are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU6-3

Impacts associated with construction activities that would occur along Flower Street have been adequately analyzed in the EIS/EIR. Mitigation measures have been identified to reduce significant impacts under CEQA and adverse effects under NEPA to the maximum extent feasible. As indicated in Chapter 3, Transportation Impacts and Mitigation, of this Final EIS/EIR, construction-related impacts to traffic, transit, bicycle, and pedestrian circulation would remain significant, adverse, and unavoidable after mitigation. As discussed during the August 22, 2011 meeting, the size of the proposed easement across parcel APN 5151-018-017 has been reduced from 10,233 square feet to 1,019 square feet, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

Response to Comment R-BU6-4

Since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed easement across parcel APN 5151-018-017 has been reduced from 10,233 square feet to 1,019 square feet, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. None of the refinements made since publication of the Draft EIS/EIR would introduce new or increased traffic, air quality, or visual/aesthetic impacts. Noise impacts are described in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, but would be no worse at the Hines property than those analyzed in Section 4.7, Noise and Vibration, of the Draft EIS/EIR. Mitigation measures that will be implemented for the Locally Preferred Alternative are listed in the Mitigation Monitoring and Reporting Program, Chapter 8, of this Final EIS/EIR.

Response to Comment R-BU6-5

The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR have been prepared in compliance with NEPA and CEQA. These documents disclose environmental impacts and include adequate feasible measures to reduce or avoid significant impacts under CEQA and adverse effects under NEPA. Multiple build alternatives have been studied, as shown in Chapter 2, Alternatives Considered, of the Draft EIS/EIR and the

Supplemental EA/Recirculated Draft EIR Sections. Metro has identified the Locally Preferred Alternative as the environmentally superior alternative based on the analysis in the EIS/EIR, as noted in Section 2.6.3 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

The Supplemental EA/Recirculated Draft EIR Sections was prepared to formalize refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR, and to analyze how impacts would differ from those included in the Draft EIS/EIR. After mitigation, no new significant impacts under CEQA or adverse effects under NEPA would occur. Some adverse impacts are reduced by the refinements. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, Metro has made further refinements to the Locally Preferred Alternative that would reduce impacts, including reduction of the size of the proposed temporary construction easement across parcel APN 5151-018-017, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. A larger easement across the parcel was previously identified in Table 4.2-5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR, and in Table 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections. The Draft EIS/EIR was circulated for public review from September 3, 2010 to October 18, 2010, and the Supplemental EA/Recirculated Draft EIR Sections was circulated for public review from July 22, 2011 to September 6, 2011, thus granting the public an opportunity to comment on all of the project's impacts pursuant to CEQA Guidelines §15087, 15088, and 15088.5.

This Final EIS/EIR incorporates the public comments received on the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections along with responses, and presents the final mitigation measures for the Locally Preferred Alternative in the Mitigation Monitoring and Reporting Program (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU6-6

Items in the list are addressed individually in the responses below.

Response to Comment R-BU6-7

As indicated in Section 4.7, Noise and Vibration, of this Final EIS/EIR, consistency with the goals of the applicable local ordinances and implementation of best management practices (BMPs), would ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses as classified by the Federal Transit Administration (FTA). An adequate noise analysis was prepared for the proposed project. Updates to the noise and vibration analysis were included in Section 4.7 of the Supplemental EA/Recirculated Draft EIR Sections to address refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR, but no significant change in noise and vibration impacts to the referenced property resulted from these refinements.

Response to Comment R-BU6-8

As indicated in Section 4.7, Noise and Vibration, of the EIS/EIR, the following construction activities would have the most potential for construction-related noise and vibration impacts and were analyzed in the EIS/EIR: cut and cover construction of a tunnel at Flower Street; cut and

cover construction of the approach to the proposed 2nd/Hope Street station and cut and cover or sequential excavation method (SEM) construction of the station itself; construction of the proposed 2nd Street/Broadway station; construction of the proposed 1st/Central Avenue station; and tunnel boring machine tunneling beneath 2nd and Flower Streets and the insertion site northeast of the 1st and Alameda Streets intersection.

As indicated in Chapter 2, Alternatives Considered, of the Draft EIS/EIR, construction staging areas are locations needed for: equipment storage, construction materials delivery and storage, equipment assembly, materials production, dewatering activities, access roads, construction worker parking, temporary trailer offices, demolition staging, removal of excavated materials, and other related activities during the construction period. Actual construction would not occur in the construction staging areas. As indicated above, activities that would occur in the construction staging areas would be staging and storage, except at the Mangrove property where construction staging activities would involve removal of soil from tunneling operations. However, this activity at the Mangrove property would occur at a distance of 50 feet or greater from a sensitive receptor. Activities that would occur within the construction staging areas would not generate noise in excess of FTA construction noise criteria. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, reductions were made to the size of proposed temporary construction easements along Flower Street. Refer to Appendix 1, Locally Preferred Alternative Drawings, in Volume F-5 of this Final EIS/EIR.

In the vicinity of the CityCorp Plaza, cut and cover construction would occur along Flower Street, south of 4th Street, primarily within the road travel way. Temporary concrete decking would be placed over the cut immediately following the first part of excavation to allow traffic to pass above. After the concrete decking is in place, construction along Flower Street in the vicinity of the CityCorp Plaza would occur underground and would be covered by concrete decking. Therefore, the distance of 50 feet used in the noise analysis is appropriate.

As indicated in Section 4.7, Noise and Vibration, of this Final EIS/EIR, Typical types of BMPs the contractor will use to ensure construction-related noise levels do not exceed FTA construction noise criteria include, but are not limited to, the following:

- Placement of temporary noise barriers around the construction site;
- Placement of localized barriers around specific items of equipment or smaller areas;
- Use of alternative back-up alarms/warning procedures;
- Higher performance mufflers on equipment used during nighttime hours; and
- Portable noise sheds for smaller, noisy, equipment, such as air compressors, dewatering pumps, and generators.

Therefore, noise barriers would be placed around the construction staging areas. A formal construction mitigation plan will be prepared for this project, which shall prohibit noise levels generated during construction from exceeding the FTA construction noise criteria. This could include prohibiting simultaneous operation of major pieces of construction equipment if

simultaneous operation exceeds FTA construction noise criteria. This has been incorporated as mitigation to avoid significant construction noise impacts under CEQA and adverse effects under NEPA.

Noise generated from haul trucks would not result in a significant noise impact under CEQA or adverse effect under NEPA. Haul trucks would operate on the roadways designated as haul routes for the project. It takes a doubling of traffic to result in a 3 dBA (noticeable noise increase to the human ear) increase in noise (USDOT 2006). The number of haul trucks that would be added during construction of the Locally Preferred Alternative would not result in a doubling of traffic along the roadways designated as haul routes, therefore, would not result in a noticeable increase in roadway noise.

Response to Comment R-BU6-9

Noise and vibration impacts associated with construction of the Locally Preferred Alternative were adequately analyzed in accordance with NEPA and CEQA in Section 4.7, Noise and Vibration, Appendix S, Noise and Vibration Technical Memorandum, and Appendix 2, Updated Locally Preferred Alternative Noise and Vibration Analysis, of this Final EIS/EIR. The discussion of construction-related noise impacts has been clarified in Section 4.7, Noise and Vibration, of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria and impacts would be less than significant under CEQA and not substantially adverse under NEPA. Consistency with the goals of the applicable local ordinances and implementation of BMPs, would also ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses. In addition, implementation of BMPs would also attenuate noise levels generated by construction equipment shown in Table 4.7-8 of this Final EIS/EIR. As indicated in Section 4.7.3.5 of this Final EIS/EIR, significant adverse vibration impacts under CEQA and NEPA associated with construction of the Locally Preferred Alternative could occur. Mitigation measures have been identified in Section 4.7, Noise and Vibration, and Chapter 8, the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative, which would reduce vibration impacts to less than significant under CEQA and not substantially adverse under NEPA. Refer to Section 4.7, Noise and Vibration, of this Final EIS/EIR for more detail regarding noise and vibration impacts associated with construction of the project.

As part of the project, Metro would require the construction contractor to be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code. The code states that engaging in construction, repair, or excavation work, with any construction device, or job-site delivery of construction materials without a Police Commission-issued Variance or Permit would constitute a violation:

- Between the hours of 9:00 p.m. and 7:00 a.m.
- In any residential zone, or within 500 feet of land so occupied, before 8:00 a.m. or after 6:00 p.m. on any Saturday, or at any time on any Sunday.
- In a manner as to disturb the peace and quiet of neighboring residents or any reasonable person of normal sensitiveness residing in the area.

The threshold used, not the impacts of a previous project, determines whether or not construction of a project would result in a noise impact. Per CEQA Guidelines, each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Since the lead agencies are Metro and the FTA, this analysis applies FTA criteria to determine the threshold for significance for noise and vibration impacts.

Response to Comment R-BU6-10

Metro and FTA, as the lead agencies for the Regional Connector project, are not required to use the *L.A. CEQA Thresholds Guide* when determining impacts associated with this project. Per CEQA Guidelines, each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects. Since the FTA is one of the lead agencies for this project with adopted thresholds of significance, the noise and vibration analysis applied FTA criteria to determine the threshold for significance for noise and vibration impacts. The discussion regarding the threshold that was used to analyze construction noise impacts has been clarified in Section 4.7.3 of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria identified in Section 4.7.3 and impacts would be less than significant under CEQA and not substantially adverse under NEPA.

Response to Comment R-BU6-11

Please refer to Response to Comment R-BU6-9, above. Article 1 of Chapter XI, Noise Regulation of the Los Angeles Municipal Code, identifies general provisions of the noise regulation. Article 2 of the Los Angeles Municipal Code identifies noise regulations for special noise sources. As stated Section 112.03, Construction Noise, of the Los Angeles Municipal Code, “Noise due to construction or repair work shall be regulated as provided by Section 41.40 of this Code.” As indicated in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, construction would be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code. Consistency with local land use plans and polices is discussed in Section 4.1, Land Use and Development, of this Final EIS/EIR.

Response to Comment R-BU6-12

Please refer to Responses to Comments R-BU6-8 and R-BU6-9, above. The discussion of construction-related noise impacts has been clarified in Section 4.7, Noise and Vibration, of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria identified in Section 4.7.3 and impacts would be less than significant under CEQA and not substantially adverse under NEPA. Noise impacts associated with construction of the Locally Preferred Alternative were determined not to be significant or substantially adverse and mitigation was not required. Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, indicated that consistency with the goals of the applicable local ordinances and implementation of BMPs, would ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses.

Metro would require the construction contractor to be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code. Regarding the discussion in Section 4.18, Construction Impacts, of cut and cover construction on the Metro Gold Line Eastside Extension, the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR indicated that similar progressive staging could be performed for the Regional Connector project and that schedules would be developed in coordination with the affected communities. The abovementioned discussion in Section 4.18 indicates that similar progressive staging could be performed for the project; not that similar progressive staging will be performed for the project. If similar progressive staging is pursued later, it would be done at the request of the affected city and/or community in order to shorten the duration of construction in the area and, thus, the duration of noise generated during construction. The statement in Section 4.18, Construction Impacts, does not change the conclusions in Section 4.7, Noise and Vibration.

Response to Comment R-BU6-13

As discussed in Section 4.3.4 of the Draft EIS/EIR, the Worksite Traffic Control Plan is specific to ensuring the availability of detours for traffic and pedestrian circulation during construction. The construction-related need for these detours and their potential impact has already been analyzed in Sections 3.3.5.1.2 and 3.3.5.1.4 of the Draft EIS/EIR and this Final EIS/EIR. This mitigation measure has been incorporated into Section 4.3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. As written in these sections, the measure includes specific features such as crossing guards and other temporary traffic controls in the vicinity of construction sites, haul routes, and other construction areas. The Worksite Traffic Control Plan and the Construction Mitigation Plan would incorporate the construction mitigation measures already identified in compliance with CEQA in Section 4.18, Construction Impacts, of the Draft EIS/EIR and committed to in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) together with community and Los Angeles Department of Transportation (LADOT) input. These measures would reduce construction impacts. Ongoing coordination with LADOT and the community would be needed to address the dynamic conditions and access needs in the community.

“Where feasible” and “to the extent practical” have been removed from this mitigation language. Restriping is not feasible at all locations (such as near fire hydrants and other restricted parking areas), and restriping would be performed in locations that are not precluded by such constraints. Mitigation measures in Sections 4.5.4.1 and 4.7.4.1 of the Draft EIS/EIR indicate that the construction contractor would be required to meet noise and air quality performance criteria (such as up-to-date engine emissions levels). These mitigation measures have been expanded and incorporated into Sections 4.5.4.2 and 4.7.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Under any scenario, sufficient feasible modifications would exist to allow the contractor to meet the performance criteria (South Coast Air Quality Management District standards for off-road emissions and FTA noise and vibration criteria) specified in mitigation measure numbers AQ-1, NV-1, NV-2, and NV-13 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Multiple types of equipment modification are listed as possible ways the construction contractor can meet the regulations. Regardless of

which of these modifications are implemented, these standards would be met. Selection of modifications would be performed prior to beginning construction.

Response to Comment R-BU6-14

Noise generated during construction of the Locally Preferred Alternative is not expected to result in a significant impact under CEQA or adverse effect under NEPA and mitigation is not required. The discussion of construction-related noise impacts has been clarified in Section 4.7, Noise and Vibration, of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria identified in Section 4.7.3 and impacts would be less than significant under CEQA and not substantially adverse under NEPA. As indicated in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, consistency with the goals of the applicable local ordinances and implementation of BMPs, would ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses. Noise generated during construction of the Locally Preferred Alternative is not expected to exceed FTA's construction noise criteria. The purpose of mitigation measure number NV-13, as identified in Section 4.7.4.2 of this Final EIS/EIR, is to ensure FTA's construction noise criterion is not exceeded and to ensure that Metro is responsive to any noise complaints the public has during construction of the project. This mitigation measure demonstrates Metro's commitment to avoiding noise impacts associated with construction of the project. The filing of a noise complaint does not automatically indicate that FTA's construction noise criteria has been exceeded. However, this procedure is included to ensure the community that Metro is committed to open communication and responsiveness in implementing the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative included in Chapter 8 of this Final EIS/EIR.

Response to Comment R-BU6-15

As indicated in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, noise generated during construction of the Locally Preferred Alternative would not result in a significant impact under CEQA or adverse effect under NEPA and mitigation is not required. The discussion of construction-related noise impacts has been clarified in Section 4.7, Noise and Vibration, of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria identified in Section 4.7.3 and impacts would be less than significant under CEQA and not substantially adverse under NEPA. As part of the project, the construction contractor would use BMPs to ensure that noise generated during construction would not exceed the FTA construction noise criteria. Typical types of BMPs the contractor can use include, but are not limited to, the following:

- Placement of temporary noise barriers around the construction site;
- Placement of localized barriers around specific items of equipment or smaller areas;
- Use of alternative back-up alarms/warning procedures;

- Higher performance mufflers on equipment used during nighttime hours; and
- Portable noise sheds for smaller, noisy, equipment, such as air compressors, dewatering pumps, and generators.

Metro will work with businesses to minimize the use of aboveground construction equipment that are major sources noise during the lunch hour. To reduce community and neighborhood impacts, mitigation measure number CN-6 requires Metro to develop a construction mitigation plan with community input to directly address specific construction impacts in the project area. Metro shall establish and receive input from the Regional Connector Community Leadership Council (RCCLC) in developing the construction mitigation plan. The RCCLC shall consist of representatives from all parts of the alignment area. Metro shall work with the RCCLC in developing the outreach plan. In addition, mitigation measure number CN-7 requires that barriers be erected around construction areas. As part of this mitigation measure barriers shall be enhanced with culturally-relevant artwork, attractive design features, and advertisements for parking locations and businesses where possible. Signage shall also identify that businesses are open during construction. Community input shall be sought in determining artwork and design features. Refer to the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative included in Chapter 8 of this Final EIS/EIR for a list of mitigation measures that shall be implemented as part of the Locally Preferred Alternative.

Response to Comment R-BU6-16

The comment incorrectly summarizes vibration impacts identified in Section 4.7, Noise and Vibration, of the Draft EIS/EIR. FTA's criteria for minimum safe distances between construction equipment and buildings were used to determine the potential for construction-activity-induced vibration to damage buildings. FTA's criteria are based on the types of construction equipment and the category/physical composition of a building, not the frequency of the event. Refer to Table 4.7-4 and 4.7-5 of the Draft EIS/EIR and this Final EIS/EIR. Section 4.7, Noise and Vibration, of the Draft EIS/EIR indicated that sensitive or historic buildings within 21 feet of construction activities (involving large bulldozers and drill rigs) for all the LRT alternatives may be susceptible to vibration damage. The discussion of the potential for construction-activity-induced vibration to damage buildings has been clarified since publication of the Draft EIS/EIR. Please refer to Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

With regard to the physical structure of the building, construction-related vibration impacts to sensitive buildings (Category I, II, III, IV buildings as defined in Table 4.7-4 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR) and historic buildings located within 21 feet of the anticipated vibration-producing construction activity could be significant under CEQA and adverse under NEPA. As part of mitigation for the Locally Preferred Alternative, a pre-construction survey of all structures within 21 feet of the anticipated vibration-producing construction activity would be conducted to verify the building category, structural condition, and to provide a baseline for monitoring of ground-borne vibration and the potential for ground-borne vibration to cause damage. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified historic and sensitive

structures. With implementation of mitigation measures identified in Section 4.7.4.2.1 of this Final EIS/EIR, construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity would not be adverse.

Response to Comment R-BU6-17

The discussion of human annoyance caused by vibration from construction activities has been revised since publication of the Draft EIS/EIR. Since publication of the Draft EIS/EIR, additional noise and vibration studies were performed (Appendix 2, Updated Locally Preferred Alternative Noise and Vibration Analysis, of this Final EIS/EIR) to analyze refinements of the alignment in areas near sensitive land uses. Please refer to Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. The analysis of potential ground-borne vibration and ground-borne noise impacts to sensitive land uses during construction determined the level and frequency of vibration that would occur. Construction of the Locally Preferred Alternative would result in significant adverse ground-borne vibration and ground-borne noise impacts under NEPA and CEQA. With implementation of mitigation, ground-borne vibration and ground-borne noise impacts would be reduced to less than significant under CEQA and not substantially adverse under NEPA. Mitigation measures, such as maintaining distances greater than those provided in Table 4.7-5 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR to avoid potential construction-related vibration impacts and sequencing construction activities that produce vibration, such as demolition, excavation, earthmoving, and ground impacting so that the vibration sources do not operate simultaneously, have been included as mitigation since publication of the Draft EIS/EIR. Refer to Section 4.7.4.2 of this Final EIS/EIR for a complete list of mitigation measures for the Locally Preferred Alternative.

FTA's Transit Noise and Vibration Impact Assessment manual identifies adjustment factors for generalized predictions of ground-borne vibration and noise. One of those adjustment factors is a reduction in vibration for coupling to building foundation loss. The level of reduction is dependent on the structure of the building. The general rule is the heavier the building construction, the greater the coupling loss. Given that the majority of the buildings in the project area are medium to high-rise buildings, the buildings were assumed to be relatively heavy and a 10 dBA reduction in vibration was assumed.

Response to Comment R-BU6-18

Soil testing has been performed as part of the project development and preliminary engineering process. However, it is not possible to test all soil along the Locally Preferred Alternative alignment prior to construction. Contaminated soil and groundwater may be encountered during construction, as indicated in Sections 4.9.3.5.2 and 4.10.3.5 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measures to safely monitor and handle contaminated groundwater and soil were included in Sections 4.9.4 and 4.10.4 of the Draft EIS/EIR, and have been incorporated into Sections 4.9.4.2 and 4.10.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. These mitigation measures would ensure that contamination does not spread or pose hazards to nearby people or properties.

A Health Risk Assessment is included in Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR. In both Tables 5-8 and 5-11 of Appendix FF, Construction Impacts Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, the highest application screening index shown is 4.44E-01 (scientific E notation for 0.444), which is well below the threshold of 1.0. This is consistent with the findings of no significant impact under CEQA or adverse effect under NEPA on pages 79 and 93, as well as the findings of the Health Risk Assessment in Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU6-19

Mitigation measures to address the excavation, storage, and removal of potentially contaminated soil are presented in Section 4.9.4.1 of the Draft EIS/EIR. These measures have been expanded in Section 4.9.4.2.1 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. In addition, Metro will comply with all applicable regulation in Section 4.9.1 of the Draft EIS/EIR and this Final EIS/EIR regarding the safe handling of contaminated soil, including the California Hazardous Waste Control Law and the Federal Occupational Safety and Health Act among others listed. Metro will not expose the public to hazardous materials.

Response to Comment R-BU6-20

The possibility for the accidental release of hazardous materials is analyzed in Sections 4.9.3.3.2 and 4.9.3.5.2 of the Draft EIS/EIR and this Final EIS/EIR. More detailed analysis is provided in Appendix U, Geotechnical/Subsurface/Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR. Measures to mitigate these impacts below the level of significance are provided in Section 4.9.4.1 of the Draft EIS/EIR. These mitigation measures were incorporated into Section 4.9.4.2.1 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. The EIS/EIR adequately discloses to the public the steps that will be taken to preserve public health. The contents of the Contaminated Soil/Groundwater Management Plan are summarized in Section 4.9.4.1 of the Draft EIS/EIR. With implementation of such a plan containing these procedures, Section 4.9.3.5.2 of both the Draft EIS/EIR and this Final EIS/EIR conclude that impacts of accidental release of hazardous materials would be less than significant under CEQA and not substantially adverse under NEPA.

Response to Comment R-BU6-21

Portions of the Health Risk Assessment are summarized in multiple parts of Chapter 4, Environmental Analysis, Consequences, and Mitigation, to support environmental impact analysis. The full Health Risk Assessment is provided in greater detail in Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR. The Health Risk Assessment in Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, would protect both construction workers and the public from hazards. The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR do not defer analysis. The mitigation measures in Section 4.9.4.1 of the Draft EIS/EIR calling for specific precautions to protect workers and the public from exposure to toxic gases, and specialized excavation methods to prevent explosion is supported by other mitigation measures in the same section, such as testing for subsurface gases, consistency with City of Los

Angeles Methane Standards, implementation of BMPs for the handling of hazardous materials, and other mitigation measures carried forward into Section 4.9.4.2.1 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU6-22

As indicated in Section 3.1.2.2 of Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, the Localized Significance Thresholds (LSTs) are adjusted based on the size of the construction area. The 25 meter assumption (approximately 82 feet) is a conservative estimate based on the size and location of the proposed construction areas shown in Table 4.2-5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. This assumption represents the smallest distance provided for LST analysis by the South Coast Air Quality Management District. No change in results occurs at distances shorter than 25 meters. Virtually all construction activities would occur more than 25 meters from buildings. Some of these proposed construction areas are now smaller and farther from buildings, including the proposed temporary construction easement on parcel APN 5151-018-017, due to refinements made since publication of the Supplemental EA/Recirculated Draft EIR Sections. Activities that would occur within 25 meters of surrounding buildings mostly consist of construction staging, but some in-street cut and cover construction would also occur. Construction activities are described in Section 4.18.2 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and Final EIS/EIR. As noted in Section 3.1.2.2 of Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR, even if a pollutant happened to exceed an LST, a significant impact/adverse effect would be avoided through mitigation. These mitigation measures are included in Section 4.5.4 of the Draft EIS/EIR and in Section 4.5.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU6-23

Operational emissions of the Locally Preferred Alternative are examined in Section 4.5.3.4.1 of the Draft EIS/EIR, and represent an improvement over the No Build Alternative. Electric trains do not emit aerielly-deposited lead or other airborne pollutants. These types of pollutants are generated by vehicles that use diesel or leaded fuels, not electric vehicles such as light rail trains. As a result, the ventilation shafts would not emit significant adverse levels of airborne pollutants. Construction-related air quality impacts are discussed in Section 4.5.3.3 of the Draft EIS/EIR and this Final EIS/EIR, and mitigation measures are proposed in Section 4.5.4 of the Draft EIS/EIR. These mitigation measures have been expanded and incorporated into Section 4.5.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Further, more detailed analysis is provided in Appendix Q, Air Quality Impacts and Health Risk Assessment Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU6-24

Mitigation measures to safely monitor and handle contaminated groundwater and soil and prevent public exposure were included in Sections 4.9.4 and 4.10.4 of the Draft EIS/EIR, and

have been incorporated into Sections 4.9.4.2 and 4.10.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. These mitigation measures would ensure that contamination does not spread or pose hazards to nearby people or properties. The mitigation measures in Section 4.9.4.1 of the Draft EIS/EIR also call for specific precautions to protect workers and the public from exposure to toxic gases. This would curtail public exposure to any odors stemming from contaminated soil and groundwater. Excavation and tunnel boring activities are unlikely to disturb substantial amounts of vermin, especially to the extent that a public health hazard would occur.

Response to Comment R-BU6-25

Section 3.3.5.1.2 of the Draft EIS/EIR and this Final EIS/EIR states that construction would require temporary lane closures on Flower Street, which would temporarily reduce roadway capacity and modify existing traffic patterns. The Draft EIS/EIR does not specify that only one lane of Flower Street would be closed. Temporary closure of multiple lanes would be needed. Section 3.4 of the Draft EIS/EIR identifies mitigation measures to address the impacts of these temporary closures during construction, and these mitigation measures have been incorporated into Section 3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Metro would maintain access to the parking garage via existing or temporary driveways during business hours, as stated in mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program. Detours would be provided when necessary to maintain access to Flower and 5th Streets. As stated in mitigation measure number AQ-22, detour routes would be designed so that traffic does not idle for extended periods of time. It is Metro's goal to schedule haul truck trips at times when they would be the least disruptive to the community, as stated in mitigation measure number TR-2 in the Mitigation Monitoring and Reporting Program. The proposed downtown stadium is currently undergoing conceptual planning. It was not proposed at the time the Draft EIS/EIR was prepared, so the analysis assumes the current land uses for this site. The status of the stadium proposal is still preliminary. The conceptual planning is still ongoing, and no official proposal has been made. A reasonably foreseeable project is "any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact." (Gray v. County of Madera (2008)). The stadium had not met these criteria when the analysis in this EIS/EIR was performed, and has not yet begun preparations for regulatory review. Should this change, Metro would coordinate Regional Connector construction activities with the construction and operation of the stadium in order to minimize impacts. Even if the stadium was reasonably foreseeable, it would not change the impact determinations in this EIS/EIR.

Response to Comment R-BU6-26

The Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) contains mitigation measures to address these concerns. Mitigation measure number AQ-13 would prohibit heavy-duty trucks from idling for more than five minutes, both on-site and off-site. Metro would also employ California Air Resources Board anti-idling requirements during construction. Mitigation measure number TR-2 states that Metro will attempt to schedule truck trips at times that are least disruption to the community. Similarly, mitigation measure number AQ-15 states that Metro will attempt to limit construction

activity that affects traffic flow to off-peak hours. It is Metro's goal to minimize the impacts of haul trips during construction.

Response to Comment R-BU6-27

The No Build and TSM Alternatives would not involve light rail construction, including cross-overs. Metro analyzed multiple alternate crossover locations in the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections. The At-Grade Emphasis LRT Alternative would not have a crossover along its Flower Street route, as shown in Section 2.3.4.2 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and this Final EIS/EIR. The Underground Emphasis LRT Alternative would have an underground crossover partially underneath and to the north of 4th Street, not adjacent to the referenced property, as shown in Section 2.3.5.2 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and this Final EIS/EIR. The Locally Preferred Alternative would include a pocket track which could be used as a crossover between 5th and 4th Streets adjacent to the referenced property, but this would not change the impacts of the cut and cover construction proposed for this segment of the alignment in Figure 2-13 of the Draft EIS/EIR and Figure 2-16 of this Final EIS/EIR. Section 2.3.6.2 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR lists multiple possible locations for crossovers, and states that not all of them will necessarily be pursued. The potential impacts associated with all of the possible locations are analyzed in the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Flower Street from 4th Street to the existing light rail tunnel just south of 6th Street is highly constrained with existing subsurface tie-backs from previous construction projects that would interfere with tunneling activity. Tunneling activities using a tunnel boring machine south of 4th Street would not be practicable due to the need to remove tie-backs ahead of the tunnel boring machine. As such, cut and cover construction, as identified in Figure 2-13 of the Draft EIS/EIR and Figure 2-16 of this Final EIS/EIR, is continuing to be pursued in this location.

Response to Comment R-BU6-28

It should be noted that the cited text from the Supplemental EA/Recirculated Draft EIR Sections is a direct quotation of CEQA Guidelines §15088.5 regarding recirculation of EIRs. Section 4.19, Cumulative Impacts, of the Draft EIS/EIR and this Final EIS/EIR lists planned future projects within the project area. The proposed downtown stadium is currently undergoing conceptual planning. It was not proposed at the time the Draft EIS/EIR was prepared, so the analysis assumes the current land uses for this site. The status of the stadium proposal is still preliminary. The conceptual planning is still ongoing, and no official proposal has been made. A reasonably foreseeable project is "any future project where the applicant has devoted significant time and financial resources to prepare for any regulatory review should be considered as probable future projects for the purposes of cumulative impact." (Gray v. County of Madera (2008)). The stadium had not met these criteria when the analysis in this EIS/EIR was performed, and has not yet begun preparations for regulatory review. Should this change, Metro would coordinate Regional Connector construction activities with the construction and operation of the stadium in order to minimize impacts. This would apply to any nearby construction project entitled after completion of the EIS/EIR. Even if the stadium was reasonably foreseeable, it would not change the impact determinations in this EIS/EIR. Traffic management and construction mitigation is identified in Section 4.3.4 of the Draft EIS/EIR to

minimize disruption and limit construction activities during special events. This mitigation has been incorporated into Section 4.3.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. The ongoing project at 755 South Figueroa Street is a renovation of existing retail space, which does not involve an expansion or change of land use, which is a criteria used to compile Table 4.19-1 of the Draft EIS/EIR and this Final EIS/EIR. It is scheduled to be completed prior to the commencement of Regional Connector construction. The cumulative operational impacts of the renovation are not anticipated to differ substantially from those of the existing shopping center. However, the shopping center has been added to both Table 4.19-1 and Figure 4.19-1.

Response to Comment R-BU6-29

The Draft EIS/EIR identified a temporary construction easement across the referenced plaza during construction, after which the plaza would be returned to its pre-construction condition. This easement is shown in Table 4.2-5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and Table 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections. Due to refinements made to the Locally Preferred Alternative since publication of the Supplemental EA/Recirculated Draft EIR Sections, the size of the proposed easement has been reduced, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Metro would keep entrances and exits clear of obstructions, and would ensure that adequate emergency ingress and egress routes are maintained at all times during construction, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and mitigation measure number SS-15 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). The Regional Connector would not interfere with an adopted emergency response plan or emergency evacuation plan, as analyzed in Section 4.15, Safety and Security, of the Draft EIS/EIR and this Final EIS/EIR. Section 4.15.1 of the Draft EIS/EIR and this Final EIS/EIR notes this CEQA guideline as part of the regulatory framework for analysis. Additional details about this analysis are provided in Appendix CC, Safety and Security Technical Memorandum, of the Draft EIS/EIR.

Response to Comment R-BU6-30

A 13,325 square foot easement is identified for all three alternatives in the parcel data tables in Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR. It is Metro's goal to minimize the use of private property. Consistent with this goal, refinements made since publication of the Draft EIS/EIR resulted in a reduction in the size of the proposed easement, to 10,233, as shown in Figure 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Since the Metro Board of Directors designated the Fully Underground LRT Alternative as the Locally Preferred Alternative on October 28, 2010, these project refinements have been focused solely on the Locally Preferred Alternative. Later refinements made to the Locally Preferred Alternative since publication of the Supplemental EA/Recirculated Draft EIR Sections reduced the size of the proposed easement to 1,019 square feet, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. This further reduces the potential construction impacts of this easement below those identified in Section 4.18.3.4 of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU6-31

The reduced size of the construction staging area across parcel APN 5151-018-017 is reflected in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR as a refinement made since publication of the Supplemental EA/Recirculated Draft EIR Sections. This represents the minimum amount of off-street space needed in this location to provide adequate staging and access for excavation activities in the vicinity of 5th and Flower Streets. A construction staging area has been identified on a portion of the other open plaza in this area (APN 5151-023-400), as shown in Table 4.2-5 and the parcel data table in Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR, and Table 4.2-5 and Appendix II, Conceptual Drawings for Build Alternatives Analyzed in the Draft EIS/EIR, of the Draft EIS/EIR and this Final EIS/EIR. This easement has also been reduced since publication of the Supplemental EA/Recirculated Draft EIR Sections. All other properties along the alignment in the vicinity of 5th and Flower Streets are occupied by aboveground structures or precluded from use by Section 4(f) of the USDOT Act of 1966, thus rendering them unsuitable for temporary construction easements. Construction staging is also proposed farther north along Flower Street in the vicinity of 2nd/Hope Station, in addition to the two easements at 5th and Flower Streets.

Response to Comment R-BU6-32

The reduced construction easement has been incorporated as part of the Locally Preferred Alternative, as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. This is a smaller easement with fewer impacts than the one identified in the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections. The Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections analyzed the worst-case construction easement scenario, and these impacts have been reduced due to refinements made to the Locally Preferred Alternative since their publication.

Response to Comment R-BU6-33

Visual and aesthetic impacts associated with construction of the Regional Connector project are discussed in Section 4.4, Visual and Aesthetic Impacts, of the Draft EIS/EIR and this Final EIS/EIR and were analyzed in accordance with NEPA and CEQA guidelines. No significant visual and aesthetic impacts would occur for the Locally Preferred Alternative.

Response to Comment R-BU6-34

The comments in this list are addressed individually in the responses below.

Response to Comment R-BU6-35

The 1,019 square foot easement adjacent to Flower Street would still allow the plaza to function as a meeting place and lunch area as described in the comment. The size of the easement has been reduced since publication of the Supplemental EA/Recirculated Draft EIR Sections, where a 10,233 square foot easement was proposed. The reduced easement has been incorporated into the Locally Preferred Alternative as shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Owner preference not to have a construction staging area on or adjacent to the property is noted. It is Metro's goal to minimize construction impacts

and the use of public property, and the reduction in size of the proposed easement is a step in that direction. The recommendation to remove the stairwell from the temporary construction easement is noted. Metro would ensure that adequate Americans with Disabilities Act (ADA) access is provided.

Response to Comment R-BU6-36

Please see Response to Comment R-BU6-27 for information regarding the range of alternatives studied, and how they differ in the area adjacent to the owner's property. As shown in Figure 2-14 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections (Figure 2-16 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR), the Flower Street alignment from 4th Street northward would be constructed by tunnel boring machine so as to minimize the extent of cut and cover construction. Construction staging areas from 4th Street northward would not allow the necessary access to the Flower Street cut and cover excavation areas. As such, temporary construction easements south of 4th Street, in the vicinity of the 5th and Flower intersection are needed.

Response to Comment R-BU6-37

Decking of the construction area is a necessary component of cut and cover construction to maintain vehicular and pedestrian access throughout construction. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks. Any decking configurations would require construction of ADA-compliant ramps and accesses, as well as modifications to vehicular access points to the garages and driveway along Flower Street, as indicated in Section 4.15.4.2.1 of this Final EIS/EIR and Section 4.18.2.5.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. As part of mitigation for pedestrian circulation impacts during construction, safe pedestrian detours with handrails, fences, K-rail, canopies, and walkways shall be provided as needed. Refer to Section 3.4.2 and Chapter 8 of this Final EIS/EIR for mitigation measures identified to reduce construction-related impacts, to the extent feasible, to traffic, transit, bicycle, and pedestrian circulation.

Preference for flush decking is noted. Decking configurations will be determined during the final design phase of the project, based on cost, schedule, and construction activity phasing considerations.

Response to Comment R-BU6-38

As stated in Section 3.4.1.4 of the Draft EIS/EIR, Section 3.4.2 of this Final EIS/EIR, and mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), access to businesses would be maintained during business operating hours throughout construction. Request for compensation is noted, but no businesses would lose access, including the parking garage. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 provides compensation for takings and easements, as well as relocation for any displaced businesses and residents. No displacements, takings, or easements would occur on the referenced property; therefore, the Uniform Act would not apply. Both automobile and pedestrian access would be maintained. As indicated in mitigation measure numbers CN-1 and CN-7 in the Mitigation

Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), signage shall be provided should detours be needed in the vicinity of the garage.

Response to Comment R-BU6-39

Traffic impacts associated with construction of the Regional Connector project are discussed in Chapter 3, Transportation Impacts and Mitigation, of this Final EIS/EIR. As indicated in Chapter 3, construction-related impacts to traffic, transit, bicycle, and pedestrian circulation would be significant and adverse. Mitigation measures, such as maintenance of traffic flow, maintenance of access to adjacent businesses and residences via existing or temporary driveways, and development of Worksite Traffic Control Plans, have been identified to reduce construction-related impacts. However, even with implementation of mitigation, construction-related impacts to traffic, transit, bicycle, and pedestrian circulation would remain significant, adverse, and unavoidable.

Any temporary roadway configurations needed during construction will be reviewed in coordination with LADOT for compliance with roadway standards and will be designed to meet vehicle standards, which would ensure the protection of people and property. Any decking configurations would be designed to accommodate the undercarriage and overhead clearances of vehicles using the driveways, garages, and loading docks. Metro would coordinate with garage owners to minimize inconvenience and queuing as a result of construction activities.

Response to Comment R-BU6-40

Mitigation measure number CN-7 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) states that barriers would be enhanced with culturally-relevant artwork, attractive design features, and advertisements for parking locations and businesses where possible. Mitigation measure number AQ-15 states that Metro will attempt to limit construction activity that affects traffic flow to off-peak hours. Daytime construction activities will be necessary to minimize noticeable vibration at nighttime as indicated in mitigation measure number NV-7. The request to begin construction no earlier than 2014 is noted.

Response to Comment R-BU6-41

Metro appreciates the owner's support. Construction impacts and mitigation are adequately analyzed in the Section 4.18, Construction Impacts, of the Draft EIS/EIR and this Final EIS/EIR, as indicated in the preceding responses to comments above. All significant impacts and adverse effects of the project have been analyzed and disclosed, and adequate mitigation measures to address these impacts have been incorporated into the project in accordance with NEPA and CEQA. As shown in Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR, the proposed temporary construction easement across parcel APN 5151-018-017 has been reduced in size since publication of the Supplemental EA/Recirculated Draft EIR Sections. All comments in this letter are adequately addressed in the responses above.

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September 6, 2011

VIA EMAIL AND FEDEX

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Re: Regional Connector Transit Corridor Project – Supplemental Draft Environmental
 Impact Statement/Environmental Impact Report

Dear Ms. Roybal Saltarelli and Mr. Tellis:

We are writing on behalf of our client, Japanese Village, LLC, regarding the Supplemental Environmental Assessment/Recirculated Draft Environmental Impact Report (RDEIR) for the Regional Connector Transit Corridor Project (Project) published on July 22, 2011. Metro published this document after substantial changes were made to the Project's alignment after the Draft EIS/EIR's original publication in 2010, including a new impact to Japanese Village Plaza by proposing to tunnel under its buildings. Though our client and Metro staff spent several months in an effort to identify the impacts of this new route on our client's property, Metro advised in June that it was unable to provide detailed information to Japanese Village Plaza about the depth and location of the proposed tunnel. Accordingly, as detailed in our letter dated July 1, 2011, to Mr. Ronald Stamm, which is attached as Attachment C, recirculation was required under CEQA and NEPA because Metro's changes to the alignment after the Draft EIS/EIR was published eliminated the public's opportunity to comment on these changes, which would violate both NEPA and CEQA. In an apparent attempt to correct this deficiency, Metro has now revised select sections of the Draft EIS/EIR, and republished them as a RDEIR. Despite Metro's effort to cure these deficiencies, this environmental review process continues to be permeated with errors and deficiencies under both NEPA and CEQA, and does not respond to or resolve the points raised in our July 1, 2011, letter, which is incorporated herein by this reference.

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While Japanese Village continues to have concerns about the RDEIR's evaluation of impacts to Japanese Village Plaza and the surrounding Little Tokyo community, Japanese Village Plaza's ownership continues to be a strong supporter of safe and reliable public transit that is compatible with the surrounding community. Japanese Village also appreciates Metro's outreach efforts in the Little Tokyo community to explore alternatives and mitigation measures for the impacts identified through its environmental review. It is essential, however, that the environmental review process be correct and accurate for the project to move forward.

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One key error is that the RDEIR incorrectly defines the impacts to Japanese Village Plaza as an easement, as opposed to a partial take of the property. While Metro anticipates tunneling under large portions of Japanese Village Plaza, it will be doing so at a much shallower depth than anywhere else along the alignment outside of a public right-of-way. As the alignment passes under Japanese Village Plaza it will be between only approximately 20 and 25 feet below grade, and only 13 to 15 feet below its existing foundations. In comparison, when the tunnel passes beneath the Broad Museum, it will be over 50 feet below grade. The consequence of this is to restrict substantially the future development options at Japanese Village Plaza. These impacts are not addressed in the RDEIR. Also, as set forth in the letter from GeoDesign Inc. (Attachment C) developing such a shallow tunnel under Japanese Plaza's existing multi-story parking garage presents unique impacts to the existing structures that are not adequately addressed.

2

In summary, and as set forth in detail in Attachment B, neither the Draft EIS/EIR nor the RDEIR adequately: (1) describe the Project so that it can be understood by the reader; (2) present the full scope of impacts from Metro's massive building campaign and piecemeal the project's impacts; (3) describe potential mitigation measures that would reduce the Project's significant impacts; or (4) analyze the Project's significant environmental impacts. The public deserves a complete and comprehensible description of the Project and its alternatives, an accurate analysis of the environmental impacts involved, and proposed mitigation to fully address the Project's significant impacts.

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We appreciate your consideration of these issues. Please do not hesitate to contact me should you wish to discuss these matters further at (213) 485-1234.

Very truly yours,



Robert D. Crockett
of LATHAM & WATKINS LLP

cc: Ms. Martha Welbourne
Mr. Calvin Hollis
Ms. Velma Marshall
Mr. Robin Blair
Mr. Ronald Stamm
Mr. Ray Sosa

LATHAM & WATKINS^{LLP}

Ms. Laura Cornejo
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Attachment A

ATTACHMENT A**The RDEIR Still Fails To Provide A Proper Project Description**

The RDEIR's project description remains fundamentally flawed because it provides a range of development options that misleads the public and obscures the Project's actual environmental impacts from meaningful review. For an environmental document to evaluate the environmental ramifications of a project adequately, it must first provide an accurate description of the project itself. "[A]n accurate stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) Furthermore "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*Silveira v. Las Gallinas Valley Sanitary District* (1997) 54 Cal.App.4th 980, 990 (citation omitted).)

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While extensive detail in a project description is not always necessary, CEQA mandates that an EIR describe a proposed project with sufficient detail and accuracy to permit informed decision making. (See CEQA Guidelines, § 15124.) Thus, where a project description is inaccurate or misleading, a CEQA document's analysis of significant environmental impacts is rendered inherently unreliable. As discussed below, the DEIR fails to meet this basic standard.

Here, the RDEIR provides a complicated set of distinct "alternatives" and explains that any one of these options could be the ultimate Project approved. (RDEIR at 2-8 to 2-35.) However, there appears to be no legitimate reason why, at this point, Metro could not have designated the "Fully Underground LRT Alternative" as the Project being proposed. The RDEIR admits that "[o]n October 28, 2010, the Metro Board of Directors concurred with staff's recommendation to designate the Fully Underground LRT Alternative as the [Locally Preferred Alternative]." (RDEIR at 2-29.) Despite this designation occurring almost one year ago, the "Fully Underground LRT Alternative" is buried as the fifth option presented in the RDEIR's "Alternatives Considered" section. This requires the reader to wade through the document's discussions of four completely different "alternatives" that Metro appears to have no intention of approving.

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This confusion is compounded by the complete lack of a defined project area in the Draft EIS/EIR. As we noted previously, the Draft EIS/EIR lacks a "precise location and boundaries" map and lacks a "general description of the project's technical characteristics." (Cal. Admin. Code, tit. 14, § 15124.) Chapter 2, Alternatives Considered, attempts this with a series of figures, but the complete lack of a single project and focus on the development of alternatives results in failure. For example, Figure 2-1 contains a map that combines three apparent alternative alignments. Figure 2-3 portrays the TSM Alternative,¹ Figure 2-8 the At-Grade Emphasis LRT Alternative, Figure 2-9 the Underground Emphasis LRT Alternative, Figure 2-10 the Fully Underground LRT Alternative, with variations of these at Figures 2-12, and 2-13. The technical appendices to the Draft EIS/EIR, which are not included in the RDEIR, make no

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¹ The TSM is merely a Transportation Systems Management Alternative, which proposes only the construction of bus stops. (Draft EIS/EIR, App. FF, at 15.)

attempt to state a preferred project, much less describe the June 2011 Proposal. (Draft EIS/EIR Technical Appendix II, foldout: “Regional Connector Transit Corridor Draft Conceptual Plans and Profiles: December 18, 2009.”)

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Thus, there is not a single route described as the project from which alternatives may be judged. CEQA requires that an EIR identify feasible alternatives that could avoid or substantially lessen the project’s significant environmental impacts. (Pub. Res. Code, §§ 21002, 21002.1, subd. (a), 21100, subd. (b)(4).) The Draft EIS/EIR here impermissibly skips the project definition although Metro, as “the lead agency plays a pivotal role in defining the scope of environmental review, lending its expertise in areas within its particular domain, and in ultimately recommending the most environmentally sound alternative.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) Rather than define a proposed project, from which many key CEQA and NEPA obligations then build upon, the agency has delayed this to a later point in time. (See Draft EIS/EIR, at 2-1 [“Depending on which alternative is selected...”].) By defining a range of alternatives only, and not a precise project, Metro has also violated CEQA’s and NEPA’s respective goals of an informed public. (Pub. Res. Code, § 21003(b) [EIRs should be organized and written in a manner that will make them “meaningful and useful to decision-makers and to the public.”]; *Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355 [“A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation.”]; (40 C.F.R. §§1502.4, subd. (a), 1502.10 [an EIS must “properly define[]” the proposed project and provide a “clear presentation of the alternatives including the proposed action.”]; *id.* § 1502.8. [an EIS . . . must . . . “be written [. . .] so that decisionmakers and the public can readily understand [it].”].)

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Metro does not satisfy CEQA’s requirement for “precise location and boundaries” of a project by providing location and boundaries for three to five alternatives. One cannot measure an alternative’s strengths and weaknesses without a project description or a defined project. “[A]n accurate stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (“*San Joaquin Raptor II*”) (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) Furthermore “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*Silveira v. Las Gallinas Valley Sanitary District* (1997) 54 Cal.App.4th 980, 990 (citation omitted).) Under NEPA, the “EIS process should serve both to alert the public of what the agency intends to do and give the public enough information to be able to participate intelligently in the EIS process.” (*California v. Block* (9th Cir. 1982) 690 F.2d 753, 772.) Thus, an EIS must “properly define[]” (40 C.F.R. §1502.4(a)) the proposed project and provide a “clear presentation of the alternatives including the proposed action.” (*Id.*, § 1502.10.)

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The RDEIR resembles the problems presented in *County of Inyo v. City of Los Angeles*. The project there was defined merely as an increase in water pumping rates from subsurface water in Owens Valley. The EIR, however, discussed far broader concepts, such as canal work, a conservation program, reduction of stockwater and reservoir operations. (71 Cal.App.3d, at 190.)

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A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.

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(*Id.*, at 192-93.) In *County of Inyo*, the “incessant shifts among different project descriptions do vitiate the City’s EIR process as a vehicle for intelligent public participation.” (*Id.*, at 197.) “The defined project and not some different project must be the EIR’s bona fide subject.” (*Id.*, at 199.) “Because the Final EIR[’s . . .] list of alternatives is not tied to a reasonably conceived or consistently viewed project, the Los Angeles EIR does not comply with CEQA’s demand for meaningful alternatives.” (*Id.*, at 203.) Here, too, the document’s failure to define a project has utterly frustrated the public’s ability to participate in the environmental review process.

There Is No Environmentally Superior Alternative Identified

The RDEIR again fails to identify an environmentally superior alternative – one of CEQA’s most basic requirements. CEQA requires an EIR to identify and discuss feasible alternatives to a proposed project. (Pub. Res. Code, §§ 21002, 21002.1(a), 21061, 21100(b)(4).) Of the alternatives considered, the CEQA Guidelines require that an EIR identify the “environmentally superior alternative,” which assists decision makers in considering a project approval. (See Cal. Admin. Code, tit. 14, §§ 15126.6(a), (e)(2).)

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As before, for those sections of the Draft EIS/EIR that have been recirculated, the RDEIR only describes the alternatives considered, but it does not identify an environmentally superior alternative that would minimize the Regional Connector’s significant environmental effects. (*See* RDEIR at 2-1 to 2-50.) In one instance (Displacement and Relocation), there is a table that allows the reader to compare the impacts across the five alternatives. (RDEIR at 4.2-5.) However, this type of comparison is never repeated, and the reader is left to sort through hundreds of pages to figure out which alternative has fewer impacts in any given impact area. Under CEQA, a proper analysis of alternatives is essential to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code, § 21002; Cal. Admin. Code, tit. 14, §§ 15002(a)(3), 15021(a)(2).)

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Ultimately, the RDEIR concludes that “[b]ased on the results of the technical analysis Draft EIR Sections, the LPA, as refined, is the environmentally superior alternative.” (RDEIR at 2.6.3) However, this is simply a naked conclusion; there is no discussion as to how this conclusion was reached. The RDEIR’s and Draft EIS/EIR’s failure to disclose an environmentally superior alternative is prejudicial and violates CEQA.

The Project Continues To Be Piecemealed

No effort has been made in the RDEIR to analyze the full impact of the Project despite its own identification of the need to relocate numerous buildings and structures and future development opportunities on property that Metro is acquiring for construction purposes. The RDEIR fails to identify or analyze these potential impacts. (*See* RDEIR at 4.2-26 [“Upon completion of construction, property needed for construction but not required to maintain the physical infrastructure, or necessary for access would be included in Metro Joint Development Program for possible development. Any development shall be environmentally and separately cleared from this project and shall undergo its own community input process.”], 4.2-17 to 4.2-25. [discussing partial and full takes, which would require relocation of existing businesses].) This is improper under both NEPA and CEQA, and it is not enough that these projects, which will only occur because of the Regional Connector, will undergo separate environmental review.

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Under NEPA, connected actions must be considered together in the same EIS. (40 C.F.R. § 1508.25; *Thomas v. Peterson* (9th Cir. 1985) 753 F.2d 754, 758-9.) Connected actions are those that (1) “[a]utomatically trigger” other actions potentially requiring EISs; (2) “cannot or will not proceed unless other actions are taken previously or simultaneously;” or (3) are “interdependent parts of a larger action and depend on the larger action for their justification.” (40 C.F.R. §1508.25.) Courts apply an “independent utility” test under NEPA to “determine whether multiple actions are so connected as to mandate consideration in a single EIS.” (*Great Basin Mine Watch v. Hankins* (9th Cir. 2006) 456 F.3d 955, 969.) Similarly, under CEQA a public agency “may not divide a single project into smaller individual projects to avoid its responsibility to consider the environmental impacts of the project as a whole.” (*Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 698.) An accurate EIR must ensure that “environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Comm’n of Ventura County* (1975) 13 Cal.3d 263, 283-84.) Accordingly, “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) *it is a reasonably foreseeable consequence of the initial project*; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.)

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The redevelopment of property not required to operate the Regional Connector is a connected action under NEPA and a “reasonably foreseeable consequence of” the Project under CEQA. But for Metro’s acquisition of these sites for the Regional Connector, there would be no property to contribute to the “Metro Joint Development Program for possible development.” (Draft EIS/EIR, at 4-28.) Similarly, because Metro recognizes now that certain property it is acquiring for the Regional Connector will not be necessary for its operation and it intends to contribute it to its development program, it is reasonably foreseeable that these properties will be developed by Metro. Impacts from this development should have been included in the Draft EIS/EIR and, now, in the RDEIR.

14

The RDEIS Does Not Accurately Analyze Impacts To Or Around Japanese Village Plaza

Noise and Vibration Impacts Are Improperly Addressed. Construction is estimated to last for up to four years at the 1st/Central Avenue Station. (RDEIR at 4.7-31 [Table 4.7-15].) Yet, the RDEIR concludes that construction noise and vibration impacts would be less than significant at Japanese Village Plaza as a result of compliance with local ordinances and implementation of vague BMP, such as portable noise sheds, or temporary noise barriers. (RDEIR at 4.7-40.)

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However, this conclusion appears to be based on incorrect assumptions regarding the proximity of construction to Japanese Village Plaza generally, and its parking garage specifically. The report prepared by Wilson, Ihrig & Associates assumes that “none of the buildings [at Japanese Village Plaza] fall within the applicable screening distances for cut and cover construction, and thus there would be no vibration impacts from cut and cover construction.” (March 15, 2011, Memo. at 4.) Figure 2-18, however, shows cut and cover construction occurring within only a feet at most of the Japanese Village Plaza property line and its multi-story garage. Even a cursory review shows that this is far closer than the more than 15 feet assumed in the Wilson, Ihrig & Associates’ March 15, 2011, Memorandum. Independent expert analysis shows that the projected levels of vibration expected at Japanese Village Plaza’s garage “approaches and/or exceeds the potentially damaging threshold specified in Table 4.7-4.” (See Attachment B at 4.) Vibration impacts will surely be much greater at the very short distance shown in the RDEIR. This analysis, therefore, must be redone, and the actual significance of impacts determined.

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The Wilson, Ihrig & Associates March 15, 2011, Memorandum also predicts that the tunnel boring machine activities would “exceed the annoyance criteria” for vibrations. (March 15, 2011, Memo. at 5.) This is a far more liberal determination than that of an independent expert, who finds that the vibration will exceed annoyance, and exceeds the potentially damaging threshold. (See Attachment B at 4.) Yet the mitigation measures proposed in the Wilson, Ihrig & Associates March 15, 2011, Memorandum do not relate to damage to buildings; they are intended only to mollify an impacted occupant. (March 15, 2011, Memo. at 5.) Given the significant risks posed to building integrity, these mitigation measures are not sufficient to reduce this potential impact to below significant levels. (See Attachment B at 4-5.)

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The RDEIR Does Not Address New Significant Impacts To Geotechnical Hazards, Subsidence, Or Traffic. The RDEIR concedes that there could be new impacts as a result of the realignment changes, but does not analyze the potential for new impacts to geotechnical hazards, subsidence, or traffic. The purpose of recirculation is to give the public and public agencies an opportunity to evaluate the Project’s new alignment and new potential impacts, and the validity of the conclusions that Metro has drawn. *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 121. The RDEIR’s failure to evaluate, let alone identify, the potential for new impacts as a result of the alignment changes is clear error.

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For example, Section 4.9 of the Draft EIS/EIR states:

[T]he project area would be susceptible to the potential spread of

contaminated groundwater and release of subsurface oilfield gases. Also, the Fully Underground LRT Alternative would require more property acquisition and demolition of existing structures, which could heighten the risk of potential release of asbestos fibers and lead-based paint particles.

(Draft EIS/EIR, § 4.9.3.5.2 [Hazardous Materials].) The RDEIR does not address this impact even though the Draft EIS/EIR designates at least one property within the block under which the alignment will now pass as a “Property of Concern” with respect to “Known or Suspected Hazardous Materials in Soil and/or Groundwater within 0.25 Miles of Proposed Alignments.” (See Draft EIS/EIR, at 4-136 [Figure 4.9-3].)

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The Draft EIS/EIR also concludes that:

“The proposed tunneling would have the potential for adverse impacts related to ground settlement and differential settlement immediately above the alignments as well as adjacent structures including the historical buildings. In general, settlement is greatest at the ground surface directly above the alignment and decreases away from the centerline.”

(Draft EIS/EIR, § 5.5.1 [Appendix U, Geotechnical, Subsurface and Seismic Hazards] [underline added].) While admitting that subsidence impacts are site-specific, the RDEIR does not contain even an initial review of the Project’s potential to cause significant impacts from ground settlement under the new Project alignment.

Lastly, the RDEIR fails to analyze changed and potentially increased construction impacts on traffic, parking and transportation was based on the new alignment that would cross Central Avenue mid-block. The Draft EIS/EIR’s analysis of construction impacts in general, and on traffic, parking, and transportation specifically, was all based on an abandoned alignment. Shifting the alignment to the north in this heavily developed area will create new significant impacts not previously analyzed. The RDEIR does not address this.

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Traffic and parking impact analysis continue to be deficient, too. The RDEIR states that “the Regional Connector would provide new non-auto access to the area, and partially offset the parking demand in the area. However, some cumulative impacts would still remain, though they would not be significant.” (RDEIR at 4.2-24.) The RDEIR provides no explanation for this conclusion nor does it identify what cumulative parking impacts would remain. Similarly, the underlying assumptions are absent: (1) what does “partially” mean; (2) what is the profile of the new Metro user who will no longer drive to the Little Tokyo area; and (3) how was this profile, assuming that there even is one, determined? The RDEIR is silent. Similarly, “[t]he LPA would have significant direct and cumulative impacts with respect to displacement and relocation. However, these impacts could be reduced or avoided through mitigation.” (*Id.*, at 4.2-26.) The RDEIR’s vague reference to a reduction does not tell the reader whether significant impacts will remain. This is important because Metro can only move forward with a project that will have significant impacts where there are no feasible measures that would reduce them to less than

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significant. (Pub. Resources Code, § 15121(a), (15126.4(a) [EIR must describe all feasible mitigation measures to reduce a project’s significant impacts].) The RDEIR fails to disclose this important information.

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The RDEIR Does Not Adequately Analyze Land Use Impacts. The RDEIR notes that the number of full property acquisitions would be reduced from 16 to 9 while the number of permanent underground easements has increased from 6 identified in the Draft EIR to a now proposed 26. (RDEIR at 4.2-1.) This magnifies what would appear to be a scheme to shift significantly public construction costs through the use of insidious easements on private property. The RDEIR provides no individual or cumulative analysis of the impact of these 26 permanent easements. This information must be made public before the Metro Board considers a Final EIR.

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Mitigation Continues To Be Deferred In The RDEIR

A Draft EIS/EIR’s fundamental purpose to identify how significant impacts can be mitigated or avoided. (Pub. Res. Code, §§ 21002.1, subd. (a), 21061.) In defining mitigation measures, they must be defined with sufficient specificity for the public and the decision makers to weigh their efficacy. Mitigation measures are legally inadequate when they are so undefined that their effectiveness cannot be gauged. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79.) Accordingly, deferring the formulation of mitigation measures to the future, and after the project is built, is improper. “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915.) Despite CEQA’s directives, the Draft EIS/EIR impermissibly defers mitigation.

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The RDEIR concludes that the full take of property in Little Tokyo would result in a significant adverse effect with respect to displacement and relocation. (RDEIR at 4/2-26.) Rather than determine the scope of this impact now, Metro proposes mitigating it through a study. “Prior to construction, Metro shall conduct a parking needs assessment in Little Tokyo.” (RDEIR at 4.2-27.) Metro exacerbates this issue by then relying on the unfettered discretion and later studies and “work[ing] with the City of Los Angeles to develop a parking mitigation program...” Deferring this mitigation to the unfettered discretion of a lead agency official is inadequate and “does no more than require a report to be prepared and followed, or allow approval by a county department without setting any standards.” (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 794.)

The RDEIR completely fails to analyze the impacts of displacing parking lots that currently meet demand for the local business community, a deficiency also contained in the Draft EIS/EIR. (*See, e.g.,* Draft EIS/EIR, App. L, at 34, 41 [discussing on-street parking only].) For example, the proposed Little Tokyo station across the street from Japanese Village Plaza currently contains a busy surface parking lot together with local businesses. The RDEIR only considers the parking impacts on surface streets and not the long term impacts of displacing existing lots. Analyzing only impacts to on-street parking, the analysis seems to presume that

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not a single rider will arrive by car and, therefore, impacts to off-street parking need not be analyzed. The RDEIR, however, does not disclose the basis for this conclusion. Moreover, the impacts during the lengthy construction period on surrounding existing lots like that of Japanese Village Plaza are not properly analyzed or mitigated in the RDEIR.

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Parking impacts will also be exacerbated by obstructions to off-street parking that Metro does not take. The RDEIR proposes inadequate mitigation to address this: “Metro shall not hinder access to other public parking lots during construction.” (RDEIR at 4.2-27.) What does “not hinder access” mean? To mitigate parking impacts, Metro must commit now to maintaining access to all existing off-street parking garages not used for construction during their normal hours of operation. The mitigation measure should read: “Metro shall maintain access to all public and private parking lots during construction during the parking lot’s normal hours of operation.”

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To address geotechnical risks created by Metro’s massive tunneling machines and subterranean construction, “[a] vibration monitoring plan shall be developed during Final Design to ensure appropriate measures are taken to avoid any damage to sensitive or historic buildings due to construction-induced vibration.” (RDEIR at 4.7-41.) The Draft EIS/EIR had stated that “[d]esign criteria would be established during final design that require the construction contractor to limit movement to less than an acceptable threshold value as a performance standard. (Draft EIS/EIR, at 4-144, 4-352.) Now, Metro appears to have abandoned its attempt to develop “design criteria,” and now will rely on a later-developed plan to avoid damaging sensitive buildings. Deferring the development of this plan to a later date and without design criteria out of the public eye is not enough. Metro should identify a performance standard now. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) Deferring this plan’s development to a later date violates CEQA’s disclosure requirements. (*See San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 670.)

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Metro also proposes to provide advance notice to Japanese Village Plaza regarding tunneling schedules, but this does nothing to mitigate the actual vibrations that occupants would feel, or minimize the risk of damage. (*See* RDEIR at 4.7-44.) Further, as stated above, because the assumptions underlying Metro’s vibration impact analysis appear to be incorrect, mitigation measures need to be adopted to reduce the potential for structural damage to Japanese Village Plaza buildings.

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We request that Japanese Village Plaza be provided with the same mitigation measures that have been adopted for the Walt Disney Concert Hall due to the fact that certain of Japanese Village Plaza’s buildings are only separated from the Project’s tunnel by approximately 20 feet. Metro’s plan to “conduct engineering studies during the Preliminary Engineering,” should be replaced with a mitigation requiring Metro to “implement resiliently supported fasteners, isolated slab track, or other appropriate measures as needed to eliminate impacts and to reduce GBN below FTA annoyance criteria.” (*Ibid.*)

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The RDEIR also does nothing to define further Metro’s measures that would “[d]escribe and define tunnel construction monitoring requirements” to mitigate settlement. (Draft EIS/EIR,

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App. U, at 53-55.) Mitigation measures for methane gas are also not improved in the RDEIR and remain inadequate. (*Ibid.*)

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The Complete Draft EIS/EIR Must Be Recirculated To Cure Its Defects

To cure the significant defects in the Draft EIS/EIR and RDEIR discussed above, the *entire* Draft EIS/EIR DEIR must be revised to describe accurately the proposed Project and to analyze appropriately its environmental impacts. CEQA requires that a revised draft EIR be recirculated “[w]hen significant new information is added to an [EIR]” following public review and comment on an earlier draft. (Pub. Res. Code § 21092.1.) The public must be provided with an opportunity to review significant new information that is added to a draft EIR in order “to test, assess and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” (*Sutter Sensible Planning, Inc. v. Bd. of Supervisors* (1981) 122 Cal.App.3d 813, 822.)

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The RDEIR and Draft EIS/EIR suffer from numerous inadequacies, and Metro will need to incorporate significant new information in its environmental assessment of the Project in order to analyze adequately the Project’s environmental impacts, and to identify alternatives and mitigation measures that are capable of alleviating those impacts. NEPA and CEQA require that this significant new information be presented to the public in the form of recirculated draft EIS/EIR so that the public has a meaningful opportunity to review and comment on the new information. (See *Laurel Heights Improvement Ass’n v. Regents of University of California* (1993) 6 Cal.4th 1112, 1130.)

Attachment B



September 6, 2011

Japanese Village Plaza
c/o Latham & Watkins, LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560

Attention: Mr. Benjamin Hanelin

**Geotechnical Consultation
Supplemental Environmental Assessment/
Recirculated Draft Environmental Impact Report**
Los Angeles County Metropolitan Transportation Authority
Proposed Regional Connector Project
Los Angeles, California
GeoDesign Project: JapaneseVP-1-02

INTRODUCTION

This letter summarizes our comments regarding the Los Angeles County Metropolitan Transportation Authority (METRO) document titled *Regional Connector Transit Corridor Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report*, dated July 22, 2011, (EIR) and geotechnical information presented in the design geotechnical report titled *Regional Connector Transit Corridor Geotechnical Report*, dated October 4, 2010.

The Regional Connector Transit Corridor Locally Preferred Alternative (LPA) requires tunneling beneath the Japanese Village Plaza site. The LPA also includes the construction of the Little Tokyo Station, which will be constructed roughly between the west property line of Central Avenue and southeast intersection of Temple and Alameda Streets and immediately to the east of the Japanese Village Plaza site.

Based on our review of the EIR and other documentation, the impacts of the LPA to the Japanese Village Plaza site are not fully evaluated and the basis of the evaluations are not consistent with the site conditions that will be present during construction.

31

BACKGROUND

PROPOSED REGIONAL CONNECTOR AND EXISTING DEVELOPMENT

The proposed tunnel boring operation and construction of the Little Tokyo Station will impact buildings at the Japanese Village Plaza site directly. The buildings at the Japanese Village Plaza site include a reinforced concrete parking structure and low-rise office and retail buildings, which are of wood-frame and plaster construction.

The existing parking structure contains a partial subterranean level and it is estimated that the lowest bottom of foundation level is approximately 12 feet below the adjacent ground surface level.

The LPA tunnel will pass directly beneath the existing parking structure. Based on information presented on METRO drawing (un-numbered) titled "TRACK ALIGNMENT PLAN AND PROFILE STATION 68 + 00 TO 92 + 00," the crown of the tunnel will be approximately 25 to 27 feet below the existing surface level beneath the existing parking structure.

This will result in a minimum clear vertical distance of approximately 13 to 15 feet from the bottom of the existing foundation to the crown of the tunneling operation.

Figure 2-18 titled "Mangrove Property Construction Area" indicates that the Little Tokyo Station construction may be within 10 feet of the existing Japanese Village Plaza parking structure and that the shoring for the station on the west side of Central Avenue will pass within the zone of influence of the Japanese Village Plaza parking structure foundations.

32

FUTURE DEVELOPMENT AT JAPANESE VILLAGE PLAZA

The crown elevation of the proposed LPA tunnel and METRO setback requirements would limit the subterranean development at the current site of the Japanese Village Plaza parking structure to one level.

The presence of the tunnel will limit the ability to build subterranean parking levels and add significant challenges to future development at Japanese Village Plaza.

33

GEODESIGN COMMENTS ON EIR AND GEOTECHNCIAL REPORT

Below are general comments on the geotechnical-related aspects of the LPA as they relate to the Japanese Village Plaza based on the information presented in the EIR.

FAULT RUPTURE

While the Japanese Village Plaza site is not within a State-designated surface fault rupture hazard zone, a portion of the proposed alignment, north of Station 85+00 and east of Alameda Street, may be within a zone of potential vertical deformation that could result in offsets of the tunnel segments.

34

SUBSIDENCE

Subsidence above tunnels will occur during tunneling operations. Provisions to minimize and mitigate subsidence are presented in Section 4.18.2.7 of the EIR. These methods include shoring, bracing, various grouting methods, and underpinning. Each may be a suitable method of support or increased stability at the Japanese Village Plaza site.

It is our understanding that METRO has not provided its estimate of subsidence above the tunnel at the Japanese Village Plaza. Similarly, it is our understanding that METRO has not provided a specific plan to minimize subsidence, monitor subsidence, and mitigate the potential for excessive subsidence during and post-construction at the Japanese Village Plaza.

The proximity of the Japanese Village Plaza parking structure to the proposed crown of the tunnel, approximately 13 to 15 feet, make this information particularly relevant.

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HAZARDOUS GAS

The Japanese Village Plaza site is located in a City of Los Angeles-designated methane hazard zone. Methane gas seepage is possible at the site and the presence of the tunnel beneath the site presents a massive conduit for gas, in theory.

Section 4.18.2.6.3 of the EIR indicates general requirements for ventilation; however, it does not specifically indicate that ventilation is intended to mitigate the potential for methane or other harmful gases.

Methane mitigation measures should be identified by METRO.

36

DEWATERING

The EIR does not indicate that dewatering will be required for the tunneling beneath the Japanese Village Plaza site or construction of the Little Tokyo Station.

However, METRO should provide plans for dewatering, if planned between Stations 74+00 and 81+00.

37

EXCAVATION AND TUNNELING OBSTRUCTIONS

The only known subterranean features at the Japanese Village Plaza site are the foundation components of the existing structures, and these structures are generally at grade or slightly below grade. On-site utilities should be identified to evaluate the potential impact of the tunneling activities.

38

IMPACT FROM NOISE AND VIBRATION

EIR Section 4.7, Noise and Vibration outlines the conditions that will exist during the construction phase and also during the operation of the proposed Regional Connector. EIR Appendix R-2, Updated Locally Preferred Alternative Noise and Vibration Analysis presents the Wilson Ihrig & Associates *Noise and Vibration – Task 6.1.4.4 – Impacts at Little Tokyo Preliminary Results* dated July 12, 2011.

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Our review of Sections 4.7 and Appendix R-2 analyzed the LPA, which requires tunneling directly below the Japanese Village Plaza property. Our review is limited to vibration that could result in damage to buildings and general construction considerations.

Vibration standards are presented in Table 4.7-4 of Section 4.7 based on the Federal Transit Administration's (FTA) guidelines, which are summarized in Table 12-3 of the *FTA Noise and Vibration Impact Assessment Manual*, May 2006 (FTA-VA-90-1003-06) based on building type and category.

We reviewed the referenced standards and compared these standards with other published information, including California Department of Transportation guidelines. The standards and thresholds referenced in the EIR for damage to buildings from vibrations are reasonable and in general accordance with Federal and State standards.

Table 4.7-5 of Section 4.7 presents the minimum calculated "safe" distances from various types of construction equipment and/or activities and subsequently a "minimum safe distance" of 21 feet was determined for all anticipated construction activities and/or operational uses.

The July 12, 2011 Wilson Ihrig & Associates letter summarizes the methodology used to compute the safe distances. Table 2 of the July 12, 2011 letter titled "Construction Building Damage Effects" concludes that adverse impacts due to construction vibration will not be present at the Japanese Village Plaza site.

However, the proposed Little Tokyo Station appears to be within approximately 10 feet of the existing Japanese Village Plaza parking structure, and the tunnel boring machine operation will pass within approximately 13 to 15 feet of the Japanese Village Plaza parking structure foundations.

In each case, specific analysis regarding construction- and operational-related vibrations should be provided. For instance, our preliminary calculations indicate various equipment operating at a distance of 10 feet from the parking structure could result in vibrations on the order of 0.3 inch per second for loaded trucks to in excess of 0.8 inch per second for vibratory compactors. Each level of vibration approaches and/or exceeds the potentially damaging threshold specified in Table 4.7-4.

METRO should perform construction vibration monitoring at the Japanese Village Plaza site and implement mitigation measures as necessary and as planned for other sensitive locations.

CONSTRUCTION IMPACTS

EIR Section 4.18 summarizes the general construction activities and anticipated impact. As discussed above, the most significant construction activities identified that will impact the Japanese Village Plaza include tunnel boring machine operations beneath the Japanese Village Plaza and cut-and-cover construction of the Little Tokyo Station. Utility relocation may also impact portions of the Japanese Village Plaza site.

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Subsidence tolerances are not provided above the tunnel boring machine operation, and monitoring and/or mitigation plans have not been discussed for the Japanese Village Plaza site. Similarly, pre-treatment, such as soil improvement by grouting methods, which is common in Los Angeles for tunneling projects similar to the LPA, is not specifically discussed for Japanese Village Plaza.

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Access to and use of the Japanese Village Plaza site facilities will be required in order to implement the necessary precautions and monitoring, and these activities will be on-going during the tunnel boring machine operations.

41

Cut-and-cover or other methods used for the excavation and construction of the Little Tokyo Station will require relatively deep excavations and temporary shoring to support those excavations. Based on our review of the available information, the west end of the excavation, along the west side of Central Avenue, will extend below the zone of influence of the Japanese Village Plaza parking structure foundations.

42

Provisions to provide adequate support for the parking structure foundations will be required.

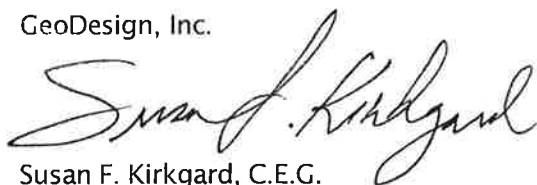
The nature of the temporary shoring system is not specified in the EIR; if tieback shoring is utilized, tiebacks would extend beneath the Japanese Village Plaza site.

43

Tolerances, including minimum deflection, for the planned temporary shoring should be provided along with the planned method of shoring. Calculations should be provided to demonstrate that the influence of the existing foundations was properly considered in the design of the shoring system.

Sincerely,

GeoDesign, Inc.



Susan F. Kirkgard, C.E.G.
Associate Geologist



Christopher J. Zadoorian, G.E.
Principal Engineer



CJZ:kt

Six copies submitted

Document ID: JapaneseVP-1-02-090611-geol.doc

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Attachment C

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July 1, 2011

VIA EMAIL AND FEDEX

Ronald Stamm, Esq.
 Los Angeles County Metropolitan Transportation
 Authority
 One Gateway Plaza, MS 99-22-2
 Los Angeles, CA 90012

Re: Regional Connector Transit Corridor Project – Route Change Impacting Japanese Village Plaza

Dear Ron:

We appreciate your recent meeting with us, along with other members of the Metro team, so that our client, Japanese Village, LLC, could understand better the impacts created by the Regional Connector's proposed change in alignment to tunnel under our client's property. As you know, that alignment was not studied in the project's Draft EIR/EIS and Metro has determined they cannot provide detailed information to our client about the depth and location of the new proposed tunnel alignment. Because impacts were not studied in the Draft EIR, our client has retained expert engineers to provide information, but they have advised they cannot provide analysis of the impacts without the necessary information from Metro.

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While we appreciate the provision of information from similar projects on Metro's Eastside Extension, and Metro's efforts to try to respond to Japanese Village's concerns over the redesigned and unstudied alignment, without adequate details our client cannot support the proposed alignment change. As we have advised your team in detail, Japanese Village has just completed a multimillion dollar reinvestment. The location of the proposed tunnel under the parking garage would preclude the future expansion and improvements previously targeted for that area.

We now understand that Metro has determined it is unable to provide detailed information on impacts created by the project change and is moving ahead with the new project alignment without recirculating further CEQA or NEPA review for public comment. As discussed with you, our client believes that Metro's decision not to conduct further environmental review on the proposed route change is not consistent with both these statutes' respective goals of public disclosure and informed decision making.

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As Japanese Village's ownership has made clear, it supports public transit that furthers the interests of Little Tokyo and its businesses and residents. However, as set forth in

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Attachment A, Japanese Village has significant concerns over impacts on its property created by the revised project that have not been analyzed or made available for public comment under either CEQA or NEPA. This analysis should take place now and be made available to the public and the decision makers before this route change is made as part of the Regional Connector project.

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We appreciate your consideration of these issues. Please do not hesitate to contact me should you wish to discuss these matters further at (213) 891-7905.

Very truly yours,



Lucinda Starrett
of LATHAM & WATKINS LLP

cc: Ms. Martha Welbourne
Mr. Calvin Hollis
Ms. Velma Marshall
Mr. Robin Blair
Mr. Ray Tellis
Mr. Ray Sosa
Ms. Dolores Roybal Saltarelli
Ms. Laura Cornejo
Mr. David Singelyn
Ms. Sara Vogt-Lowell
Mr. Robert D. Crockett
Mr. Benjamin J. Hanelin

ATTACHMENT A

First indicated in a small post on Metro's blog in January 2011, it was only in June of this year that that Metro provided any detail on its plan to under the heavily developed block bounded by 1st Street, San Pedro Street, 2nd Street, and Central Avenue (the "June 2011 Proposal"). This June 2011 Proposal was certainly not the original project, nor was it one of the Draft EIS/EIR's alternatives. The June 2011 Proposal was not analyzed at all, and the Draft EIS/EIR needs to be revised and recirculated for reasons described below.

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The reason Japanese Village, LLC had not previously commented upon the Draft EIS/EIR when it was out for public circulation is that the Regional Connector tunnel did not appear to run under Japanese Village property until the June 2011 Proposal.

The Draft EIS/EIR Fails to Set Forth a Proper Project Description

Cal. Admin Code, tit. 14, § 15124 provides:

The description of the project shall contain the following information . . .

(a) The **precise location and boundaries of the proposed project** shall be shown on a detailed map, preferably topographic. The location of the project shall be shown on a detailed map, preferably topographic.

47

(c) A general description of **the project's technical, economic, and environmental characteristics**, considering the principal engineering proposals if any and supporting public service facilities. (CEQA Guidelines, § 15124 [emphasis added].)

The Draft EIS/EIR lacks a "precise location and boundaries" map and lacks a "general description of the project's technical characteristics."

Section 1.6.2 of the Draft EIS/EIR attempts a textual project description by saying that "[b]y 2035, the Metro rail system is proposed to be expanded to the north and east with extensions to the Gold Line and to the west with extensions to the Purple and Expo Lines and the addition of the Crenshaw Line." Figure 1-1, Project Area, shows the existing locations for the Metro Gold Line, Metro Red and Purple Lines, Metro Blue and Expo Lines, but nowhere is there either a map or a textual description to explain how the project will connect these existing lines.

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Figure 1-2, "Existing and Proposed Metro Rail Lines in 2035," rather than being a "precise location" map shows the "Regional Connector" in only vague terms, with an apparent scale of one inch to two miles. A reader cannot read Figure 1-2 to determine how the Regional Connector will connect existing lines, in terms of streets, buildings and properties affected.

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The first time the reader gains an understanding of possible routes is in Chapter 2, Alternatives Considered. Figure 2-1 contains a map that combines three apparent alternative

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alignments. Figure 2-3 portrays the TSM Alternative,¹ Figure 2-9 the At-Grade Emphasis LRT Alternative, Figure 2-9 the Underground Emphasis LRT Alternative, Figure 2-10 the Fully Underground LRT Alternative, with variations of these at Figures 2-11, 2.12, and 2-13.

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The technical appendices make no attempt to state a preferred project, much less describe the June 2011 Proposal. (Technical Appendix II, foldout: “Regional Connector Transit Corridor Draft Conceptual Plans and Profiles: December 18, 2009.”)

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Thus, there is not a single route described as the project from which alternatives may be judged. CEQA requires that an EIR identify feasible alternatives that could avoid or substantially lessen the project’s significant environmental impacts. (Pub. Res. Code, §§ 21002, 21002.1, subd. (a), 21100, subd. (b)(4).) The Draft EIS/EIR here skips the project definition.

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A project proponent does not satisfy CEQA’s requirement for “precise location and boundaries” by providing location and boundaries for three to five alternatives. Exactly how does one measure an alternative’s strengths and weaknesses without a project description? “[A]n accurate stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 (“*San Joaquin Raptor II*”) (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.)) Furthermore “[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity.” (*Silveira v. Las Gallinas Valley Sanitary District* (1997) 54 Cal.App.4th 980, 990 (citation omitted).) Under NEPA, the “EIS process should serve both to alert the public of what the agency intends to do and give the public enough information to be able to participate intelligently in the EIS process.” (*California v. Block* (9th Cir. 1982) 690 F.2d 753, 772.) Thus, an EIS must “properly define[]” (40 C.F.R. § 1502.4(a)) the proposed project and provide a “clear presentation of the alternatives including the proposed action.” (*Id.*, § 1502.10.)

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The Regional Connection’s Draft EIS/EIR resembles the problems presented in *County of Inyo v. City of Los Angeles*. The project there was defined merely as an increase in water pumping rates from subsurface water in Owens Valley. The EIR, however, discussed far broader concepts, such as canal work, a conservation program, reduction of stockwater and reservoir operations. (71 Cal.App.3d, at 190.)

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the ‘no project’ alternative) and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.

¹ The TSM is merely a Transportation Systems Management Alternative, which proposes only the construction of bus stops. (Draft EIS/EIR, App. FF, at 15.)

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(*Id.*, at 192-93.) In *County of Inyo*, the “incessant shifts among different project descriptions do vitiate the City’s EIR process as a vehicle for intelligent public participation.” (*Id.*, at 197.) “The defined project and not some different project must be the EIR’s bona fide subject.” (*Id.*, at 199.) “Because the Final EIR[’s . . .] list of alternatives is not tied to a reasonably conceived or consistently viewed project, the Los Angeles EIR does not comply with CEQA’s demand for meaningful alternatives.” (*Id.*, at 203.)

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The Regional Connector Draft EIS/EIR leads with the Transportation Systems Management Alternative, which proposes only the construction of bus stops. (Draft EIS/EIR, App. FF, at 15.) But the June 2011 Proposal selects much more, and selects nothing studied in the Draft EIS/EIR.²

The DRAFT EIS/EIR Has Not Studied the Impacted Area Around Japanese Village

For the very reason there was no adequate project description, the Draft EIS/EIR has failed to assess project impacts upon the Japanese Village. The Draft EIS/EIR analyzes the project’s impacts in the following categories: Displacement and Relocation of Existing Uses, Community and Neighborhood Impacts, Visual and Aesthetic Impacts, Climate Change, Noise and Vibration, Ecosystems/Biological Resources, Geotechnical/Subsurface/Seismic/Hazardous Materials, Water Resources, Energy, Historic – Built Environment, Historic – Archaeology, Parklands and Other Community Facilities, Economic and Fiscal Impacts, Safety and Security, and Growth-Inducing Impacts. The Draft EIS/EIR admits that many of these potentially significant impacts are site specific, yet the agency is poised to move ahead with a final EIS/EIR without analyzing or giving the public the opportunity to comment on the June 2011 Proposal. A *post hoc* review done to determine these impacts is exactly what CEQA and NEPA are designed to prevent.

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² Further, Metro, as “the lead agency plays a pivotal role in defining the scope of environmental review, lending its expertise in areas within its particular domain, and in ultimately recommending the most environmentally sound alternative.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) Rather than define a proposed project, from which many key CEQA and NEPA obligations then build upon, the agency has abdicated this role to a later point in time. (See Draft EIS/EIR, at 2-1 [“Depending on which alternative is selected...”].) By defining a range of alternatives only, and not a precise project, Metro has also violated CEQA’s and NEPA’s respective goals of an informed public. (Pub. Res. Code, § 21003(b) [EIRs should be organized and written in a manner that will make them “meaningful and useful to decision-makers and to the public.”]; *Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355 [“A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation.”]; (40 C.F.R. §§1502.4, subd. (a), 1502.10 [an EIS must “properly define[]” the proposed project and provide a “clear presentation of the alternatives including the proposed action.”]; *id.* § 1502.8. [an EIS . . . must . . . “be written [. . .] so that decisionmakers and the public can readily understand [it].”].)

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In evaluating land use impacts, the Draft EIS/EIR concludes that: “To construct the Underground Emphasis LRT Alternative, partial takings of 11 parcels, full takings of 10 parcels, permanent easements across 4 parcels, and temporary easements across 8 parcels would be needed for the construction of LRT facilities.” (Draft EIS/EIR, at 4-16; *see* Table 4.2-4 [enumerating impacts parcels and identifying extent of potential take]; *see also id.*, at 4-24 (examining significant adverse impacts from dislocation and relocation from the Fully [underground LRT Alternative].) Because no alternative of underground alignment analyzed in the Draft EIS/EIR passes under the June 2011 Proposal, the document contains no analysis of the potentially significant displacement and relocation impacts relating to this proposal. Any displacement or relocation would constitute a new significant impact requiring the Draft EIS/EIR’s recirculation.

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Noise and vibration impacts are highly localized. The Draft EIS/EIR analyzes noise and vibration impacts at specific locations along the proposed routes and alternatives, but because the Draft EIS/EIR does not analyze an alternative that passes along the June 2011 Proposal’s alignment, potentially significant noise and vibration impacts to this block were not analyzed. These potentially significant impacts should be analyzed now and made available for public review.

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Section 4.9 of the Draft EIS/EIR analyzes Geotechnical/Subsurface/Seismic/Hazardous Materials impacts on a site specific basis as well.

[T]he project area would be susceptible to the potential spread of contaminated groundwater and release of subsurface oilfield gases. Also, the Fully Underground LRT Alternative would require more property acquisition and demolition of existing structures, which could heighten the risk of potential release of asbestos fibers and lead-based paint particles.

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(Draft EIS/EIR, § 4.9.3.5.2 [Hazardous Materials].)

Since no alternative was proposed to pass under the June 2011 Proposal, no analysis was conducted of the project’s potential to increase significantly this environmental impact. This analysis is especially important here because the Draft EIS/EIR designates at least one property within the block under which the alignment will now pass as a “Property of Concern” with respect to “Known or Suspected Hazardous Materials in Soil and/or Groundwater within 0.25 Miles of Proposed Alignments.” (See Draft EIS/EIR, at 4-136 [Figure 4.9-3].) Additional environmental analysis of the site-specific hazardous and geotechnical impacts to this area are required, and the results of these analysis must be circulated for public review and comment before any final action is taken on the Project.

The Draft EIS/EIR also concludes that:

“The proposed tunneling would have the potential for adverse impacts related to ground settlement and differential settlement immediately above the alignments as well as adjacent structures

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including the historical buildings. In general, settlement is greatest at the ground surface directly above the alignment and decreases away from the centerline.”

(Draft EIS/EIR, § 5.5.1 [Appendix U, Geotechnical, Subsurface and Seismic Hazards] [underline added].)

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The Draft EIR/EIS admits that these subsidence impacts are site-specific, yet Metro has not completed even an initial review of the Project’s potential to cause significant impacts from ground settlement within the June 2011 Proposal. Review must be done now to determine whether there are any additional significant impacts and to define mitigation measures to address them. In fact, geotechnical analysis along the entire length of the proposed route is only now occurring, when it should have taken place before the Draft EIS/EIR was published and been a part of the project description and description of the environment.

The Draft EIS/EIR’s analysis of construction impacts on traffic, parking and transportation was based on an alignment that utilized the right-of-way along Second Street, and did not cross Central Avenue mid-block. The Draft EIS/EIR’s analysis of construction impacts in general, and on traffic, parking, and transportation specifically, was all based on this old alignment. Shifting the alignment to the north in this heavily developed area may create different or new significant impacts not previously analyzed. The Draft EIS/EIR should be revised and recirculated so that these impacts can be publicly reviewed and commented on.

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Historic resources are also potentially significantly impacted by this alignment change. Figure 4.12-7 indicates that there are at least four existing structures under which the June 2011 Proposal may pass that were built before 1968. Impacts to these resources from increased vibration as a result of tunneling directly under these structures has not been analyzed. These potentially significant impacts must be considered now, and presented to the public for review and comment in a recirculated Draft EIS/EIR

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There Is No Environmentally Superior Alternative Identified

The failure to provide a project description led to the Draft EIS/EIR’s failure to identify an environmentally superior alternative – one of CEQA’s most basic requirements. CEQA requires an EIR to identify and discuss feasible alternatives to a proposed project. (Pub. Res. Code, §§ 21002, 21002.1(a), 21061, 21100(b)(4).) Of the alternatives considered, the CEQA Guidelines require that an EIR identify the “environmentally superior alternative,” which assists decision makers in considering a project approval. (See Cal. Admin. Code, tit. 14, §§ 15126.6(a), (e)(2).)

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Here, the Draft EIS/EIR only describes the alternatives considered, but it does not identify an environmentally superior alternative that would minimize the Regional Connector’s significant environmental effects. (See Draft EIS/EIR, pp. 2-1 to 2-17.) Under CEQA, a proper analysis of alternatives is essential to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code, § 21002; Cal. Admin. Code, tit. 14, §§ 15002(a)(3), 15021(a)(2).) The Draft EIS/EIR’s failure to

disclose an environmentally superior alternative is prejudicial, and the Draft EIS/EIR should be recirculated so that the public has an opportunity to comment on an identified project that Metro concludes is the environmentally superior alternative for meeting the project goals and needs defined in the Draft EIS/EIR.

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The Draft EIS/EIR Lacks A Proper Baseline

Under CEQA, “[a]n EIR must focus on impacts to the existing environment, not hypothetical situations.” (*Sunnyvale W. Neighborhood Ass’n v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351, 1373; see also *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 352–355; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955.) “It is only against this baseline that any significant environmental effects can be determined. (CEQA Guidelines, §§ 15125, 15126.2, subd. (a).)” (*Id.*, at 952.) “[U]sing hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” (*Communities for a Better Env. v. S. Coast Air Quality Management District* (2010) 48 Cal.4th 31, 322.)

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Here, while the air quality impacts analysis acknowledges that CEQA requires determining a project’s significance based on “existing conditions at the time the project NOP was published,” it eschews this analysis for one that compares “the difference between a project alternative (2035) and the 2009 Baseline **adjusted for regional growth that would occur by 2035.**” (Draft EIS/EIR, App. Q, at 17 [emphasis added].) This “adjusted baseline” violates CEQA because it does not focus on “impacts to the existing environment,” but rather “hypothetical [future] situations.” (*Sunnyvale*, 190 Cal.App.4th, at 1373.)

The Draft EIS/EIR’s analysis of traffic impacts suffers from the same defect – failure to analyze the significance of the Project’s impact against existing conditions. To assess the “project’s” traffic impacts, the Draft EIS/EIR assumes a set of future conditions based on “forecasts...developed for the horizon year of 2035” and compares the “project” against these future conditions to measure the significance of impacts. (Draft EIS/EIR, App. L, at 15.) Although existing conditions were discussed in the Draft EIS/EIR, the Draft EIS/EIR never compared the “project’s” impacts against these existing physical conditions. (See, e.g., *id.*, at 58-70 [analyzing impacts against future, hypothetical 2035 traffic conditions].)

In *Sunnyvale*, the court rejected this exact methodology. There, the EIR used hypothetical future traffic network and volumes used by planning agencies as its “baseline” to evaluate the roadway project’s traffic and related impacts. (*Id.*, 190 Cal.App.4th, at 1379 [using “projected conditions in the year 2020, more than a decade after approval, as the ‘baseline’ against which to assess the traffic and related impacts of the proposed project.”].) The court held that this violated CEQA, because “a straightforward assessment of the impacts produced by the project alone on the existing environment is the foundational information of an EIR.” (*Id.*, at 1382.) The agency’s failure was a prejudicial abuse of discretion because “[e]valuation of the [] project under those projected worse traffic conditions of the future obscures the existence and severity of adverse impacts that would be attributable solely to the project under the existing

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conditions...” (*Id.*, at 1388.) Here, too, Metro’s decision to analyze what the traffic impacts might be in 2035 and long after the “project,” whatever it is, is built is similarly an abuse of discretion.

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Mitigation Has Been Deferred

The Draft EIS/EIR’s fundamental purpose to identify how significant impacts can be mitigated or avoided.³ (Pub. Res. Code, §§ 21002.1, subd. (a), 21061.) In defining mitigation measures, they must be defined with sufficient specificity for the public and the decision makers to weigh their efficacy. Mitigation measures are legally inadequate when they are so undefined that their effectiveness cannot be gauged. (*San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79.) Accordingly, deferring the formulation of mitigation measures to the future, and after the project is built, is improper. “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915.) Despite CEQA’s directives, the Draft EIS/EIR impermissibly defers mitigation.

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The Draft EIS/EIR concludes that the full take of property in Little Tokyo would result in a significant adverse effect with respect to environmental justice. (*See generally* Draft EIS/EIR, § 4.17; *id.*, at 4-23.) Rather than determine the scope of this impact now, Metro proposes mitigating it through a study. “Prior to construction, Metro would conduct a parking analysis of the Little Tokyo area to determine parking capacity and if temporary or permanent displacement of parking would affect this capacity” and “would consider replacing displaced parking.” (*Id.*, at 4-30, 4-308.) This violates CEQA because instead of analyzing the impact and committing to specific action to mitigate it now, Metro is relying on the unfettered discretion of its employee to determine whether capacity is “affected,” and then leaves it up to the same staff to “consider

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³ Note that the Draft EIS/EIR also defers actual analysis of impacts. For example, rather than determine what the electro-magnetic field impacts will be now, the Draft EIS/EIR states that studies will be done later to determine what these impacts are. (*See* Draft EIS/EIR, at 4-147 (“Although potential impacts related to very weak EMFs that would be created by the build alternatives would not be anticipated, additional evaluation of sensitive receptors, including residences, schools, hospitals, day care facilities, and convalescent homes within 100 feet of the proposed alignments, would be warranted. Projected EMF levels produced by the LRT would be compared with International Radiation Protection Association guidelines. If these guidelines are exceeded, mitigation would be implemented to ground or block EMFs or modify the LRT power requirements.”) This violates both CEQA and NEPA. Under NEPA, an EIS must provide a “full and fair discussion” of a project’s significant environmental impacts by compiling and analyzing all relevant data. (40 C.F.R. §§1500.1, 1502.1; *Sierra Club v. U.S. Forest Service* (9th Cir. 1988), 843 F.2d 1190, 1195.) CEQA requires that an EIR identify and analyze potentially significant environmental impacts. (*See* Cal. Admin. Code, tit. 14, § 15126.2, subd. (a).)

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replacing” it.⁴ Deferring this mitigation to the unfettered discretion of a lead agency official is inadequate and “does no more than require a report to be prepared and followed, or allow approval by a county department without setting any standards.” (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777, 794.)

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Similarly, to address geotechnical risks created by Metro’s massive tunneling machines and subterranean construction, “[d]esign criteria would be established during final design that require the construction contractor to limit movement to less than an acceptable threshold value as a performance standard. (Draft EIS/EIR, at 4-144, 4-352.) Deferring the development of design criteria to a later date is not enough. Rather than identify a performance standard that could be achieved in various ways, which is permissible under CEQA (CEQA Guidelines, § 15126.4, subd. (a)(1)(B)), Metro has improperly deferred its development. Metro has provided no reason why this criteria could not be developed now, and its failure to do violates CEQA’s disclosure requirements. (*See San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 670.) Metro’s measures that would “[d]escribe and define tunnel construction monitoring requirements” to mitigate settlement, and mitigation measures for methane gas are also improperly deferred and not satisfactorily described. (Draft EIS/EIR, App. U, at 53-55.)

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The Project Has Been Piecemealed

Despite identifying the need to relocate numerous buildings and structures as a result of any one of the discussed alternatives and future development opportunities on property that Metro is acquiring for construction purposes, Metro has not analyzed the impacts of these projects together with the impacts from the Regional Connector. (*See* Draft EIS/EIR, at 4-28 [“Upon completion of construction, property needed for construction but not required to maintain the physical infrastructure, or necessary for access would be included in Metro Joint Development Program for possible development. A development would be environmentally and separately cleared from this project and would undergo its own community input process.”], 4-12 to 4-30 [discussing partial and full takes, which would require relocation of existing businesses].) This is improper under both NEPA and CEQA, and it is not enough that these projects, which will only occur because of the Regional Connector, will undergo separate environmental review.

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Under NEPA, connected actions must be considered together in the same EIS. (40 C.F.R. § 1508.25; *Thomas v. Peterson* (9th Cir. 1985) 753 F.2d 754, 758-9.) Connected actions are those that (1) “[a]utomatically trigger” other actions potentially requiring EISs; (2) “cannot or will not proceed unless other actions are taken previously or simultaneously;” or (3) are “interdependent parts of a larger action and depend on the larger action for their justification.” (40 C.F.R. §1508.25.) Courts apply an “independent utility” test under NEPA to “determine whether multiple actions are so connected as to mandate consideration in a single EIS.” (*Great*

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⁴ The Draft EIS/EIR also fails because it does not analyze impacts of eliminating off-street parking. (*See, e.g.,* Draft EIS/EIR, App. L, at 34, 41 [discussing on-street parking only].) Analyzing only impacts to on-street parking, the analysis seems to presume that not a single rider will arrive by car and, therefore, impacts to off-street parking need not be analyzed. The Draft EIS/EIR, however, does not disclose the basis for this conclusion.

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Basin Mine Watch v. Hankins (9th Cir. 2006) 456 F.3d 955, 969.) Similarly, under CEQA a public agency “may not divide a single project into smaller individual projects to avoid its responsibility to consider the environmental impacts of the project as a whole.” (*Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 698.) An accurate EIR must ensure that “environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Comm’n of Ventura County* (1975) 13 Cal.3d 263, 283-84.) Accordingly, “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) *it is a reasonably foreseeable consequence of the initial project*; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.)

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The redevelopment of property not required to operate the Regional Connector is a connected action under NEPA and a “reasonably foreseeable consequence of” the Regional Connector under CEQA. But for Metro’s acquisition of these sites for the Regional Connector, there would be no property to contribute to the “Metro Joint Development Program for possible development.” (Draft EIS/EIR, at 4-28.) Similarly, because Metro recognizes now that certain property it is acquiring for the Regional Connector will not be necessary for its operation and it intends to contribute it to its development program, it is reasonably foreseeable that these properties will be developed by Metro. Impacts from this development should have been included in the Draft EIS/EIR, and because it was not the Draft EIS/EIR should be revised and recirculated now so that it presents an accurate picture of the project’s impacts to the public and decisionmakers.⁵

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The Draft EIS/EIR Must Be Recirculated

For all the foregoing reasons, the Draft EIS/EIR must be repaired and recirculated.

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⁵ Metro further disguises the Regional Connector’s impacts by failing to complete a programmatic EIS/EIR for its aggressive rail expansion. Under CEQA, a program EIR is required when individual projects together comprise a single project, or an individual project is to be implemented in multiple phases. (CEQA Guidelines, § 15165.) Similarly, NEPA requires a programmatic EIS be prepared whenever “proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.” (40 C.F.R. § 1502.4, subd. (a); *see City of Tenakee Springs v. Clough* (9th Cir. 1990) 915 F.2d 1308, 1312-13; *see also LaFlamme v. Fed. Energy Regulatory Comm.* (9th Cir. 1988) 852 F.2d 389, 401-02 (9th Cir. 1988) (holding that a cumulative impacts analysis was insufficient where the agency had examined single projects in isolation because there were several foreseeable similar projects in a geographical region that added to the cumulative impacts).

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R-BU7

Responses to Comments from Latham & Watkins LLP on behalf of Japanese Village, LLC, Crockett, Robert D.**Response to Comment R-BU7-1**

Impacts to the Japanese Village Plaza associated with the proposed Regional Connector project were thoroughly analyzed and disclosed in the Supplemental EA/Recirculated Draft EIR Sections. As Metro indicated to the commenter in June 2011, information regarding the depth and location of the tunnel was adequate to analyze impacts for purposes of the Supplemental EA/Recirculated Draft EIR Sections. Additional detail regarding project design that will be developed as the design is finalized will reflect the level of impacts disclosed in the Supplemental EA/Recirculated Draft EIR Sections. Metro's environmental review process has been thorough and detailed resulting in a full disclosure of impacts and is in compliance with both CEQA and NEPA. In accordance with CEQA and NEPA, each alternative's potential to result in short- and long-term, direct, indirect, and cumulative impacts on the environment, as well as economic and environmental justice impacts, was evaluated in Chapter 3 through 5 of the EIS/EIR. Please refer to Responses to Comments R-BU7-2 through R-BU7-70, which include supporting information from the EIS/EIR, to specific comments raised in this letter. Metro is committed to address financial property-related issues important to individual property owners as project implementation, including acquisition of easements, proceeds. Refer to Responses to Comments R-BU7-44 and R-BU7-45, below, for responses to commenter's referenced "Attachment C".

Response to Comment R-BU7-2

The Supplemental EA/Recirculated Draft EIR Sections thoroughly addressed all potential impacts in compliance with CEQA and NEPA. A property easement from the Japanese Village Plaza would be required in order to construct the tunnel as part of the Locally Preferred Alternative. Impacts on the Japanese Village Plaza, such as ground-borne noise generated during construction and operation, were appropriately identified and disclosed in the Supplemental EA/Recirculated Draft EIR Sections. There would be no partial take of the Japanese Village Plaza property under the Locally Preferred Alternative and the existing parking and retail structures on the parcels would remain in place. As indicated in Section 4.2, Displacement and Relocation, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, subsurface easements would not result in significant impacts/adverse effects because they do not involve displacement or acquisition of surface area. Displacement impacts were analyzed in accordance with CEQA and NEPA, which require analysis of the project's potential to displace housing, people, or businesses. A reasonably foreseeable project is one where the applicant has devoted significant time and financial resources to prepare for any regulatory review (*Gray v. County of Madera 2008*). Future development beneath the Japanese Village Plaza parcel, that would require use of the area indicated for the subsurface easement to accommodate the Locally Preferred Alternative, is currently not reasonably foreseeable. The subsurface easement would not preclude future development beneath the entire parcel; only future underground development within the area of the easement would be precluded. In addition, the subsurface easement would not preclude any aboveground future development on the parcel. Metro would provide compensation for the easement in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)

as indicated in mitigation measure number DR-8 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Issues related to the valuation/cost of the easement would be negotiated with the property owner by Metro during project implementation.

Response to Comment R-BU7-3

The Locally Preferred Alternative was thoroughly and clearly described in the Supplemental EA/Recirculated Draft EIR Sections (see responses below). Potential impacts associated with the project were adequately and clearly analyzed and disclosed in Chapter 3, Transportation Impacts and Mitigation, and Chapter 4, Environmental Analysis, Consequences, and Mitigation of the Draft EIS/EIR and this Final EIS/EIR, and the sections included in the Supplemental EA/Recirculated Draft EIR Sections. No piecemeal approach has been taken. All components of the project have been described and analyzed in the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. Refinements to the Locally Preferred Alternative since publication of the Draft EIS/EIR have been described and analyzed in the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Significant impacts and adverse effects were adequately analyzed and mitigation measures to reduce significant impacts/adverse effects to the maximum extent feasible were identified in Chapter 3, Transportation Impacts and Mitigation, and Chapter 4, Environmental Analysis, Consequences, and Mitigation of the Draft EIS/EIR and this Final EIS/EIR, and the sections included in the Supplemental EA/Recirculated Draft EIR Sections (see below for specific responses). The Draft EIS/EIR identified candidate mitigation measures for each alternative where significant impacts/adverse effects would occur. Appropriate candidate mitigation measures identified in the Draft EIS/EIR have been refined and confirmed in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Please refer to Responses to Comments R-BU7-31 through R-BU7-43, below, for responses to commenter's referenced "Attachment B".

Response to Comment R-BU7-4

A range of alternatives were equally described and evaluated in the EIS/EIR, as required under NEPA (40 CFR 1502.14), as well as the Federal Transit Administration (FTA) NEPA implementing regulations (23 CFR 771.105(b), 771.123(c) and 771.125(a)). The approach of including alternatives at an equal level of review, as required by NEPA, does not violate CEQA because the description of each alternative and evaluation of potential impacts associated with each alternative meet CEQA requirements. The following alternatives were evaluated in the EIS/EIR for potential environmental, economic, and social impacts: No Build Alternative, TSM Alternative, At-Grade Emphasis LRT Alternative, Underground Emphasis LRT Alternative, and the Fully Underground Light Rail Transit (LRT) Alternative. The description of alternatives is provided in Section 2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. On October 28, 2010, the Metro Board of Directors voted to designate the Fully Underground LRT Alternative without the Flower/5th/4th Street station as the Locally Preferred Alternative. Section 2.3.6 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR includes an accurate, stable, finite, and clear description of the Locally Preferred Alternative (the proposed project). The Locally Preferred Alternative alignment would extend underground from the 7th Street/Metro Center Station under Flower Street to 2nd Street.

Tracks would then proceed east underneath the 2nd Street Tunnel and 2nd Street to just west of Central Avenue. At 2nd Street and the pedestrian signal to the Japanese Village Plaza, the tracks would continue underground heading northeast under the Japanese Village Plaza and 1st and Alameda Streets. To the east and north of the rail junction beneath 1st and Alameda Streets, tracks would rise to the surface through two new portals in order to connect to the existing Metro Gold Line. The portals would be located on the northeast corner of 1st and Temple Streets, and in the median of 1st Street between Alameda and Garey Streets.

Sufficient detail was provided in the description of all the alternatives, including the Locally Preferred Alternative, in order to adequately evaluate the potential environmental, economic, and social impacts associated with each alternative.

Response to Comment R-BU7-5

Please refer to Response to Comment R-BU7-4, above. The approach of including alternatives at an equal level of review, as required by NEPA, does not violate CEQA because the description of each alternative and evaluation of potential impacts associated with each alternative meet CEQA requirements and CEQA does not preclude this type of analysis. The beginning of Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR discusses the designation of the Fully Underground LRT Alternative without the Flower/5th/4th Street station as the Locally Preferred Alternative and refinements since publication of the Draft EIS/EIR, and refers the reader to Section 2.3.6 for further description of the Locally Preferred Alternative. The Locally Preferred Alternative is clearly and definitively identified as the proposed project in the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU7-6

The description of the Locally Preferred Alternative in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR meets the requirements of Section 15124 of the CEQA Guidelines.

- The “precise location and boundaries of the proposed project are shown on a detailed map.” (CEQA Guidelines, § 15124, subd. (a).) The various figures in Chapter 2 adequately depict the proposed project location.
- “The location of the project shall also appear on a regional map.” (CEQA Guidelines, § 15124, subd. (a).) The regional maps in Chapter 1, Purpose and Need, satisfy this requirement.
- “A general description of the project’s technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.” (CEQA Guidelines, § 15124, subd. (c).) The description of the project in Chapter 2 clearly address this requirement.
- “A statement of the objectives sought by the proposed project.” (CEQA Guidelines, § 15124, subd. (b).) The goals and objectives are set forth in Chapter 1, Purpose and Need.

- The following are included in Section 2.6, Environmental Process, and Section 4.22, Anticipated Permits and Approvals, of this Final EIS/EIR: A statement briefly describing the intended uses of the EIR.” (CEQA Guidelines, § 15124, subd. (d).) This statement shall include:
 - A list of the agencies that are expected to use the EIR in their decision-making, and
 - A list of permits and other approvals required to implement the project.
 - A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.
 - And, “if a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur.” (CEQA Guidelines, § 15124, subds. (d)(1) and (2).)

Response to Comment R-BU7-7

Please refer to Response to Comment R-BU7-4, above. A range of alternatives were equally described and evaluated in the EIS/EIR. Each alternative is described in Section 2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. As indicated in the beginning of Chapter 2, Alternatives Considered, and Section 2.3.6 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, the Metro Board of Directors voted on October 28, 2010, to designate the Fully Underground LRT Alternative without the Flower/5th/4th Street station as the Locally Preferred Alternative. The Locally Preferred Alternative is described in Section 2.3.6 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU7-8

Please refer to Response to Comment R-BU7-4 and R-BU7-5, above.

Response to Comment R-BU7-9

The project’s purpose is clearly described in Chapter 1 (closing an approximately two mile gap in the LRT system). Project alternatives consisting of different alignments and approaches to meeting the project purpose are clearly expressed in Chapter 2, Alternatives Considered. Evaluation of a range of alternatives is required under NEPA (40 CFR 1502.14), as well as FTA NEPA implementing regulations (23 CFR 771.105(b), 771.123(c) and 771.125(a)). The description of alternatives is provided in Section 2.3 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. The public has repeatedly complimented Metro on the clarity and thoroughness of the environmental review process (see comments on the Draft EIS/EIR from diverse community members in Volumes F-2 and F-3 of this Final EIS/EIR). In addition, Metro has been working closely with communities in the project area since the outset of the Alternatives Analysis process in October 2007. Metro staff have performed extensive outreach measures, as documented in Chapter 7, Public and Agency Outreach, of the Draft EIS/EIR and this Final EIS/EIR, including numerous public meetings,

Japanese and Korean language interpretations, and door-to-door visits with business owners to provide information about the project and gather input. Advertisements regarding scoping meetings and community updates were printed in local newspapers, including Japanese language publications.

Response to Comment R-BU7-10

The Supplemental EA/Recirculated Draft EIR Sections identified an environmentally superior alternative in Chapter 2, Section 2.6.3, page 2-49. This Final EIS/EIR also identifies the Locally Preferred Alternative as the environmentally superior alternative in Section 2.6.3.

Response to Comment R-BU7-11

Please refer to Response to Comment R-BU7-10, above. Pursuant to NEPA (23 CFR 771.130 (c), Section 21029.1 of the Public Resources Code, and CEQA Guidelines Section 15088.5, only sections containing significant new information were recirculated as part of the Supplemental EA/Recirculated Draft EIR Sections. Sections that did not contain significant new information were not recirculated. Significant new information was not contained in the Executive Summary or Chapter 6, Cost and Performance Considerations and Summary Comparison of Alternatives, which provide a summary comparison of alternatives. Impacts of the alternatives were compared in the Draft EIS/EIR and this Final EIS/EIR in the Executive Summary, in each environmental discipline section in Chapters 3 and 4, and Chapter 6, Cost and Performance Considerations and Summary Comparison of Alternatives. Tables, which summarize each alternative's impact to each environmental discipline, are also provided throughout Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR to allow the reader to visually compare impacts associated with each alternative.

The environmentally superior alternative, which is the Locally Preferred Alternative, was discussed in Section 2.6.3 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. A summary comparison of alternatives is provided in Table ES-1 and Section 6.6 of Chapter 6, Cost and Performance Considerations and Summary Comparison of Alternatives, in the Draft EIS/EIR and this Final EIS/EIR. Based on the results of the technical analysis of all the alternatives as reported in this Final EIS/EIR, the Locally Preferred Alternative, as refined, is the environmentally superior alternative.

Response to Comment R-BU7-12

The Draft and Final EIS/EIR included a full and complete analysis and disclosure of all project impacts. All impacts, including cumulative impacts that can reasonably be foreseen and predicted, were analyzed and disclosed for each environmental discipline in Chapters 3 and 4. The cumulative impact analysis took into account past, present, and probable future projects within the project area that are expected to be under construction or in operation during the same time frames as the proposed project. The past, present, and probable future projects that were considered are listed in Section 4.19, Cumulative Impacts, of the Draft EIS/EIR and this Final EIS/EIR. Cumulative impacts and related mitigation measures for each of the resource areas that would occur with implementation of the alternatives are described in Chapters 3 and 4 of the Draft EIS/EIR and this Final EIS/EIR. A summary of the significant and unavoidable cumulative adverse effects/impacts for each alternative, as discussed in Chapters 3 and 4, is provided in Section 4.19, Cumulative Impacts, of the Draft EIS/EIR and this Final EIS/EIR.

Major rail capital investments can support possible future development. This is one reason to make such capital investments. However such development cannot occur without appropriate zoning and land use regulations, and a supportive real estate market including financing. There is no way to predict or guarantee that such developments will occur. If they do occur, they will be subject to environmental and planning review regardless and independent of the proposed rail investment. It would be unreasonable and unfounded to speculate as to the nature and potential impacts of surrounding development that could occur with or without the proposed Regional Connector Project. All property acquired as a partial take or full take would be for permanent transit use, such as station plazas, entrances, and portals. No surplus property would be left after construction. The Regional Connector project has independent utility, and the scope of the Locally Preferred Alternative is not affected by potential future redevelopment. The project has been properly analyzed in this EIS/EIR.

Response to Comment R-BU7-13

As has been proven in the case of numerous cities, including Los Angeles, investment in a rail project in no way guarantees or induces any form of development. The rail investment can support development that might otherwise occur; however, such development requires separate private investment, planning and zoning support that are unrelated to the Regional Connector project. Therefore, it would be highly speculative and inaccurate to assume and analyze any specific external projects in this EIS/EIR beyond citing that the Regional Connector could support rather than hinder appropriate development. The Regional Connector project has independent utility, and the scope of the Locally Preferred Alternative is not affected by potential future redevelopment.

Response to Comment R-BU7-14

Metro has absolutely no basis to conclude or assume that property not needed after construction will revert to anything other than existing parking or commercial uses for which it is designated and zoned. Assuming any other development would be completely speculative. Ultimate development would occur or not occur regardless of the Regional Connector project. Therefore, there is no analysis appropriate to include that has not already been presented in the EIS/EIR.

Response to Comment R-BU7-15

FTA criteria used to determine noise and vibration impacts are not based on the duration of construction. The criteria are based on the level of noise and vibration that would be generated during construction and the type of land use that would be affected. The discussion of construction-related noise impacts has been clarified in Section 4.7, Noise and Vibration, of this Final EIS/EIR. As indicated in Section 4.7 and Table 4.7-15 of this Final EIS/EIR, estimated construction noise levels would not exceed FTA construction noise criteria and impacts would not be adverse under NEPA and would be less than significant under CEQA. Consistency with the goals of the applicable local ordinances and implementation of best management practices (BMPs) is to ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses as classified by the FTA. Section 4.7, Noise and Vibration, of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR determined that sensitive or historic buildings within 21 feet of construction activities (involving large

bulldozers and drill rigs) for all the LRT alternatives may be susceptible to vibration damage and impacts would be significant/adverse prior to implementation of mitigation. Mitigation measures were identified in Section 4.7, Noise and Vibration, of the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections to reduce impacts associated with potential vibration damage to not adverse. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, mitigation measures have been refined and the discussion of the potential for construction-activity-induced vibration to damage buildings has been clarified. Please refer to Section 4.7, Noise and Vibration, of this Final EIS/EIR.

The analysis of the potential for construction-activity-induced vibration to damage the structure of buildings used FTA's minimum safe distances identified for Category IV buildings of 0.12 inch/sec peak particle velocity (PPV) in Table 4.7-5. Given that equipment such as large bulldozers and drill rigs would be the main source of construction vibration that could have the potential to cause vibration damage, sensitive buildings (Category I, II, III, IV buildings as defined in Table 4.7-4 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR) or historic buildings within 21 feet of construction may be susceptible to vibration damage and impacts would be adverse/significant. As part of mitigation for the Locally Preferred Alternative, a pre-construction survey of all structures within 21 feet of the anticipated vibration-producing construction activity would be conducted to verify the building category, structural condition, and to provide a baseline for monitoring of ground-borne vibration and the potential for ground-borne vibration to cause damage. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified historic and sensitive structures. With implementation of mitigation measures identified in Section 4.7.4.2.1, construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity would not be adverse. Refer to Section 4.7, Noise and Vibration, of this Final EIS/EIR for a more detailed discussion of vibration impacts associated with the Regional Connector project.

Response to Comment R-BU7-16

Please refer to Response to Comment R-BU7-15, above. FTA guidelines suggest minimum safe distances between construction equipment and buildings based on the types of construction equipment and the category of a building (physical structure of the building). Buildings are categorized with regard to susceptibility to vibration damage, with Category I buildings being the least susceptible and Category IV buildings being the most susceptible. The Wilson, Ihrig, and Associates March 15, 2011 Memorandum determined the minimum safe distance based on the category of each building in the vicinity of cut and cover construction in Little Tokyo. Regardless of the distance used in the Wilson, Ihrig, and Associates March 15, 2011 Memorandum, the analysis in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR is a more conservative analysis as it used the most sensitive building category (Category IV) to determine the minimum safe distance between construction equipment and buildings and the impact findings identified in Section 4.7, Noise and Vibration, are correct. Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR determined that any sensitive building (Category I, II, III, IV buildings as defined in Table 4.7-4 of the EIS/EIR) or historic building within 21 feet of

construction may be susceptible to vibration damage, which would include the Japanese Village Plaza parking structure. With implementation of mitigation identified in Section 4.7.4.2.1 of this Final EIS/EIR, construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity would not be adverse.

Response to Comment R-BU7-17

Please refer to Responses to Comments R-BU7-15 and R-BU7-16, above. Mitigation measures were identified in Section 4.7.5 of the Supplemental EA/Recirculated Draft EIR Sections, which would reduce construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity to not adverse. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, specificity has been added to these mitigation measures for the Locally Preferred Alternative, which are identified in Section 4.7.4.2 of this Final EIS/EIR.

Response to Comment R-BU7-18

Metro does not anticipate subsidence that could cause adverse effects under NEPA or significant impacts under CEQA. The potential for subsidence was identified in Sections 4.9.3.4 and 4.9.3.5 of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measures to avoid subsidence were identified in Section 4.9.4.1 of the Draft EIS/EIR. These mitigation measures have been incorporated into Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. The potential subsidence has not changed due to refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR. The 300 block of East 2nd Street is identified in Figure 4.9-3 as a property of concern due to potential for soil contamination due to prior land uses, not subsidence risk, as indicated in Table 4-5 of Appendix U, Geotechnical/Subsurface/Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR. Mitigation measure to address contaminated soil, if encountered during excavation, are also included in Section 4.9.4.1 of the Draft EIS/EIR and Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. No unusual potential for subsidence beyond what is described in Sections 4.9.3.5 and 4.9.3.5 of the Draft EIS/EIR was found to exist on this property. Section 4.9 of the Draft EIS/EIR and this Final EIS/EIR adequately discloses all potential adverse effects/significant impacts related to geotechnical, subsurface, seismic hazards, and hazardous materials.

The sentences immediately following the quoted text from Appendix U, Geotechnical/Subsurface/ Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR and this Final EIS/EIR discuss mitigation measures that would reduce the potential impacts to not adverse under NEPA and to a less than significant level under CEQA. These mitigation measures have been refined and confirmed in Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU7-19

The refined Locally Preferred Alternative alignment would actually have the same or fewer impacts on traffic, parking, and transportation compared to the Fully Underground LRT Alternative alignment identified in the Draft EIS/EIR. The purpose of the refinements described

in the Supplemental EA/Recirculated Draft EIR Sections was to reduce impacts as is clearly stated. Therefore, all potentially adverse effects/significant impacts were properly and completely analyzed and disclosed in the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections.

Response to Comment R-BU7-20

The Regional Connector would provide new non-automobile access to the area, and partially offset the parking demand in the area. If people can access the area via the Regional Connector, they would be less likely to use automobiles to access the area. As indicated in Chapter 6, Cost and Performance Considerations and Summary Comparison of Alternatives, of this Final EIS/EIR, the Locally Preferred Alternative is expected to generate 17,700 new daily system-wide linked trips, which was estimated through the Metro travel forecasting model. The new non-automobile access to the area would not be available until the project is complete. Therefore, mitigation such as the provision of 200 self-parking spaces on the Mangrove property, which would be capable of holding 300 cars if supplemental parking services (such as valet) are implemented; development of an advanced parking reservation system; and coordination with the Los Angeles Department of Transportation (LADOT) to open city parking lots for short-term use on evenings and weekends during construction in the vicinity of Little Tokyo shall be implemented to offset the parking spaces lost during construction of the Locally Preferred Alternative. The discussion of off-street parking impacts in Section 4.2, Displacements and Relocation, has been clarified since publication of the Supplemental EA/Recirculated Draft EIR Sections. As indicated in Section 4.2, Displacements and Relocation, of this Final EIS/EIR, the Locally Preferred Alternative would not result in a considerable contribution to a cumulative impact with implementation of mitigation measures.

Response to Comment R-BU7-21

The Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR do specifically analyze and quantify impacts on parking. Specific mitigation measures are proposed for the parking impacts associated with construction in Sections 3.4 and 4.2.4 of the Draft EIS/EIR and Section 4.2.5 of the Supplemental EA/Recirculated Draft EIR Sections. Final mitigation measures for parking impacts associated with the Locally Preferred Alternative are provided in Sections 3.4.2 and 4.2.4.2 of this Final EIS/EIR. Operation-related parking impacts are not adverse/significant. This is clearly supported by the analysis in Chapters 3 and 4. Conclusions are provided in Sections 3.3.5.1.3, 3.3.5.2.3, and 4.2.3.5 of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-BU7-22

The acquisition of underground easements would have no adverse land use impacts because the underground easements would not change existing land uses. Please refer to Response to Comment R-BU7-2, above. Metro would provide compensation for easements in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) as indicated in mitigation measure number DR-8 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Please refer to Section 4.2.3.5 of this Final EIS/EIR for analysis of displacement and relocation consequences associated with the Locally Preferred Alternative, including underground

easements. Issues related to the value of the easements to private property owners will be addressed and resolved through Metro's easement acquisition process.

Response to Comment R-BU7-23

There is no deferral of impacts analysis or mitigation identification. This Final EIS/EIR identifies and commits to specific mitigation measures for parking loss where appropriate (refer to Chapter 8, Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative).

Response to Comment R-BU7-24

On-street parking impacts were analyzed in Chapter 3, Transportation Impacts and Mitigation, with on-street parking impacts associated with the Locally Preferred Alternative analyzed in Sections 3.3.5.1.3 and 3.3.5.2.3 of the Draft EIS/EIR and this Final EIS/EIR. Off-street parking impacts, which included potential impacts to parking lots, were analyzed in Section 4.2, Displacements and Relocation, in the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR with off-street parking impacts associated with the Locally Preferred Alternative analyzed in Section 4.2.3.5 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Sections 3.4.2 and 4.2.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR contain specific committed mitigation measures for on- and off-street parking impacts.

Response to Comment R-BU7-25

The current wording of the mitigation measure has the same meaning as the proposed wording, "Metro shall maintain access...." The proposed language does not differ substantially from the language provided. Therefore, there has been no change in the mitigation measure's wording or intent.

Response to Comment R-BU7-26

This mitigation measure referenced in the comment letter from Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections, was identified (along with the other mitigation measures in the section) to address construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity, not geotechnical risks. The second mitigation measure referenced in the comment letter has been refined since publication of the Draft EIS/EIR and more information regarding threshold values has now been provided. Please refer to Section 4.9.4.2, mitigation measure number GT-1, of this Final EIS/EIR.

Response to Comment R-BU7-27

Section 4.7.5 of the Supplemental EA/Recirculated Draft EIR Sections identified general construction mitigation measures and stated that the general construction mitigation measures, in combination with the mitigation measure involving advance notification and coordination to affected property owners regarding schedules for tunneling and other activities prior to the commencement of those activities, would mitigate adverse ground-borne vibration and ground-borne noise impacts to the Japanese Village Plaza and the other specified land uses. The general construction mitigation measures are identified in Section 4.7.4.2 and Chapter 8 of this Final EIS/EIR as NV-3 through NV-12.

Please refer to Responses to Comments R-BU7-15 and R-BU7-17, above, regarding analysis of the potential for construction-activity-induced vibration to damage the structure of buildings and mitigation to reduce potential impacts.

Response to Comment R-BU7-28

Assuming that the comment is referring to mitigation identified to reduce ground-borne noise impacts associated with operation of the Locally Preferred Alternative, mitigation identified in Section 4.7.5 of the Supplemental EA/Recirculated Draft EIR Sections stated that Metro shall conduct engineering studies during preliminary engineering to verify initial estimates of ground-borne noise and shall implement high compliance resilient fasteners or other appropriate measures as needed to eliminate impacts and reduce ground-borne noise below FTA annoyance criteria. FTA thresholds, used for determining ground-borne vibration and ground-borne noise impacts, are based on land use type. Given that the Japanese Village Plaza and Walt Disney Concert Hall are two different types of land uses, FTA criteria used for determining ground-borne vibration and ground-borne noise impacts to the Walt Disney Concert Hall was more stringent than the criteria used for the Japanese Village Plaza because the Walt Disney Concert Hall is a more sensitive land use. Therefore, the mitigation measures for the Walt Disney Concert Hall were not necessary to reduce ground-borne noise impacts below FTA criteria used for the Japanese Village Plaza. Implementation of high compliance resilient fasteners or other appropriate measures was included in the Supplemental EA/Recirculated Draft EIR Sections as part of the mitigation measure to reduce ground-borne noise impacts associated with operation of the Locally Preferred Alternative to the Japanese Village Plaza. No further mitigation is required. Refer to Section 4.7, Noise and Vibration, of this Final EIS/EIR for a more detailed analysis of ground-borne noise impacts. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, specificity has been added to the mitigation measures for the Locally Preferred Alternative which are identified in Section 4.7.4.2 of this Final EIS/EIR.

Response to Comment R-BU7-29

Metro and FTA find that both monitoring and mitigation for methane are adequate and appropriate mitigation measures. Measures to limit ground movement are location-specific, and rely partly on building surveys which must be performed immediately before the start of construction in order to document a true baseline condition of the buildings. The mitigation measure has been expanded in Section 4.9.4.2 of this Final EIS/EIR and incorporated into the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) as mitigation measure number GT-1. The expanded mitigation measure cites quantitative thresholds that will be used as performance criteria, in addition to the qualitative performance standard already established in the Draft EIS/EIR. Settlement and methane mitigation measures from Appendix U, Geotechnical/Subsurface/ Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR have also been expanded with additional specificity and standards in Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU7-30

Please refer to Responses to Comments R-BU7-1 through R-BU7-29, above for responses to specific comments raised in this letter on the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections. Subsequent to publication of the Draft EIS/EIR, the Locally Preferred

Alternative alignment was modified to reduce impacts. The relevant and appropriate sections of the Draft EIS/EIR were re-circulated in the Supplemental EA/Recirculated Draft EIR Sections to share the refined alignment with the public and to disclose any potential new or different impacts. The commenter and others had ample opportunity to comment on the Supplemental EA/Recirculated Draft EIR Sections during the 45-day review period. Since publication of the Supplemental EA/Recirculated Draft EIR Sections, significant new information, which would initiate recirculation per CEQA Guidelines §15088.5(a) and NEPA (23 CFR 771.130 (c)), has not been added to the EIS/EIR. Following circulation of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, and consideration of all comments received, Metro and FTA have prepared this Final EIS/EIR. This report includes and addresses all of the comments received during the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections public comment periods.

Response to Comment R-BU7-31

Comments in this comment letter are addressed individually in the responses below. Potential impacts to the Japanese Village Plaza site are adequately evaluated in the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections as indicated in the following responses.

Response to Comment R-BU7-32

Metro is aware of the buildings at the Japanese Village Plaza site. Impacts and mitigation pertaining to the proposed alignment beneath Japanese Village Plaza are discussed in the sections of Chapter 4 in the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Approximate measurements are noted. Plans and profile drawings are provided to scale in Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

Response to Comment R-BU7-33

Metro would acquire a subsurface easement beneath the parking garage, as indicated in Table 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. The acquired area would be permanently limited to use for light rail transit tunnels. Metro would provide compensation for the easement in compliance with the Uniform Act as indicated in mitigation measure number DR-8 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). This mitigation measure was also included in Section 4.2.4 of the Supplemental EA/Recirculated Draft EIR Sections. Metro would not acquire any other Japanese Village Plaza property outside of the acquisitions identified in Table 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Areas not acquired would remain available to the Japanese Village Plaza for subterranean use.

Response to Comment R-BU7-34

The tunnel alignment is not located within a state-designated surface fault rupture zone and no known active fault capable of causing surface rupture crosses the proposed tunnel alignment. The preliminary engineering team's expert studied fault rupture zones and no faults along the

Locally Preferred Alternative alignment were identified. The commenter indicates that “a zone of potential vertical deformation” exists north of Station 85+00; however, the mechanism for vertical deformation is not identified in the comment letter. It is not clear how GeoDesign came to the statement about the source of potential vertical deformation discussed in the comment letter. Metro’s design team looks forward to ongoing coordination and communication with property owners during the final design process.

Response to Comment R-BU7-35

Maximum potential settlements have been evaluated based on our knowledge of the building/structure foundations in the Japanese Village Plaza and actual ground loss due to tunneling operations. Measures to mitigate potential foundation movements include real-time Multipoint Borehole Extensometer (MPBX) monitoring, specific building/structure monitoring, compensation grouting, and the use of a closed-face pressurized tunnel boring machines. As tunnel excavation advances, real time MPBX data (ahead of the excavation) will provide ground movement at depth. Tunnel boring machine operations will be continually monitored and adjusted to maintain acceptable settlement levels. In addition, preparation for compensation grouting has been included in the measures to mitigate potential settlement.

Response to Comment R-BU7-36

Portions of the proposed alignment are located within a Methane Buffer Zone delineated by the City of Los Angeles, and a “Gassy” condition will be utilized as an assumption for the tunnel design. Mitigation measures will be implemented accordingly in the final tunnel design, which mitigate the risk of exposure to methane and other harmful gasses. Gas monitoring wells have been installed along the Locally Preferred Alternative alignment as a part of the investigation program to collect additional information. Methane mitigation measures from Appendix U, Geotechnical/Subsurface/ Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR have also been expanded with additional specificity and standards in Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU7-37

Sections 4.10.3.4 and 4.10.3.5 of the Draft EIS/EIR indicate that dewatering will be needed where groundwater is encountered, and that groundwater would likely be encountered during excavation activities. This would include the excavation activities proposed beneath the Japanese Village Plaza. Dewatering methods are identified in Sections 4.10.3.4 and 4.10.3.5 of the Draft EIS/EIR, and mitigation measures to ensure adverse effects under NEPA and significant impacts under CEQA related to dewatering do not occur are identified in Sections 4.10.4 of the Draft EIS/EIR. These mitigation measures have been incorporated into Section 4.10.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU7-38

All known underground obstructions, including known utilities, will be identified on the drawings for the Design/Build Contractor. The location and size of the known obstructions will be coordinated with the tunnel design and construction staging. Potential impacts to the known foundations and utilities due to the tunneling operation will be evaluated pre-construction.

Where required, known obstructions may be removed; known building or structure foundations are protected; and known utilities may be protected, or temporarily or permanently relocated. Instrumentation and monitoring of all known impacted foundation/building and major utility movements will be monitored during the tunneling construction. Refer to Section 4.19, Construction Impacts, of this Final EIS/EIR for further information.

Response to Comment R-BU7-39

Please refer to Responses to Comments R-BU7-15 and R-BU7-16, above. The analysis of the potential for construction-related vibration to damage the structure of buildings used a minimum safe distances of 21 feet. The methodology used to determine the safe distance is discussed in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Operation of a tunnel boring machine could generate up to 0.055 inches per second PPV at a distance of 33 feet. Since the Japanese Village Plaza parking garage is a reinforced concrete structure (Category I, 0.5 in/sec PPV), operation of the tunnel boring machine would potentially exceed the Category I FTA criterion at a distance of six feet from a building. Since the Japanese Village Plaza parking structure is located beyond this distance, vibration damage from tunnel boring machine operations would not occur and mitigation measures would not be required for tunnel boring machine operation as indicated in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

As indicated in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, construction of the project would not involve impact or sonic pile driving (pre-auguring would be used for installation of the soldier piles instead) or large vibratory rollers. Therefore, equipment such as large bulldozers and drill rigs would be the main source of construction vibration that could have the potential to cause vibration damage. Based on the FTA's minimum safe distances identified for Category IV buildings of 0.12 inch/sec PPV in Table 4.7-5, the minimum safe distance between construction activities (involving large bulldozers and drill rigs) and buildings would be 21 feet. Therefore, construction-related vibration impacts to sensitive buildings (Category I, II, III, IV buildings as defined in Table 4.7-4 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR) and historic buildings located within 21 feet of the anticipated vibration-producing construction activity, which includes the Category I Japanese Village Plaza parking structure, would be adverse/significant. Mitigation measures to reduce this impact to not adverse, such as geotechnical and vibration monitoring, and pre-post-construction survey, were identified in the Supplemental EA/Recirculated Draft EIR Sections and are included in Section 4.7.4.2 and Chapter 8 of this Final EIS/EIR.

Vibration generated during LRT operation would be far less than vibration generated during construction. The Category I criterion of 0.5 inches per second PPV for construction vibration is approximately 102 VdB. As outlined in the July 13, 2011 memorandum, the expected maximum ground-borne vibration level at Hikari Lofts is 72VdB without vibration control measures. The operational vibration at the Japanese Village Plaza parking structure is expected to be of a similar magnitude and no building damage effects are expected.

Response to Comment R-BU7-40

Please refer to Response to Comment R-BU7-35, above. A significant engineering effort is devoted to ensure proper protection of buildings, utilities and safety of personnel within the Japanese Village Plaza during construction activities. As indicated in Section 4.9.4.2, as part of mitigation, ground improvement such as grouting or other methods shall be required to fill voids where appropriate and offset potential settlement when excess material has been removed during excavation. A special report entitled “Building and Adjacent Structure Protection Report” is being developed to address the construction impacts disclosed in the EIS/EIR and to apply the specific mitigation measures identified in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR to protect buildings during construction. The report will be completed during final design, prior to construction. The report, once completed, will be available through Metro’s Records Management Center by request.

Response to Comment R-BU7-41

The selected Design/Build Contractor will request entry to specific Japanese Village Plaza site facilities to implement the “Instrumentation and Monitoring Program”. The program will be developed to ensure “real-time” monitoring is being evaluated during the tunneling operation to mitigate any potential impacts.

Response to Comment R-BU7-42

The Japanese Village Plaza parking structure will be protected from impacts due to the cut and cover construction of the station and the tunnel boring machine(s) which crown approximately 15 feet below the foundation structure. The depth of the foundation structure was confirmed by the excavation of a small test pit in the public right-of-way adjacent to the parking structure. Specific details from the test pit will be provided to assist the Design/Build Contractor to develop the final design to monitor and protect the structure during tunneling and open cut activities. Coordination and communication with the property owner will be ongoing throughout the design and construction process.

Response to Comment R-BU7-43

The Design/Build Contractor has several choices of support of excavation consistent with the allowable adjacent ground movements generated due to the excavation and will be responsible for the final design. The preliminary engineering drawings provide a suggested method of support of excavation that will meet the expected allowable ground movement. Tie-backs are suggested in specific areas of public property; however, no temporary easements have been anticipated to allow the use of tie-backs in other areas. Typically, for the deep main station box shoring system cross-bracing is proposed to minimize ground movement.

Response to Comment R-BU7-44

Please refer to Response to Comment R-BU7-1, above.

Response to Comment R-BU7-45

Please see responses above.

Response to Comment R-BU7-46

The alignment of the Locally Preferred Alternative traveling beneath the Japanese Village Plaza was described in Chapter 2, Alternatives Considered and analyzed in Chapters 3 and 4 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU7-47

Please refer to Response to Comment R-BU7-6, above.

Response to Comment R-BU7-48

These are clearly indicated in Figures 2-1 through 2-3 and 2-8 through 2-10 in Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

Response to Comment R-BU7-49

Chapter 2, Alternatives Considered, of the EIS/EIR contains both general regional maps showing the context of the Regional Connector project, and specific maps showing the project location including the alignment. Refer to Figures 2-1 through 2-3, 2-8 through 2-10, 2-37, and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR.

Response to Comment R-BU7-50

The EIS/EIR properly shows all alternatives on a map consistent with CEQA and NEPA.

Response to Comment R-BU7-51

The purpose of the technical appendices is not to designate a preferred alternative but to thoroughly analyze the EIS/EIR alternatives in similar detail so that impacts may be compared as required by CEQA and NEPA.

Response to Comment R-BU7-52

The EIS/EIR does compare the alternatives, including the Locally Preferred Alternative, throughout the analysis. The comparison is summarized in the Executive Summary and in Chapter 6, Cost and Performance Considerations and Summary Comparison of Alternatives.

Response to Comment R-BU7-53

The Draft EIS/EIR and this Final EIS/EIR contain a thorough and precise description of the project, the Locally Preferred Alternative, using both text and graphics. Refer to Section 2.3.6, Figures 2-1 2-10, and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR for a description of the Locally Preferred Alternative. The Locally Preferred Alternative designated by the board is the Fully Underground LRT Alternative; this is clearly stated in the beginning of Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU7-54

The Supplemental EA/Recirculated Draft EIR Sections does analyze and disclose the impacts of the refined Locally Preferred Alternative on all relevant properties including the Japanese Village Plaza. For example, potential for noise and vibration impacts to the Japanese Village Plaza were

analyzed in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR.

Response to Comment R-BU7-55

The refined Locally Preferred Alternative described in the Supplemental EA/Recirculated Draft EIR Sections would reduce the impacts of displacements and relocations as is indicated in Section 4.2, Displacement and Relocation, of the Supplemental EA/Recirculated Draft EIR Sections. This analysis is also contained in Section 4.2, Displacement and Relocation, of this Final EIS/EIR.

Response to Comment R-BU7-56

Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections includes supplementary noise analysis at relevant locations. This analysis is also included in Section 4.7, Noise and Vibration, of this Final EIS/EIR.

Response to Comment R-BU7-57

Please refer to Response to Comment R-BU7-18, above.

Response to Comment R-BU7-58

Please refer to Response to Comment R-BU7-18, above.

Response to Comment R-BU7-59

Relevant differences in construction impacts are analyzed and disclosed in Chapters 3 and 4, and summarized in Section 4.18, Construction Impacts, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. The refinements to the Locally Preferred Alternative analyzed and disclosed in the Supplemental EA/Recirculated Draft EIR Sections result in reduced construction impacts.

Response to Comment R-BU7-60

Section 4.12.1, Built Environment, of the Supplemental EA/Recirculated Draft EIR Sections includes additional analysis of historic resources affected by the refinements to the Locally Preferred Alternative. This analysis is also included in Section 4.12.1, Built Environment, of this Final EIS/EIR.

Response to Comment R-BU7-61

Please refer to Response to Comment R-BU7-10, above.

Response to Comment R-BU7-62

Chapter 10, Comparison of Project Against Existing Conditions, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR analyzes environmental impacts using a year 2010 baseline per the *Sunnyvale West Neighborhood Assn, et al v. City of Sunnyvale City Council* court ruling. A modified baseline was prepared for this analysis, using only the portions of the rail system that were open in 2010. Analysis in the chapter revealed that transportation and cumulative impacts would be less in the year 2010 scenario than in 2035, and all other impacts would be similar or identical. The mitigation measures identified to address CEQA

impacts in Chapters 3, 4, and 8 of the EIS/EIR would be sufficient for the year 2010 impacts to achieve the same CEQA determinations as year 2035. No unique impacts would occur under the year 2010 scenario, and no additional mitigation measures would be required.

Response to Comment R-BU7-63

Please refer to Response to Comment R-BU7-62, above.

Response to Comment R-BU7-64

Please refer to Responses to Comments R-BU7-23 through R-BU7-25, above.

There is no deferred analysis of impacts. The analysis and research indicate that there would be no adverse effect under NEPA and no significant impact under CEQA from electromagnetic fields (EMFs) as is clearly stated (with references). Monitoring was offered at sensitive locations to ensure that no unanticipated impacts have occurred and to reassure concerned citizens of Metro's sensitivity to their concerns. Nonetheless, since publication of the Draft EIS/EIR, Section 4.9, Geotechnical/Subsurface/Seismic/Hazardous Materials has been updated. The mitigation measure for monitoring EMFs is no longer needed for the Locally Preferred Alternative based on the updated hazardous materials analysis for the Locally Preferred Alternative. Refer to Section 4.9.3.5.2 of this Final EIS/EIR for more information.

Response to Comment R-BU7-65

Mitigation is not deferred. The Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative, Chapter 8, and Section 4.17.4.3 of this Final EIS/EIR, includes specific mitigation measures to address this impact such as; the provision of 200 self-parking spaces on the Mangrove property, which would be capable of holding 300 cars if supplemental parking services (such as valet) are implemented; development of an advanced parking reservation system; and coordination with LADOT to open city parking lots for short-term use on evenings and weekends during construction in the vicinity of Little Tokyo. The parking study is simply proposed to establish a baseline and to help confirm that the specific mitigation measures are effective.

Response to Comment R-BU7-66

The EIS/EIR does not defer analysis of mitigation measures. As discussed in the introductory portion of Section 4.9.4.1 of the Draft EIS/EIR, a qualitative performance standard of preventing damage to buildings has been identified. Measures to limit ground movement are location-specific, and rely partly on building surveys which must be performed immediately before the start of construction in order to document a true baseline condition of the buildings. The mitigation measure has been expanded in the Section 4.9.4.2 of this Final EIS/EIR and incorporated into the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR) as mitigation measure number GT-1. The expanded mitigation measure cites quantitative thresholds that will be used as performance criteria, in addition to the qualitative performance standard already established in the Draft EIS/EIR. Settlement and methane mitigation measures from Appendix U, Geotechnical/Subsurface/Seismic/Hazardous Materials Technical Memorandum, of the Draft EIS/EIR have also been expanded with additional specificity and standards in Section 4.9.4.2 and the Mitigation

Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU7-67

Please refer to Response to Comment R-BU7-12, above.

Response to Comment R-BU7-68

Please refer to Response to Comment R-BU7-12, above. Determining any impacts related to relocation and/or redevelopment of the properties necessary for construction would be speculative. The Regional Connector project has independent utility. The relocation and redevelopment does not affect the scope of the Regional Connector project.

Response to Comment R-BU7-69

Please refer to Responses to Comments R-BU7-68 and R-BU7-12, above. Each Metro rail project has independent utility. Each is a separate project which stands alone regardless of whether other projects are implemented.

Response to Comment R-BU7-70

This Final EIS/EIR, which consists of the Draft EIS/EIR (revised to reflect refinements to the Locally Preferred Alternative), the Supplemental EA/Recirculated Draft EIR Sections, and all comments received on the two documents, as well as responses to such comments, is complete and adequate pursuant to both CEQA and NEPA. No revisions or recirculation are required.



September 6, 2011

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Arthur T. Leahy
Chief Executive Officer
Metro
One Gateway Plaza
Los Angeles, CA 90012-2952

Dear Mr. Leahy:

The Arts District Business Improvement District (ADBID) respectfully submits this letter with our comments on the Regional Connector Project Draft EIS/EIR.

BACKGROUND

The ADBID represents 200 property owners and 400 businesses employing 5,300 individuals in the eastern portion of Downtown Los Angeles. In 2006, these property owners voted in favor of a property tax assessment in order to provide a higher level of services than the City can provide. Through this commitment to neighborhood betterment, the Arts District BID was formed.*

The BID provides maintenance, security, marketing and economic development advocacy to its members spanning 53 blocks bounded roughly by the 101 Freeway, Alameda St., Seventh St., and the Los Angeles River. The Arts District is a vibrant and evolving community comprising arts, industry and innovation, and which is presently capturing its rightful place as Downtown's most exciting community.

**ARTS DISTRICT BUSINESS IMPROVEMENT DISTRICT (ADBID) COMMENTS
REGIONAL CONNECTOR PROJECT DRAFT EIS/EIR**

OUR POSITION

The AD BID supports the Fully Underground LRT Alternative for the following reasons:

- Only the Fully Underground LRT creates a new station at 2nd/Central that has the ability to provide Arts District stakeholders with the full benefits of the Regional Connector project. In the At Grade Emphasis and Underground Emphasis Alternatives, the existing Little Tokyo/Arts District Gold Line Station would remain, and would only provide direct access to the Regional Connector's north-south route. Patrons from the Arts District would either still need to transfer to access the east-west route, or would need to walk (on average) a half mile to the proposed

* The ADBID recently renewed for another five year term by a 70% affirmative majority. Beginning in January 2011, the ADBID will slightly expand its boundaries increasing its stakeholders to 743.

2nd and Broadway station or the 2nd and Los Angeles station, whichever is selected, to travel east and west. Either solution would defeat the primary goal of the Regional Connector project (increased utilization as a result of reduced transfers and trip times) for the Arts District community.

- The Fully Underground LRT has fewer and less severe construction impacts on Alameda than the other alternatives. This will result in far fewer traffic and economic impacts for Arts District residents, commercial and industrial businesses. Alameda is a major arterial – a literal lifeline for the Arts District as well as the adjoining industrial areas of Downtown. Negative impacts to Alameda equal direct costs to area businesses.
- No at-grade train operations would pass through the two intersections of 1st and Alameda Streets and Alameda and Temple Streets.
- Existing bus service in the area will see the fewest impacts and disruptions under this alternative. Bus service is critical for many of the industrial employees in the area.
- The long-term impacts to Arts District intersections are significantly less with the Fully Underground Alternative.

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CONCERNS & REQUESTED MITIGATIONS

Parking

To the extent that the various alternatives require the permanent and/or temporary removal of parking on 2nd Street in Little Tokyo, the ADBID is concerned that displaced/overflow parking will end up in the Arts District. The Arts District shares a border with and lies immediately to the east of the area most impacted by reduced parking. The area's parking is mix of metered and unmetered spaces, but is already heavily utilized 24 hours/day.

The "At Grade Emphasis LRT" would have the worst possible impact -- permanently displacing 24 parking and loading spaces on 2nd Street due to the permanent closure of the eastbound parking lane (Figure 3-6.) It would temporarily displace 52 parking spaces and 6 loading zones on 2nd Street and another 13 parking and loading spaces on Alameda (Table 3-10.) The "Fully Underground LRT" will have temporary impacts, but relatively minor long-term impacts to parking.

The ADBID would request that the area's potential for displaced/overflow parking impacts be acknowledged as well in each of the alternatives. There are several places in the DEIS/DEIR where it says that the various alternatives "would result in an adverse [parking] impact only in the Little Tokyo community portion of the alignment." Little Tokyo parking is fully utilized and we see no opportunity for it to increase its parking capacity in the short term. While no parking spaces are being removed in the Arts District, it is the neighborhood immediately adjacent to the majority of the temporary and permanently displaced parking spaces, and is the area most likely for displaced visitors to seek on-street parking.

Removal of Signalized Intersection at 1st & Hewitt Streets

One of our major remaining concerns with our preferred Fully Underground LRT Alternative is the observation that the signalized intersection at 1st and Hewitt Streets would be removed, eliminating the ability to cross 1st Street at that location. While it is our understanding that this is necessary to allow the creation of a portal connecting the existing Eastside Gold Line with the new 2nd/Central station, we are very concerned about pedestrian impacts. If this signal is removed, there will be no ability for a pedestrian to cross 1st Street anywhere between Alameda and Vignes Streets. This

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signal is the *only* legal crossing point between Alameda and Vignes. The distance from one signalized intersection/pedestrian crossing (Alameda to Vignes) will then be one quarter of a mile (approximately 1300 feet/4 blocks.)

The ADBID has significant safety concerns that pedestrians might choose to cross the tracks illegally rather than walk several blocks out of the way. In addition, the lack of crossing further severs the northernmost portion of the Arts District from the heart of the district, and also weakens the connectivity between the Arts District and Little Tokyo’s northeasternmost uses. We believe that a lack of pedestrian connections could irreparably harm the future redevelopment of the portion of the Arts District that lies north of 1st Street.

The ADBID would request, therefore, that Metro consider the feasibility of adding a pedestrian bridge in this area in order to mitigate the adverse impacts of eliminating the signalized intersection and crosswalk at Hewitt. Specifically, we would ask that this potential mitigation be added to those already listed in Section 3.4.2.2.4 of the EIR/EIS.

Request for Involvement in Construction Planning and Notification of Project Impacts

The ADBID’s other major concern are the impacts associated with construction of the Regional Connector. The ADBID would like to be involved in future discussions related to the project’s Construction Mitigation Program and Worksite Traffic Control Plans, as well as the final haul route decisions that will be made in the preliminary engineering phase. The ADBID would ask Metro to take note that there are a number of residential and live/work buildings in the Alameda/1st/Vignes/2nd Sts. Area that may be impacted by nighttime construction and nighttime haul routes, especially the proposed staging area at 1st/Alameda. The ADBID requests that the appropriate construction documents and haul route maps show the location of all residential buildings and other 24-hour uses.

The ADBID also requests priority notification from Metro and/or its contractor(s) when construction impacts will occur. The ADBID has the ability to disseminate closure and other information quickly to a majority of residents, businesses and property owners in the immediate area. This will undoubtedly help reduce the number of questions and complaints likely to be fielded by Metro and its contractor(s.)

Lastly, the Draft EIS/EIR notes “most construction along the rest of the alignment would take place during the nighttime and weekend hours” and “haul trips would take place during off-peak hours when there is excess capacity on the roadway network” and “driveway access for residences would be maintained at all times...driveway access to business would be maintained for normal business operating hours (Sections 3.3.3.1.2 and 3.4.1.2).” Please note that the majority of the area’s industrial businesses do not keep normal business operating hours. Most industrial businesses begin operations between midnight and 6 AM, and some operate 24 hours/day. The involvement of the ADBID at the planning stage, combined with advance notification, is desperately needed to avoid adverse economic impacts on local businesses.

Miscellaneous Comments

- The AD BID requests that Metro improve lighting, sidewalks and other public ROW elements in order to provide safer and more attractive pedestrian and bicycle connections between the Arts District and the 2nd and Central station. Improved connections are most needed at 1st, 2nd and 3rd/Traction.
- The AD BID supports the inclusion of bicycle racks/lockers and would ask that Metro examine the feasibility of adding bike sharing systems to its Downtown rail stations.
- While the AD BID supports the Fully Underground LRT Alternative (which would not require an underpass on Alameda), if Metro selects an alternative that includes the construction of an underpass on Alameda, the AD BID would like to be included in these

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discussions and decisions, as the impacts to area stakeholders will be significant, especially to the industrial businesses located on both sides of Alameda. As noted in the Draft EIS/EIR, traffic congestion and delays on Alameda are likely to impact Central Avenue, another major arterial primarily serving the industrial community represented by the Downtown Industrial District BID, which is also administered by the Central City East Association.

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- Just as the existing Eastside Gold Line station at First and Alameda acknowledges both the Arts District and Little Tokyo, it is our hope that the new Second and Central Station will likewise acknowledge the two communities that it will serve.

11

CONCLUSION

We thank you for your consideration and attention to our concerns, and appreciate staff's recommendation to select the Fully Underground LRT Alternative. We hope that the Metro Board of Directors will agree.

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Sincerely,



ESTELA LOPEZ
Executive Director

R-BU8

Responses to Comments from Downtown LA Arts District Business Improvement District, Lopez, Estela

Response to Comment R-BU8-1

Thank you for this information about the Downtown LA Arts District Business Improvement District (ADBID). Support for the Fully Underground LRT Alternative is noted. The Metro Board of Directors voted on October 28, 2011 to designate the Fully Underground LRT Alternative as the Locally Preferred Alternative. As noted in the introduction to Chapter 2, Alternatives Considered, of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR, refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR involve repositioning the 2nd/Central Avenue station on the same block, moving it closer to the intersection of 1st Street and Central Avenue. Despite the repositioning, it would still be located on the same block and serve the same communities. The station would still have direct access to the proposed North-South and East-West Lines.

Metro understands the importance of Alameda Street to the Arts District and adjoining industrial areas. It is also Metro's goal to minimize impacts to bus service and traffic flow as a result of the Regional Connector project. The Fully Underground LRT Alternative was developed, in part, with the goal of reducing construction impacts on Alameda Street. No regular at-grade train service is planned through the intersections of 1st and Alameda or Alameda and Temple Streets. Some movement of trains through these intersections may still be needed on an infrequent basis.

Response to Comment R-BU8-2

The Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), includes mitigation measures to address construction-related parking reductions in Little Tokyo. Among them, Metro would provide 200 self-parking spaces on the Mangrove property, which would be capable of holding 300 cars if supplemental parking services (such as valet) are implemented. This mitigation to address parking impacts in Little Tokyo would also mitigate the potential for spillover parking into adjacent neighborhoods including the Arts District.

The At-Grade Emphasis LRT Alternative was not designated as the Locally Preferred Alternative for the Regional Connector project. The Metro Board of Directors voted on October 28, 2011 to designate the Fully Underground LRT Alternative as the Locally Preferred Alternative. The Fully Underground LRT Alternative was developed with a primary goal of reducing construction-related disruption, including parking displacement, in Little Tokyo. Metro is focusing its efforts on refining the Locally Preferred Alternative to further reduce impacts, rather than attempting to refine the non-Locally Preferred Alternative alternatives which would have greater overall impacts.

Response to Comment R-BU8-3

This elimination of through north-south traffic movement at the intersection of 1st and Hewitt Streets was included in Sections 2.3.6.2 and 3.3.5.2.2 of the Draft EIS/EIR and this Final EIS/EIR. The portal would be surrounded on three sides by safety barriers such as fencing that would

deter illegal pedestrian crossings. There are no streets between Alameda and Vignes Streets that continue north beyond 1st Street, so it is unclear how the elimination of the north-south pedestrian crossing at 1st and Hewitt Streets would impede access to the area north of 1st Street from the central portion of the Arts District. Pedestrians must currently walk to Alameda or Vignes Streets to access this area, and this would not change as a result of the Regional Connector.

Metro has received input from the Little Tokyo community opposing pedestrian bridges in the vicinity of 1st and Alameda Streets. As explained above, such a bridge is not warranted by the Regional Connector project.

Response to Comment R-BU8-4

Metro looks forward to continued coordination with ADBID. Haul routes would be confirmed with community input, and haul trips would be scheduled at times that minimize disruption, per mitigation measure numbers TR-2 and EJ-21 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU8-5

Metro is aware of these residential buildings, and has analyzed the potential noise impacts on all sensitive receptors close to the proposed alignment and construction areas in Section 4.7, Noise and Vibration, of the Supplemental EA/Recirculated Draft EIR Sections. Noise mitigation measures in the Supplemental EA/Recirculated Draft EIR Sections have been incorporated into Section 4.7.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR.

Response to Comment R-BU8-6

Metro will coordinate with the community, including ADBID, regarding construction activities through the Regional Connector Community Leadership Council (RCCLC), as provided in mitigation measure numbers CN-4 and CN-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). It is Metro's goal to provide timely information to the community.

Response to Comment R-BU8-7

The operating hours of the Arts District industrial businesses is noted. Metro's commitment to maintain access to businesses during their operating hours is provided in mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro will continue meeting with ADBID to coordinate planning and construction activities. It is Metro's goal to minimize impacts to businesses.

Response to Comment R-BU8-8

As shown in mitigation measure number CN-8 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), Metro would implement an "Arts District Path" and would invite community and Southern California Institute of Architecture participation in its design. The path would include sidewalk enhancements, way finding, appropriate lighting, and crosswalk improvements.

Response to Comment R-BU8-9

Bicycle facilities would be incorporated into station designs where feasible per Metro's design criteria. Metro will continue to examine ways to enhance connections between bicycles and transit.

Response to Comment R-BU8-10

The Metro Board of Directors voted on October 28, 2011 to designate the Fully Underground LRT Alternative as the Locally Preferred Alternative. The Locally Preferred Alternative does not include an underpass on Alameda Street. Metro will coordinate with the community, including ADBID, regarding construction activities through the RCCLC, as provided in mitigation measure numbers CN-4 and CN-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU8-11

It is Metro's goal to have the 1st/Central Avenue station incorporate the identities of both Little Tokyo and the Arts District through design in consultation with the communities and through the implementation of mitigation measure numbers CN-8 and CN-9 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU8-12

Thank you for your comment. The Metro Board of Directors voted on October 28, 2011 to designate the Fully Underground LRT Alternative as the Locally Preferred Alternative.

Ms. Dolores Roybal Saltarelli
 Project Manager, Metro
 1 Gateway Plaza, MS 99-22-2
 Los Angeles, CA 90012

September 6, 2011

RE: Metro Public Comment
Future 5th & Flower Station - Preclusion avoidance

Ms. Roybal Saltarelli,

This letter is in response to the Regional Connector Supplemental FEIS/R released on July 22, 2011.

As you know, the much needed 5th & Flower Station was deleted on October 2010 as a quick mitigation measure to cost overruns, in order to meet a critical funding deadline. However, considering the multi-century lifetime of the Regional Connector, it would be imperative to allow for the re-insertion of the station at a future date in order to serve LA County's location of highest employment density.

Thank you for responding to the community's transit needs by allowing such receptivity to a future 5th & Flower Station. Per S-DEIS/R, Chapter 2.0, page 2-1: "However, the project design would not preclude construction of a station at this location as a future, separate project. Also, per S-DEIS/R, Chapter 2.0, page 2-2: "A pocket track, which could also serve as a crossover, would be located beneath Flower Street between 5th and 6th Streets. This would allow for a possible future station at this location to be constructed as a separate project."

However, there are two design items indicated in the Supplemental DEIS/R that would preclude a future 5th & Flower Station:

1. The location of a substation between 5th & 4th Streets. Per DEIS/R, Chapter 2.0, page 2-2: A traction power substation (TPSS) would be located along Flower Street between 5th and 4th Streets in the deleted Flower/5th/4th Street station location"
2. A sloped grade between 5th & 4th Streets. Per DEIS/R, Appendix R-1, Engineering drawing C-102, an 0.88% grade is indicated, in lieu of the 0.00% grade indicated on the DEIS/R drawings released in August 2010.

Please forward these design items to Metro staff for correction. Thank you. I've included a portion of Chapter 2.0 and Appendix R-1 for reference. I look forward to the completion of the Regional Connector, but also to the 5th & Flower Station, whether concurrent with the Regional Connector or at a later date.

Sincerely yours,

Duane B. Weisenhaus, AIA, LEED AP
 President/CEO
 Weisenhaus Architecture

Cc: Ann Kerman, Metro; Hilary Norton, FAST; Bart Reed, Transit Coalition



Chapter 2 ALTERNATIVES CONSIDERED

This chapter discusses how the alternatives studied in the Draft EIS/EIR were developed. All of the proposed build alternatives meet the purpose and need outlined in Chapter 1 of the Draft EIS/EIR.

This chapter includes a detailed discussion of the alternatives identified for additional study and alternatives that were analyzed and subsequently eliminated from consideration. These alternative analyses were performed in compliance with the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and all applicable associated guidance.

The Regional Connector Transit Corridor Project Draft EIS/EIR was made available to identified stakeholders, agencies, and the general public for review and comment for a 45-day review period from September 3, 2010 through October 18, 2010. On October 28, 2010, the Metro Board of Directors voted to designate the Fully Underground Light Rail Transit (LRT) Alternative without the Flower/5th/4th Street station as the Locally Preferred Alternative (LPA). **However, the project design would not preclude construction of a station at this location as a future, separate project.** This chapter has been updated since publication of the Draft EIS/EIR based on refinements to the LPA, which were undertaken in order to reduce impacts. A vertical line in the margin is used to show where revisions have occurred to this chapter since publication of the Draft EIS/EIR.

Based on comments received on the Draft EIS/EIR and input received from community meetings, the following refinements, which are described in further detail in Section 2.3.6 and Section 4.18.2, Construction Impacts - Affected Environment, herein below, were made to the LPA to reduce or avoid previously identified impacts:

- An enhanced pedestrian walkway would be created along the west side of Flower Street from the 4th Street and Flower Street area to the existing 7th Street/Metro Center Station entrance at 7th and Flower Streets.
- At 2nd Street and the pedestrian signal to the Japanese Village Plaza (JVP), the tracks would continue underground heading northeast under the plaza and 1st and Alameda Streets.
- The proposed Little Tokyo/Arts District underground station, 1st/Central Avenue station (previously called 2nd/Central Avenue station), would be partially located within Central Avenue and the northern half of the block bounded by 1st Street, Central Avenue, 2nd Street, and Alameda Street.
- The Tunnel Boring Machine (TBM) would be inserted at the property northeast of 1st and Alameda Streets, the Mangrove property (formerly known as the Nikkei development), and transported underground to Central Avenue, where it would begin excavating westward (refer to Section 4.18.2, Construction Impacts- Affected Environment, herein below for more detail).
- Tunnel boring activities from the new insertion site would proceed farther down Flower Street to 4th Street instead of ending at the proposed 2nd/Hope Street station (refer to Section 4.18.2, Construction Impacts- Affected Environment, herein below for more detail).

Chapter 2

Alternatives Considered

- Cut and cover on 2nd Street in Little Tokyo would not be required, which would result in less cut and cover overall during construction (refer to Section 4.18.2, Construction Impacts- Affected Environment, herein below for more detail).
- Relocation of the 2nd Street storm drain would not be required in Little Tokyo (refer to Section 4.18.2, Construction Impacts - Affected Environment, herein below for more detail).

The following refinements were made to the LPA to improve project design:

- A pocket track, which could also serve as a crossover, would be located beneath Flower Street between 5th and 6th Streets. This would allow for a possible future station at this location to be constructed as a separate project.
- Crossovers could be located north and east of the proposed rail junction: in the tunnel beneath the Mangrove property, and beneath 1st Street just east of the intersection of 1st and Alameda Streets.
- A traction power substation (TPSS) facility would be located along Flower Street between 5th and 4th Streets in the deleted Flower/5th/4th Street station location.
- Antennas may be used as part of the LRT communication system. Antennas would not be visible from any historic resource and would not intrude on the visual quality of the surrounding neighborhood (refer to Section 2.3.3.7 herein below for more information).

Would preclude a future 5th/Flower Station

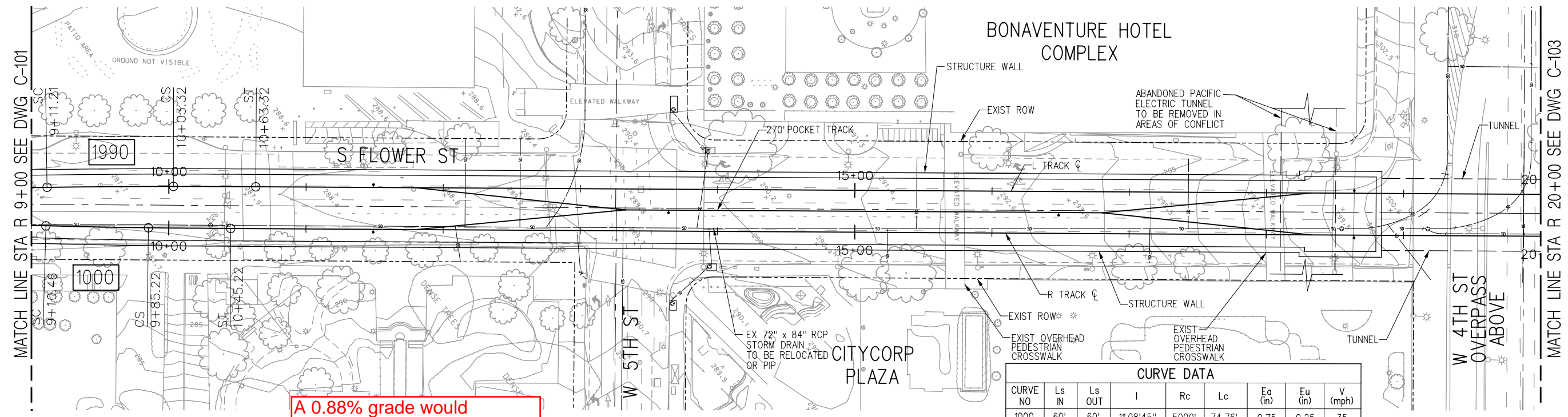
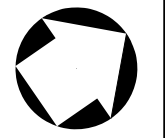
In addition to modifications associated with refinements to the LPA described above, there have been modifications and corrections to this chapter in response to comments received on the Draft EIS/EIR.

The LPA would involve construction and operation of a 1.9 mile LRT connector that would link the Metro Blue Line, Metro Gold Line, and future Metro Expo Line into a single consolidated system. All proposed build alternatives would begin underground at the existing Metro Blue Line (and future Metro Expo Line) platform at 7th Street/Metro Center Station and extend in a northeastern direction to a new junction with the Metro Gold Line near Alameda Street. Figure 2-1 shows the LRT routes and stations that were identified for study in the EIS/EIR.

2.1 Background and Planning Context

The Regional Connector Transit Corridor alternatives presented in the Draft EIS/EIR build on prior planning studies and projects from the past two decades. In particular, the early studies from 1988 to 1993 focused on extending the Metro Blue Line (light rail line) to Pasadena. The Metro Blue Line currently extends from downtown Los Angeles to Long Beach. This project was later constructed as the Metro Gold Line from Union Station to Pasadena, with the connection to the Metro Blue Line at 7th Street/Metro Center Station deferred to a later time. The Metro Expo Line (light rail line), which will extend from downtown West Los Angeles to Santa Monica, was not included in those studies, as it was not yet in the planning stages.

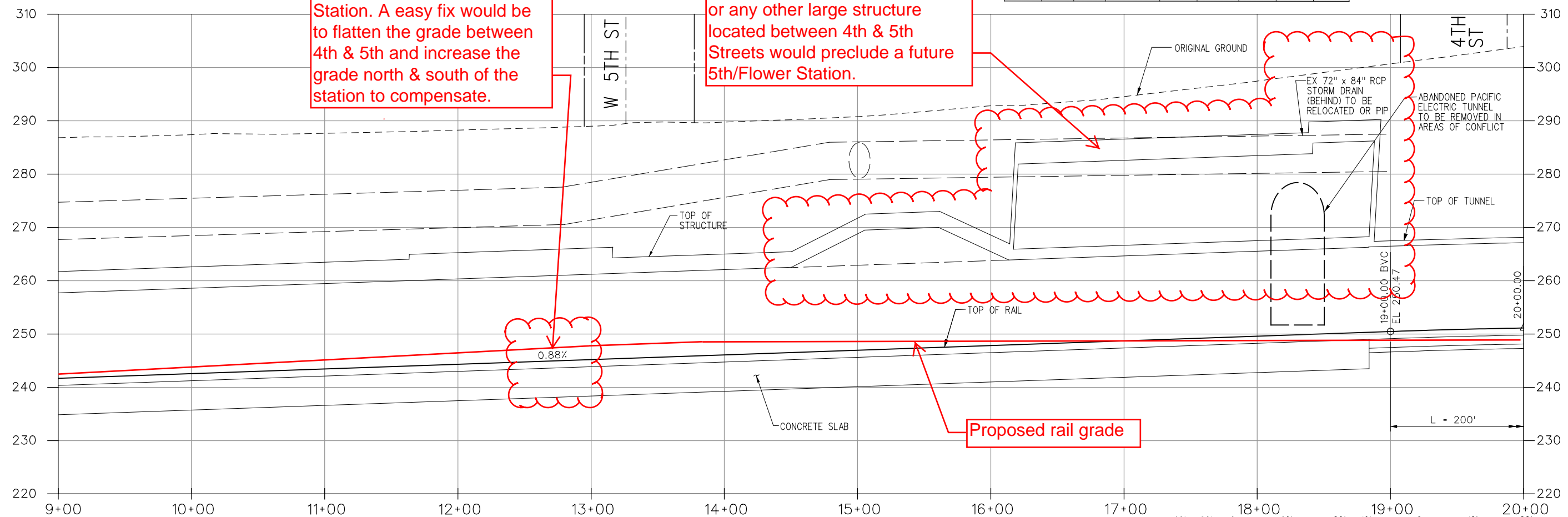
In addition, the Eastside Extension portion of the Metro Gold Line (light rail line), which extends from downtown Los Angeles to East Los Angeles, was initially approved as an extension of the Metro Red Line (a heavy rail subway system). The Metro Red Line currently extends from downtown Los Angeles to North Hollywood. The proposed extension to East Los Angeles was later re-scoped to the currently operating Metro Gold Line to East Los Angeles light rail system.



CURVE DATA								
CURVE NO	Ls IN	Ls OUT	I	Rc	Lc	Ea (in)	Eu (in)	V (mph)
1000	60'	60'	1° 08' 45"	5000'	74.76'	0.75	0.25	35
1990	60'	60'	0° 52' 46"	6000'	92.10'	0.75	0.25	35

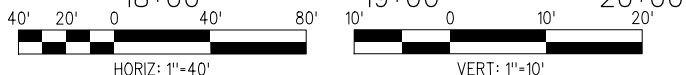
A 0.88% grade would preclude a future 5th/Flower Station. A easy fix would be to flatten the grade between 4th & 5th and increase the grade north & south of the station to compensate.

A traction power station (TPSS) or any other large structure located between 4th & 5th Streets would preclude a future 5th/Flower Station.




PRELIMINARY

R TRACK PROFILE



DESIGNED BY	JS
DRAWN BY	MA
CHECKED BY	
IN CHARGE	
DATE	05/04/2011

REV	DATE	BY	APP	REG NO	EXPIRES	SEAL HOLDER	DESCRIPTION


LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
 777 S. FIGUEROA STREET
 10TH FLOOR
 LOS ANGELES, CA 90017
 T 213.312-3100
 F 213.312-3114

The Connector Partnership
 SUBMITTED _____
 APPROVED _____

REGIONAL CONNECTOR TRANSIT CORRIDOR
 ADVANCED CONCEPTUAL ENGINEERING
 TRACK ALIGNMENT
 PLAN AND PROFILE
 STA R 9+00 TO STA R 20+00

CONTRACT NO	C0980
DRAWING NO	C-102
SCALE	HORIZ: 1" = 40' VERT: 1" = 10'
SHEET NO	5
REV	0
	F4-185

Plot Driver=MTA_HALF_BW_PDF.pltcfgr Pentable=MTA_H_BW.TBL USER=Al-Mashatm 11:25:02 AM 4/29/2011 ...cadd\EIR\C0980C102.plg

R-BU9

Responses to Comments from Weisenhaus Architecture, Weisenhaus, Duane

Response to Comment R-BU9-1

The Metro Board of Directors voted on October 28, 2010 to designate the Fully Underground LRT Alternative, without the Flower/5th/4th Street station, as the Locally Preferred Alternative. The Flower/5th/4th Street station was excluded from the Regional Connector project as a means of lowering costs. The Locally Preferred Alternative would be constructed so as not to preclude addition of a Flower/5th/4th Street station at a later time as a separate future project.

- The now deleted 5th and Flower station site developed during the Draft EIS/EIR included a traction power substation (TPSS) and the area needed for a TPSS site. Although the station has been deleted, the TPSS can still be located at the site/space it had been previously identified for without encroaching into the area that was previously identified in the Draft EIS/EIR for the 5th and Flower station. Therefore, the TPSS would not preclude the building of the 5th and Flower Station in the future because adequate space underground would still be available.
- Metro's design criteria for maximum slopes at station platforms is one percent. The slope identified is less than one percent; therefore, the slope grade between 5th and 4th Street is suitable for a station in the future.

September 2, 2011

Mr. Art Leahy
c/o Ms. Dolores Roybal Saltarelli
Project Manager
Metro
1 Gateway Plaza, MS 99-22-2
Los Angeles, CA 90012

Dear Mr. Leahy,

On September 1, 2011, some of the members of The Westin Bonaventure Hotel and Suites' Executive Team met with Metro representatives regarding the Regional Connector Transit Corridor preliminary construction plan. The Metro representatives presented the tunneling plan from Second Street that would continue to Fourth Street on Flower Street. Metro explained that the plan from Fourth Street down Flower to Seventh Street would be done using a "cut and cover method". We also reviewed plans that would set "Construction Work Areas" in two lanes from Fourth Street to Sixth Street on the West side of Flower Street directly in front of the Hotel.

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This letter is written per the request of the Metro representatives. It explains our objections from an operational standpoint. Please be advised that we will retain legal counsel to analyze the situation from a legal perspective and will revert back to you upon completion of that analysis.

We vehemently oppose the staging of construction work in front of The Westin Bonaventure Hotel. Moreover, any construction work related to the Regional Connector must be carefully planned and implemented to prevent damage to the Hotel and disturbance of our guests. The plan as explained to us at our meeting fails to do this. The Hotel has on average 569,000 guests sleeping in our rooms annually. Out of that total, over 150,000 guests sleep during the hours of proposed construction. These guests are pilots and air crews with airlines who have contracted with us. We have very specific contract language with these guests that guarantee a distraction free environment. The planned work could possibly cause us to lose millions of dollars in business, something we cannot sit back and let happen, especially considering that there are other areas along Flower Street that may be used for construction staging and construction work areas.

2

The Westin Bonaventure Hotel experienced loud noise disturbing our guests resulting in financial loss and shifting in our building during minor excavation and construction on the corner of Fifth and Flower Streets in 2010. The size and scope of the Metro Project dwarfs the prior project. Therefore, Metro must ensure that this project in no way affects the structure of the building and the safety of our guests. To that end, we request that a preconstruction survey be completed by an independent engineering firm and that surveys be completed monthly during construction so as to guarantee that the excavation and construction do not affect the structural integrity of The Westin Bonaventure Hotel.

3

Art Leahy
September 2, 2011
Page Two

The Regional Connector Project must also maintain 24-hours per day and 7-days per week the exact same decibel levels that exist today. Construction scheduling for work from Third Street to Sixth Street on Flower Street must be reviewed and approved by The Westin Bonaventure Hotel. Scheduling also must be flexible on short notice due to the short term booking window for both rooms and meeting/catering business at The Westin Bonaventure Hotel. The 2-week and 3-month "look ahead" needs to be modified to daily, two week and three month planning.

4

Noise and vibration monitoring equipment must be installed on all four sides of The Westin Bonaventure Hotel. If noise or vibration exceeds existing decibel levels, construction must stop immediately.

5

Metro must provide business interruption and perceived business interruption coverage for this project. The possibility of loss of existing contracted business must be prevented. Metro must present a plan acceptable to us that addresses our concerns and mitigates our losses.

6

In closing, let me reiterate that we are opposed to the existing preliminary plan and we request that Metro address all concerns in this letter.

7

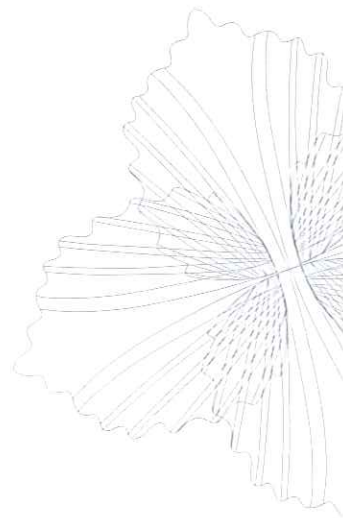
Sincerely



Michael Czarcinski
Managing Director

MC:ss

c: leahya@metro.net
RegionalConnector@metro.net
P. Zen
R. Nicholas
T. Alder



R-BU10

Responses to Comments from Westin Hotels & Resorts, Czarcinski, Michael

Response to Comment R-BU10-1

The proposed use of tunnel boring machine excavation extending to 4th and Flower Street, and cut and cover excavation between 4th Street and the existing 7th Street/Metro Center Station is shown in Figure 2-14 of the Supplemental EA/Recirculated Draft EIR Sections. Drawings showing the proposed construction staging areas for the project are included in Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections. Some of the construction staging areas in the vicinity of the Westin Bonaventure Hotel and Suites have since been reduced, as reflected in Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. Thank you for providing the additional information regarding hotel operations. The concerns in this comment letter are addressed in the responses below.

Response to Comment R-BU10-2

Comment noted. Mitigation measures have been identified and will be implemented during construction of the Locally Preferred Alternative, which involve a survey of all structures within 21 feet of the anticipated vibration-producing construction activity to verify the building category, structural condition, and to provide a baseline for monitoring of ground-borne vibration and the potential for ground-borne vibration to cause damage. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified historic and sensitive structures. With implementation of mitigation measures identified in Section 4.7.4.2.1 of this Final EIS/EIR, construction-related vibration impacts to historic and sensitive buildings located within 21 feet of the anticipated vibration-producing construction activity would not be adverse. In addition, consistency with the goals of the applicable local ordinances and implementation of best management practices (BMPs), would ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses.

Metro is committed to working with the surrounding community and businesses prior to and during construction of the project. To reduce community and neighborhood impacts associated with construction, mitigation measure number CN-6 (as identified in this Final EIS/EIR) requires Metro to develop a construction mitigation plan with community input to directly address specific construction impacts in the project area. Metro shall establish and receive input from the Regional Connector Community Leadership Council (RCCLC) in developing the construction mitigation plan. The RCCLC shall consist of representatives from all parts of the alignment area. Metro shall work with the RCCLC in developing the outreach plan, which will notify local communities and the general public of construction schedules and road and sidewalk detours.

Economic and fiscal impacts associated with construction of the project are analyzed in Section 4.14, Economic and Fiscal Impacts, and Appendix BB, Economic and Fiscal Impacts Technical Memorandum, of this Final EIS/EIR.

Response to Comment R-BU10-3

Construction noise experienced during the separate non-Metro plaza renovation project is noted. Since this was not a federally-funded transit project, it was not subject to the same stringent Federal Transit Administration (FTA) noise and vibration regulations that will apply to Regional Connector construction. Safety and security mitigation measures were included in Section 4.15.4 of the Draft EIS/EIR to ensure the safety of construction activities. These mitigation measures have been incorporated into Section 4.15.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. Metro does not anticipate that the Regional Connector project will cause any damage to the structural integrity of the hotel. As discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR, Metro would conduct a pre-construction survey of all structures within 21 feet of anticipated vibration-producing construction activity to verify the building category (type of construction), structural condition, and to provide a baseline for monitoring construction effects. This mitigation pertains to both geotechnical and vibration impacts. During construction, use of building protection measures such as underpinning, soil grouting, or other forms of ground improvement, use of lower vibration equipment and/or construction techniques, combined with a geotechnical and vibration monitoring program would be used to protect identified sensitive structures. These mitigation measures were included in Sections 4.7.4.1 and 4.9.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 and 4.9.4.2.1 of this Final EIS/EIR, and are included as mitigation measure numbers NV-1 and GT-1 of the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). In the unlikely event that there is damage due to construction, Metro would ensure that any damage caused by construction is repaired to pre-construction survey condition.

Response to Comment R-BU10-4

Noise impacts associated with construction of the project are analyzed in Section 4.7, Noise and Vibration, of this Final EIS/EIR. Metro will require the construction contractor to be consistent with the goals of Section 41.40(a) of the Los Angeles Municipal Code, and the goals of other applicable local ordinances, and to implement BMPs to ensure that noise levels associated with construction of the Locally Preferred Alternative would not result in an adverse effect under NEPA or a significant impact under CEQA to sensitive land uses.

As indicated in Response to Comment R-BU10-2, above, Metro will work with the RCCLC to serve all businesses affected by construction of the Regional Connector. The committee shall also be kept apprised of construction progress and upcoming transit, parking, or access changes.

Response to Comment R-BU10-5

Comment noted. Please refer to Responses to Comments R-BU10-2 and R-BU10-4, above. Geotechnical and ground-borne vibration monitoring shall be conducted during construction as part of mitigation to avoid any damage to sensitive buildings (Category I, II, III, IV buildings as defined by FTA in Table 4.7-4 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR) or historic buildings due to construction-induced vibration. Monitors will be located at points of the maximum potential impact as appropriate.

To reduce community and neighborhood impacts associated with construction, a 24-hour live hotline for community concerns regarding construction shall be provided. Residents and businesses shall also be provided with comment/complaint forms during construction. A construction office shall also be placed within the community to provide in-person assistance and services. The hotline and office shall enable Metro to maintain day-to-day contact with the community during construction and provide community members with all project details that may be relevant to the public.

If a noise complaint is filed during project construction, noise monitoring shall be conducted in the vicinity of the area in question. If monitored noise levels exceed FTA construction noise criteria, the contractor shall use all or a combination of the measures identified in Section 4.7, Noise and Vibration, of this Final EIS/EIR to reduce construction noise levels below FTA construction noise criteria.

Response to Comment R-BU10-6

Metro would maintain access to the hotel at all times during operating hours, as indicated in mitigation measure number TR-1 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR). Metro would also adhere to FTA noise criteria and mitigation measures in Section 4.7.4 of the Supplemental EA/Recirculated Draft EIR Sections to further reduce noise and vibration impacts. These mitigation measures have been incorporated into Section 4.7.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. These mitigation measures would minimize the potential for business disruption. Metro will continue to work with the hotel management to ensure minimization of business interruption. Metro will coordinate with the community, including Westin Bonaventure Hotel and Suites, regarding construction activities through the RCCLC, as provided in mitigation measure numbers CN-4 and CN-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-BU10-7

Opposition to the preliminary information is noted. Metro will continue to work with the hotel management throughout the project process. Metro has addressed the comments in this letter in the responses above.

Responses to Community Groups and Non-Profit Organizations
 Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-CN1	Fixing Angelenos Stuck in Traffic (FAST)	Norton	Hilary
R-CN2	The Colburn School	Kardan	Sel
R-CN3	Community Connector Coalition	Broad; Kardan	Eli; Sel
R-CN4	Los Angeles Conservancy	Fine	Adrian Scott

From: Hilary Norton [mailto:HNorton@tpgre.com]

Sent: Friday, July 22, 2011 9:48 AM

To: Kerman, Ann

Cc: Hilary Norton

Subject: RE: Regional Connector Supplemental EA/Recirculated Draft EIR Sections Available

Thank you so much, Ann!

We will ensure that there are LOTS of comments from those who want to see 5th & Flower built!] 1



H

Hilary Norton

Executive Director

FAST - Fixing Angelenos Stuck in Traffic

515 South Flower Street, 6th Floor . Los Angeles, CA 90071

Telephone 213.233.2542 . Cellular 213.448.2900 . Fax 213.613.1903

www.fastla.org

R-CN1

Responses to Comments from Fixing Angelenos Stuck in Traffic (FAST), Norton, Hilary

Response to Comment R-CN1-1

Comment noted. The Locally Preferred Alternative designated by the Metro Board of Directors on October 28, 2010 does not include a station at 5th and Flower Streets. However, the Locally Preferred Alternative would be designed so as not to preclude a station from being added at this location as a separate future project.

From: Sel Kardan <skardan@colburnschool.edu>
Date: September 6, 2011 4:44:54 PM PDT
To: "Roybal, Dolores" <ROYBALD@metro.net>
Cc: "welbourne@metro.net" <welbourne@metro.net>, "ray.sosa@aecom.com" <ray.sosa@aecom.com>, Susan Keran Solomon <sksolomon@mac.com>
Subject: Colburn School Comment on Connector EIR

Dear Dolores:

Thank you for presenting to the Colburn School Facilities Committee this morning. We are aware that the current comment period ends today at 5 PM. Therefore, the Colburn School would like to voice its concern regarding potential noise issues related to the construction and in particular the operation of the proposed Regional Connector Transit Corridor as it passes in close proximity to our campus.

The Colburn School is an internationally recognized performing arts institution with a \$200 million campus that contains two world class concert halls, recording facilities, studios, practice rooms, and rehearsal spaces. Over 200 public performances of music and dance take place annually on our campus including long-standing series by outside performing arts organizations such as the Los Angeles Chamber Orchestra, LA Opera, and Camerata Pacifica. Additionally, our recording facilities are used for professional recordings year around. Given the importance of optimal conditions for the rehearsal, performance and recording of music, we are understandably concerned by any increased noise that the Light Rail may produce in its construction and daily operation.

We hereby request additional study by Metro of vibration and noise related to The Colburn School property and appropriate to the institution's classification as a premiere performance and recording facility. The Colburn School's use by multiple stakeholders, core mission of performance, and positioning on the cultural corridor warrant sound attenuation equal to that required by The Music Center's Disney Hall. We look forward to working with you in the coming months to better understand our specific needs and requirements and the impact of the connector on our operations.

Sincerely,

Sel Kardan
 President & CEO
 The Colburn School
 200 South Grand Avenue
 Los Angeles CA 90012
www.colburnschool.edu

t: 213-621-1000
 c: 323-217-3171
 f: 213-626-1624

R-CN2

Responses to Comments from The Colburn School, Kardan, Sel

Response to Comment R-CN2-1

In the area beneath the Colburn School, the LRT tunnels would be located approximately 50 feet below the 2nd Street Tunnel, within the public right-of-way. There is no special track work planned for this area. Per the as-built drawings of the Colburn School, the foundations of the school are located just south of the 2nd Street Tunnel and do not extend below the depth of the 2nd Street Tunnel.

According to Federal Transit Administration (FTA) land use criteria, the Draft EIS/EIR identified this site as a Category 3 land use, which are institutional land uses with primarily daytime uses that depend on low noise as an important part of operations (e.g., schools, libraries, theaters, places of study, and churches). The noise and vibration analysis using the Category 3 land use classification determined that no adverse effect under NEPA or significant impact under CEQA would occur at the Colburn School during construction. In response to the commenter's request, in Section 4.7, Noise and Vibration, of this Final EIS/EIR, the Colburn School is now analyzed as a Category 1 land use, which are buildings or parks where low noise is an essential element of their purpose (e.g., amphitheaters and concert pavilions). Although the Colburn School is properly considered as a Category 3 land use in this analysis, if the Colburn School were a Category 1 land use, there is a potential for ground-borne noise generated during construction and operation of the Locally Preferred Alternative to impact the Colburn School facilities. Please refer to Section 4.7, Noise and Vibration, of this Final EIS/EIR for a detailed analysis of noise and vibration impacts to the Colburn School. In an abundance of caution, Metro shall apply similar construction and operational mitigation measures that were identified for the Walt Disney Concert Hall, for the Colburn School. After implementation of the mitigation measures, ground-borne noise impacts at the Colburn School would be reduced to not adverse under NEPA and less than significant under CEQA. Refer to Section 4.7.4.2 for a list of mitigation measures identified for the Colburn School.

Community Connector Coalition

Advocates for the
Completion of the
Missing Link in
Los Angeles Rail Transit

August 30, 2011

✓ Ms. Dolores Roybal Saltarelli, AICP
and Regional Connector Team, Metro
One Gateway Plaza, MS 99-22-2
Los Angeles, California 90012-2952

Mr. Ray Tellis, Team Leader
Federal Transit Administration
888 South Figueroa Street, Suite 1850
Los Angeles, California 90017

Ladies and Gentlemen:

The Community Connector Coalition is a growing group of property owners, stewards, and users on and around Bunker Hill, the Historic Core, Civic Center, Little Tokyo, and the Arts District. Among its supporters, the Coalition counts office building owners and tenants, hotel building owners, residential building and unit owners and tenants, and cultural and educational institutions.

We welcome this opportunity to comment on the Regional Connector, in connection with your circulation of the July 22, 2011, Supplemental EA / Recirculated Sections of the Draft EIR. Our review of the revised Chapter 2 and the revised portions of Section 4.18.2, especially relating to Construction Impacts -- and specifically those impacts related to the narrow Second Street and its myriad underground utilities, in particular the very large Los Angeles County storm drain -- leads us to respectfully submit these comments / suggestions now.

The Coalition recognizes that one of the most significant public transit investments currently being undertaken in Los Angeles County is the Regional Connector Transit Corridor Project. The Coalition seeks to maximize, for members of the traveling public, transit accessibility to and from the multiple, diverse destinations surrounding the three planned stations of the Regional Connector.

To achieve that goal, the Regional Connector first has to be built.

One very simple route adjustment will allow the Connector to be built at substantially less cost, while improving community access and eliminating several property conflicts and other impacts along the route. We believe that these proposed modest changes to Metro's currently proposed alignment and station locations lessen environmental impacts. In this letter, we have organized our comments and our recommended changes around the stations.

Using a modestly moved Regional Connector route, travelers on the Blue Line, the Expo Line, and the Gold Line -- from the southern, western, northeastern, and eastern parts of Los Angeles County -- will have improved access *to and from* these lines through *more convenient* passenger portals.

1

2

Bunker Hill Station: This station should have its passenger portal at the TOP and CENTER of Bunker Hill. The Bunker Hill Station portal should be located on Second Street adjoining Grand Avenue . . . not one level lower down and nearer the western edge of the Hill, over on Hope Street across from Kosciuszko Way. The location of the present passenger portal requires almost all riders to walk up a very steep hill, on streets primarily designed for automobile access to Lower Grand and to garages, rather than designed for pleasant pedestrian experiences. There is just “no there, there” at Kosciuszko and Hope.

We believe that there still is time to optimize the locating of the Bunker Hill Station so that its passenger portal can be constructed where it should be -- essentially, on Grand Avenue. We also believe that there will be construction economies (and reduction of construction impacts) for Metro in so doing. We know that there will be long-lasting patronage advantages gained by having Bunker Hill’s only subway station portal situated at the TOP of the Hill, on Second Street and Grand Avenue. It is at this location that riders will find most of the Hill’s offices, residences, and cultural institutions, plus the County government center and Civic Park -- within only a one or two block walk north or south along Grand Avenue. Just one block further north is the Cathedral and the High School for the Visual and Performing Arts. Just one block further south is the Central Library and more hotels. (See the accompanying drawings.)

3

Broadway / Civic Center Station: We suggest you study a modified route that turns northeast from Second Street, at Hill Street, and proceeds 45 degrees across the currently vacant Federal courthouse parcel. (See the accompanying drawings.) This modification accomplishes numerous cost-saving and public-serving purposes, while significantly reducing construction impacts. *First*, being off-street, this station location allows much less expensive cut and cover construction of the station box, whose portal will be at Broadway and First Street. This station location will be less expensive because the alignment will not be as deep because it will have crossed *north of* the Second Street storm drain and *over* the Red Line tunnel. *Second*, the station will be substantially less expensive because it no longer requires construction under that same Los Angeles County Flood Control District Second Street storm drain. *Third*, this new location will allow a pedestrian passageway to be easily constructed between the existing Red/Purple Line Civic Center Station mezzanine and the new Regional Connector Broadway / Civic Center Station mezzanine. Providing a second direct passenger connection to the Red/Purple Line at Civic Center will help alleviate the crowded conditions where all such transfers would occur at 7th and Metro Center. *Fourth*, this location will allow a 45-degree curve to continue the route east under wider First Street (apparently with far fewer utilities conflicts).

4

Little Tokyo / Arts District Station: The Connector’s route adjustment in this neighborhood provides construction cost savings and reduced construction impacts on the Little Tokyo community. In this revised location (see the accompanying drawing), the temporary construction impacts on businesses fronting First and Second Streets and Central Avenue are reduced almost entirely. The new station will be partially underground and open to the sky, and it will be located next to where the existing station is now, east of Alameda Street, north of First Street, on the Mangrove Estates site. This approach also allows for integration of the new Little

5

Community Connector Coalition to
Metro Regional Connector Team
August 30, 2011
Page 3

Tokyo / Arts District Station into future development on this parcel. Construction still will be staged at the Mangrove Estates site, and the connection of the east-west lines will be a simple straight line under First Street. The new route also will eliminate the significant, permanent construction impacts on the properties south of First Street (that result from the present alignment under Second Street – which requires significant demolition or disturbance). Similarly, “cut and cover” construction impacts on Central Avenue, south of First Street, will be eliminated by the new route.

5
cont'd


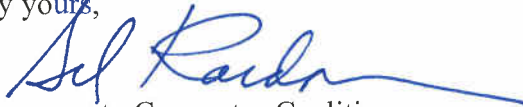
The main difference that this Little Tokyo / Arts District Station relocation makes in Regional Connector service, from what is currently proposed by Metro, is that the first westbound transfer station (between the Regional Connector’s east-west and north-south lines) will be a few blocks west, at Broadway / Civic Center, instead of at Little Tokyo / Arts District.

All of these modest amendments -- on Bunker Hill, at Broadway / Civic Center, and at Little Tokyo / Arts District -- increase the probability of the Regional Connector ultimately being built because costs are lowered significantly . . . for example, by: (1) eliminating the substantial civil / bridge / street work at Second and Hope Streets; (2) decreasing the excavation depths for the three stations; (3) eliminating the conflicts with the Second Street storm drain; (4) building the stations on and under the edges of now-vacant *government* parcels - - the County’s Parcels Q and W on Bunker Hill, the Federal (GSA) parcel for the Broadway / Civic Center Station, and the City’s Mangrove Estates parcel for the Little Tokyo / Arts District Station (with that City site also being used for the tunnel access, staging, and dirt removal east of the main parts of Little Tokyo); and (5) not building on private property, except for tunneling a bit under the Broad Museum.

6

The Community Connector Coalition’s interests are on Bunker Hill primarily. But we know that there is no benefit to transit riders on Bunker Hill if there is no Regional Connector. Therefore, the Coalition looks forward to working closely and aggressively with you and your consultants so that this simple route adjustment, with its several preferable alternatives (or the best parts of them) still can be achieved. What is designed now will be what the Los Angeles public, and its visitors, experience for the remainder of this century. If what is designed now is not the most cost-effective route, we worry that funding may fall short and that the needed Regional Connector might even not get built. We want to help insure that it does. You may contact us through our representative, Stacey A. Sullivan, Esquire. She may be reached at Hill, Farrer & Burrill, 300 South Grand Avenue, Los Angeles, California 90071-3147. Her telephone number is 213-621-0871, and her email is SSullivan@hillfarrer.com. Thank you.

7

Very truly yours,


for the Community Connector Coalition

CCC:hs
Encl.: Route Map Drawings
cc: LACMTA Board Members and Executives



OVERVIEW MASTER PLAN COMMUNITY DIRENTS UPDATES CONTACT US HOME

MASTER PLAN

Posted June 10, 2005

THE PARCELS – BUILDING SITE (LARGER VIEW)

[back to MASTER PLAN main page](#)

SITES U + M

- RESIDENTIAL 50-60 UNITS
- RETAIL CENTER 10-15 BLOCKS
- RESIDENTIAL 10-15 BLOCKS
- RETAIL SERVICES 10-15 BLOCKS



SITE Q

- CULTURAL RETAIL 2-3 BLOCKS
- RETAIL SERVICES 10-15 BLOCKS
- RETAIL SERVICES 10-15 BLOCKS
- RESIDENTIAL 10-15 BLOCKS

SITE W

- RESIDENTIAL 20-30 BLOCKS
- RETAIL SERVICES 10-15 BLOCKS
- RETAIL SERVICES 10-15 BLOCKS
- CULTURAL RETAIL 2-3 BLOCKS

DEVELOPMENT BLOCKS

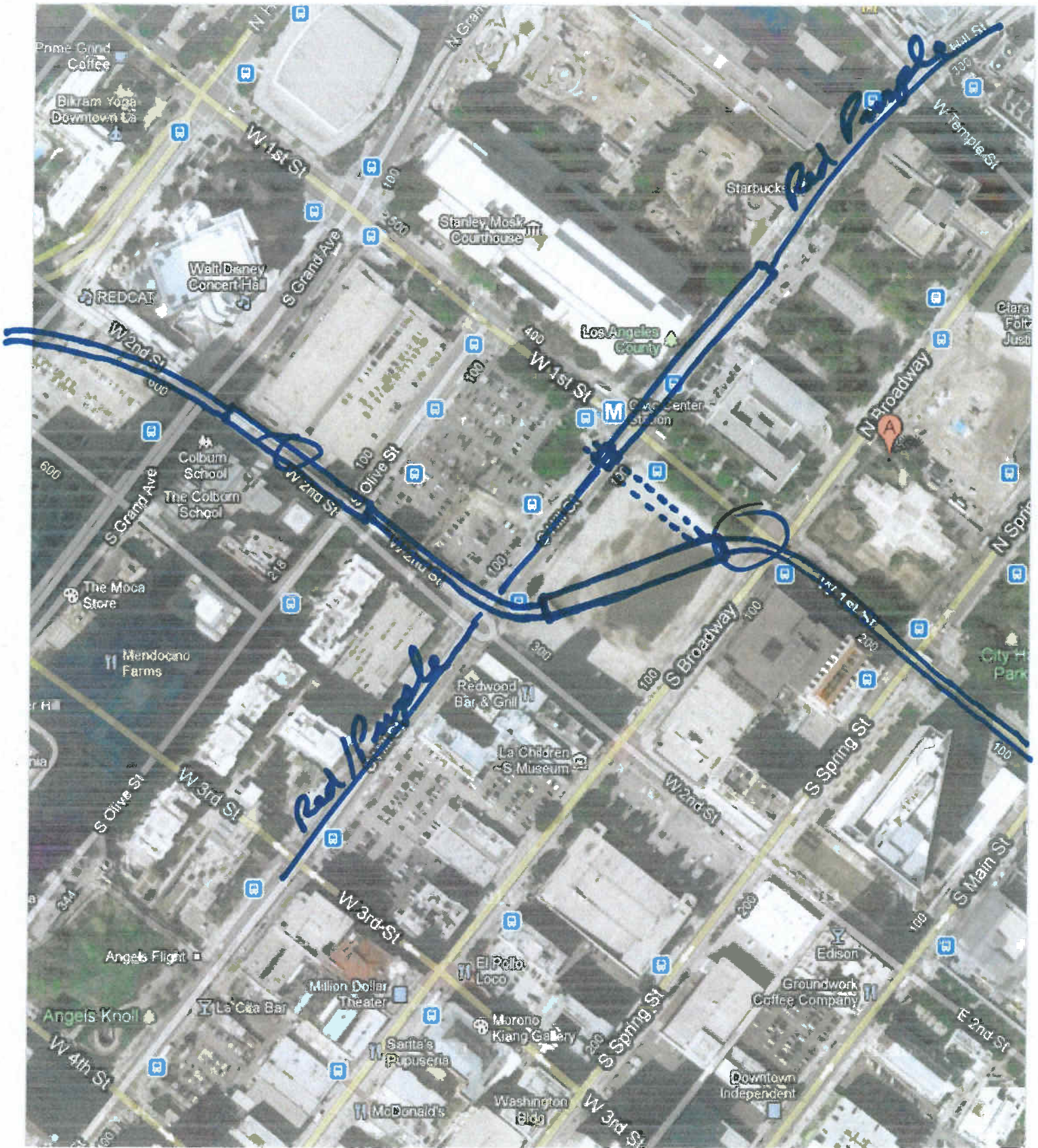
GRAND AVENUE

Red / Rinaldi

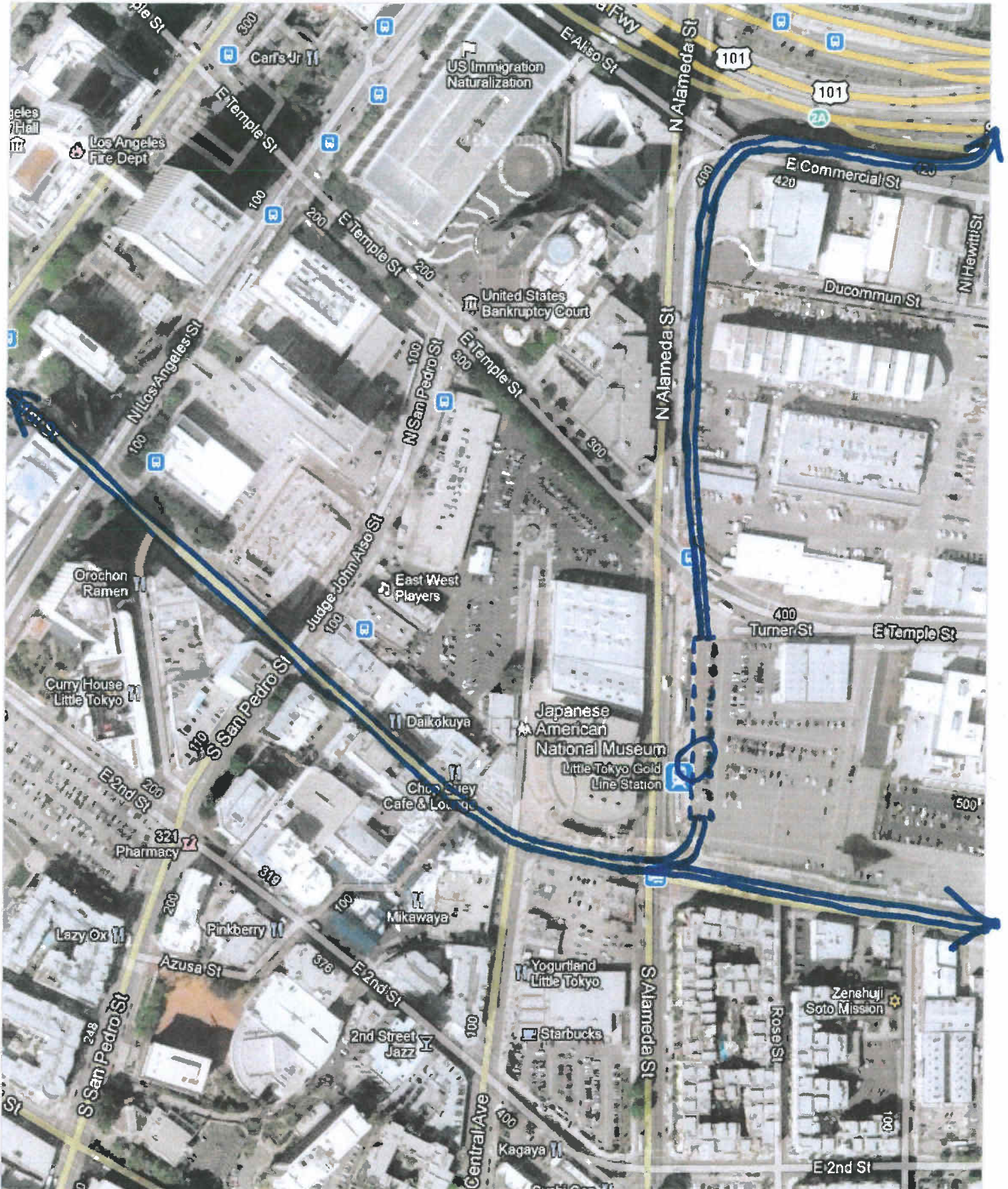
[back to MASTER PLAN main page](#)

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To see all the details that are visible on the screen, use the "Print" link next to the map.



To see all the details that are visible on the screen, use the "Print" link next to the map.



R-CN3**Responses to Comments from Community Connector Coalition, Broad, Eli; Kardan, Sel****Response to Comment R-CN3-1**

We thank you for your comment and appreciate your participation. Metro initiated the Alternatives Analysis study in 2007 and has conducted extensive engineering studies, environmental analysis and an extensive community outreach program that included meetings with property owners and the general public since the inception of the project. Based on these efforts over the last four years, various alignments and station locations were studied including those similar to the one proposed in the letter submitted August 30, 2011. The Locally Preferred Alternative designated by the Metro Board of Directors in October 2010 and the subsequent refinements identified in the Supplement EA/Recirculated Draft EIR Sections represent the results of this effort.

Response to Comment R-CN3-2

Metro agrees with maximizing transit accessibility to and from multiple destinations surrounding the three planned stations. Metro also agrees that in order to accomplish this, the Regional Connector must first be built. As stated, Metro initiated the project development process with the Alternatives Analysis in 2007 and studied 36 different alternatives comprised of various alignments, station locations, and configurations. These alternatives were based on previous studies as well as newly introduced alternatives developed in conjunction with extensive community input. The alternatives studied have been screened over time after extensive engineering, environmental analysis, and public input. The refined Locally Preferred Alternative is the result of this effort. At each major milestone in this process, the Metro Board of Directors has been presented with the results and refinements of the undertaken studies when significant changes have been made to address community concerns, environmental issues, or engineering analysis.

Metro has reviewed the recommended modifications to the Locally Preferred Alternative in light of the environmental analysis, modifications, and Alternative Analysis previously conducted.

Response to Comment R-CN3-3

Metro's design efforts for this station have focused on both connecting to the heart of Bunker Hill and ensuring potential connections to the Flower Street corridor and areas west of Flower Street not currently well served by transit. Metro agrees that a station entrance on Grand Avenue at the top of Bunker Hill at 2nd Street would be a great opportunity. However, based on our previous engineering analysis and due diligence, Metro's technical teams identified several technical challenges which make the alignment and station location described in the August 30, 2011 letter more costly than the Locally Preferred Alternative station location and difficult to achieve. The following is a brief, and by no means exhaustive, summary of those obstacles:

- Grand Avenue is approximately 20 feet higher in elevation than Hope Street.
- The proposed station box elevation and modification of the alignment is limited to the minimum depth of the 2nd Street Tunnel. The LRT tunnel must traverse beneath the 2nd Street tunnel to get from one side of Bunker Hill to the other.
- Based on utility records, the proposed station location described in the August 30, 2011 letter would place the alignment in conflict with the 2nd Street storm drain and require the relocation of the storm drain as it crosses over the existing Metro Red/Purple line tunnels.
- In addition, the proposed (August 30, 2011 letter) station box location is located below County-owned property between Grand Avenue and Olive Street which contains a large parking structure and has previously been entitled for the major multi-billion dollar, high-rise Grand Avenue Project. In its letter submitted on October 15, 2010 in response to the Draft EIS/EIR, Related Companies was concerned with additional structure impacts to the Broad Art Foundation Museum, currently under construction, and Grand Avenue Project site. A large portion of this or other Grand Avenue Project property would be needed to stage construction for the station. Considering the steep slope on this side of Bunker Hill as compared to the Locally Preferred Alternative's 2nd/Hope Street station site, extensive shoring of Grand Avenue and 2nd Street would be required. It would also require that the planned Grand Avenue Project be reconfigured in order to accommodate the station. At the end of construction, a portion of property or other adjacent Bunker Hill property would be needed to house the station entrance, ventilation and emergency shafts, and other ancillary facilities.
- Finally, as the alignment heads west from the proposed (August 30, 2011 letter) station location, it may need to traverse beneath a portion of the Walt Disney Concert Hall. Walt Disney Concert Hall has a multi-level subsurface parking structure beneath it and foundations that extend approximately 80-100 feet below the surface. Building protection and noise and vibration considerations have previously been evaluated and would need to be re-evaluated and a subsurface easement obtained if the alignment traverses under the Walt Disney Concert Hall. The current refined Locally Preferred Alternative does not traverse under Walt Disney Concert Hall and is deeper than the proposed Aug. 30th alignment. The proposed (August 30, 2011 letter) station location may be refined to avoid traversing under the Walt Disney Concert Hall; however, due to its raised profile, mitigation measures beyond those currently planned would likely be needed for building protection and to reduce noise and vibration.

Response to Comment R-CN3-4

From 2nd/Hope Street, the proposed (August 30, 2011 letter) alignment diverts north from 2nd Street at Hill Street and traverses through a vacant site owned and planned by the federal government for a new federal court house. As discussed with the federal government in 2007 and again confirmed in 2011, the site currently has an allocation of \$400 million for the proposed federal court house. It is identified as an active site and has already been certified under the NEPA process. The amount of property required for the station at this location is greater than the station identified as part of the refined Locally Preferred Alternative since it is entirely off-street. Therefore, the property acquisition costs would be substantial. In addition,

another site for the federal court house would need to be identified or a redesign of the current facility would be required to accommodate the proposed (August 30, 2011 letter) station. Neither the relocation of the courthouse or redesign were considered as cost-effective or desirable during the alternatives analysis or Draft EIS/EIR phases. Furthermore, the location of the proposed (August 30, 2011 letter) Grand Avenue station is within approximately 450 feet of the August 30, 2011 letter Broadway Station and Civic Center Metro Red/Purple Line station and approximately 900 feet from the Locally Preferred Alternative's 2nd/Broadway station. This very close proximity reduces the coverage area and could adversely impact ridership. Moreover, the location of the station and alignment proposed in the comment letter would not avoid the 2nd Street storm drain relocation construction costs similar to those associated with the Locally Preferred Alternative.

Response to Comment R-CN3-5

We appreciate the input on the alignment and station location in Little Tokyo. Metro has conducted extensive engineering and environmental analysis and has worked closely and frequently with the Little Tokyo community and representatives to develop the proposed refined Locally Preferred Alternative design from late 2007 and continues to date. The refined Locally Preferred Alternative design reflects substantial community input and currently maintains extensive support from the Little Tokyo and Arts District communities.

Here are some technical challenges with the proposed alignment and station location in the August 30, 2011 letter.

- The station location and configuration would allow riders from the Little Tokyo and the Arts District communities to only access the North-South operation as the station is north of the East-West Alignment. This would reduce the accessibility of East Los Angeles riders to the businesses and services in Little Tokyo. This would reduce ridership at a location predicted to have a significant number of boardings per the refined Locally Preferred Alternative. This would also create significant issues for this environmental justice community.

The turning radius from 1st street to the Mangrove property and then to the existing LRT bridge over the US 101 Freeway would not meet Metro design criteria and would create significant safety and operational issues at the connection to the existing LRT bridge over 101 Freeway. This turning radius is more extreme than the curve proposed at 2nd Street and Central Avenue per the Locally Preferred Alternative. Metro is proposing to increase the turning radius in the refinement in the Supplemental EA/Recirculated Draft EIR Sections. However, the turning radius from 1st Street to the Mangrove property is even more extreme because at the same time it is turning north, the alignment also needs to rise to reach the existing LRT bridge over the US 101 Freeway. LRT vehicles have a limited ability to both come down an incline and immediately enter a curve. Such a design may result in derailment and is prohibited by Metro's design criteria. The LRT needs a minimum 200-foot radius curve to connect to 1st Street and still maintain a reasonable operating speed. This radii limitation is without the additional concern of turning on an incline.

- The turning radii limitation also makes the proposed (August 30, 2011 letter) station location infeasible when combined with the 270-foot long tangent for the station platform. The station platform length when combined with the design criteria limitation of a one

percent slope will not allow adequate depth to both meet the subsurface crossing of Alameda/1st Streets and the incline up to the US 101 bridge crossing.

Response to Comment R-CN3-6

The proposed modifications represent a new alternative with elements previously studied and screened out based on engineering, environmental analysis and community input. There are several project “critical constraints” in the Aug 30th proposal that render this proposal more expensive than the Locally Preferred Alternative.

Response to Comment R-CN3-7

Metro agrees that Bunker Hill is a prime station location. As indicated, since 2007 Metro has conducted extensive engineering, environmental analysis, and community input to evaluate, screen, and develop the refined Locally Preferred Alternative. Metro will continue to meet with representatives of the Connector Community Coalition to review the technical challenges, costs, and schedule impacts associated with the proposed alignment. The Metro analysis does not support these proposed modifications or reconsideration of alternatives to replace the refined Locally Preferred Alternative.



September 6, 2011

Submitted by email

Mr. Ray Tellis, Team Leader
 Los Angeles Metropolitan Office
 Federal Transit Administration
 888 South Figueroa Street, Suite 1850
 Los Angeles, CA 90017
Email: ray.tellis@dot.gov

Ms. Dolores Roybal Saltarelli, AICP, Project Manager
 Los Angeles County Metropolitan Transportation Authority
 One Gateway Plaza, MS 99-22-2
 Los Angeles, CA 90012
 Email: roybald@metro.net

Re: Regional Connector Transit Corridor Project Supplemental EA /Recirculated Sections of the Draft EIR

Dear Mr. Tellis and Ms. Saltarelli:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on Metro's Regional Connector Transit Corridor Project Supplemental Environmental Assessment/Recirculated Draft Environmental Impact Report (Supplemental EA/Recirc DEIR). The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural heritage of Los Angeles County.

The Conservancy previously submitted comments in October 2010 for the Regional Connector Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR). Subsequently, we met with Metro and its project team to discuss impacts to historic resources and potential mitigation measures as part of the Regional Connector project. While it is unfortunate that alternatives to demolition of the California Register-eligible Atomic Café/Señor Fish have not been fully explored, we submit the following comments to ensure meaningful protection of historic resources is included as part of the proposed project.

I. Atomic Café/Señor Fish Building, 416 E. 1st Street

Under the Fully Underground LRT Alternative, selected by the Metro Board of Directors as the Locally Preferred Alternative (LPA) in October 2010, the proposed route would require

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demolition of the S. Kamada Restaurant/Atomic Café/Señor Fish/Coast Import Building (Atomic Café/Señor Fish Building) at 416 E. 1st Street. Located at the southwest corner of 1st Street and Alameda in Little Tokyo, the one-story building dates from the early twentieth century but is best known and culturally significant as the location of the Atomic Café. Owners Minoru and Ito Matoba first opened the restaurant at another location in Little Tokyo one year after the bombing of Nagasaki and Hiroshima, and moved it to the building at 416 East 1st Street in 1965. At this location, the Atomic Café was popular with intellectuals as a late night hang-out, and under the direction of the Matobas' daughter, Nancy, became a destination for the emerging punk rock music scene in the 1970s and 1980s. Today the building houses Señor Fish, which continues the decades-long tradition as a gathering place for an eclectic crowd of artists, musicians, and intellectuals.

2
cont'd

The Draft EIS/EIR determined the building to be eligible for the California Register of Historic Resources for its direct association with a pattern of events linked to Japanese-American: as the site of an early Japanese restaurant, as well as its long-time identity as the iconic Atomic Café. As such, it is considered a historic resource under the California Environmental Quality Act (CEQA), and its demolition for an underground station at 1st between Central Avenue and Alameda Street would constitute a significant adverse impact to a historic resource under CEQA.

a. Mitigation Measures Can Be Strengthened to Reduce Impacts

As mentioned in our October 2010 Draft EIS/EIR letter, CEQA sets a higher bar for adequate mitigation measures as compared with federal Section 106 review by requiring the lead agency to evaluate and adopt all feasible alternatives and mitigation measures that avoid or substantially lessen impacts on historic resources. While Metro has proposed additional mitigation measures for potential relocation, salvage and integration of building components, or keeping portions of the building intact for use in the 1st/Central Avenue station, none of these options provide sufficient specificity to fully mitigate the loss of a historic structure. Nor are the effects of the demolition reduced to a level of insignificance. As such, it is a faulty assumption to conclude in the Supplement EA/Recirc DEIR that implementation of the proposed mitigation measures would reduce adverse impacts to a less-than-significant level.¹

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To eliminate the significant adverse impact, we urge Metro to consider creative design options in the Final EIR that relocate or reengineer the station portal in order to retain the Atomic Café/Senor Fish Building in place. This may include temporarily relocating the building offsite or elsewhere onsite during construction, designing the station to maximize the vacant space around the building, or incorporating all or a significant portion of the existing building as an entryway to the underground station. While we recognize that saving the building presents some inherent challenges, in terms of the scope and intent of the proposed project, creative approaches could be further explored.

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¹ Los Angeles County Metropolitan Transportation Authority, Regional Connector Transit Corridor, Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report, July 22, 2011, Page 4.12-33. In order for adverse impacts to be less than significant, a proposed project would need to comply with the *Secretary of the Interior's Standards for Rehabilitation* or ensure the historic resource retains its eligibility for state or local landmark listing. See CEQA Guidelines, Section 15064.5.

In addition, in our experience, solely offering the Atomic Café/Senor Fish Building for relocation without an adequate receiving site secured and financial resources committed rarely results in a successful preservation outcome of the historic resource according to the *Secretary of the Interior's Standards for Rehabilitation* (the *Standards*). If relocation remains a mitigation measure, we urge Metro to actively seek an appropriate and feasible new site for the building and provide incentives such as the funds dedicated to demolition to defray the relocation expense.

5

The Conservancy appreciates Metro's offer to provide an exhibit commemorating the history and significance of the Atomic Café/Senor Fish Building but it should be noted that documentation and interpretative programming under CEQA does not meaningfully reduce the impacts of demolition of a historic resource.² We urge Metro to continue its engagement with the Little Tokyo community and work with them and the Japanese American National Museum in developing an interpretive program at the new station to tell the full and layered story of the Atomic Café and its role as a significant cultural landmark in Los Angeles. This may include incorporation of parts of the physical structure into the station if all efforts to rehabilitate or relocate the building are unsuccessful. It may also involve incorporating some new construction as well as retaining the existing building or portions therein. As an example, under Attachment A, we are including a project that blended old and new through a creative design approach that attempts to visually relay the important role and cultural significance of a historic resource.

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II. Historic Resources Potentially Impacted by Vibration and Differential Settlement

The Supplemental EA/Recirc DEIR identified twelve California Register-eligible historic resources along the proposed route that could potentially be impacted by construction-related vibration; all except the Higgins Building also are eligible for the National Register of Historic Places.³ Similarly, eight National Register and/or California Register-eligible properties could be potentially damaged by differential settlement due to tunneling and cut and cover construction.

The Conservancy appreciates the details and additional requirements for studies, surveys, monitoring, and contractor best practices near historic resources to avoid adverse impacts from ground-borne vibration and differential settlement. This is particularly important for the earliest buildings along the LPA route, especially the 1876 St. Vibiana Cathedral and the 1910 Higgins Buildings. As Metro's Memorandum of Agreement (MOA) with the California State Historic Preservation Officer (Appendix R-3) only applies to National Register-eligible resources, we recommend including the building protection measures of the MOA as additional mitigation measures in the Final EIR to apply to resources eligible for the California Register as well, such as the Higgins Building. In particular, the commitment from Metro to repair damages that occur during construction, as alluded to in the MOA, in a manner consistent with the *Standards* should be explicated stated in the Final EIR.

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² "A large historical structure, once demolished, normally cannot be adequately replaced by reports and commemorative markers." *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 909.

³ For complete list of the twelve locations, please see Supplement EA/Recirculated Draft EIR, p.4.12.36-38.

III. Los Angeles Zanja System

Although Section 4.12.2 Archeological Resource is not among the portions of the Draft EIR/EIR recirculated through the Supplemental EA/Recirc DEIR, it appears the route of the Locally Preferred Alternative potentially limits impacts to the Los Angeles zanja system to the segments that cross the LPA along First and Second Streets. The zanja system in Los Angeles was an extensive and integrated water conveyance network that served large areas of the city for many generations. Soon after founding of El Pueblo de la Reina de los Angeles in September 1781, the residents began construction of an extensive water management system to bring water from the Los Angeles River to the pueblo. This Zanja Madre, or mother ditch, in turn fed numerous smaller zanjias as the city grew and expanded. Over the decades, the zanja system supplied water for agriculture and ranching, as well as for domestic purposes, and was variously improved, covered, and piped until it fell out of use in the early 1900s. The Conservancy was actively involved with preservation efforts surrounding the 75-foot section of the Zanja Madre uncovered in the Los Angeles State Historic Park, also known as the Cornfields, in 2005 as part of the Gold Line construction.

According to the archeological technical report in the Regional Connector Draft EIS/EIR, many branches of the zanja likely remain within the project area. We look forward to the proactive and system-wide identification, documentation, and evaluation of the zanja system proposed as part of the mitigation measures in the Draft EIS/EIR. This will facilitate a better understanding of the current-day location of the various zanja branches, as well as ways to avoid adverse impacts from the construction of the Regional Connector. We also look forward to working with Metro and the project archeologists performing the onsite construction monitoring on appropriate preservation measures should segments of the zanja system be discovered as part of the proposed project.

Thank you for the opportunity to comment on the Regional Connector Transit Corridor Project Supplemental Environmental Assessment/Recirculated Draft EIR. Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org or Flora Chou at fchou@laconservancy.org should you have any questions.

Sincerely,



Adrian Scott Fine
Director of Advocacy

cc: Edgar Garcia, Office of Historic Resources, City of Los Angeles
Councilmember Jan Perry, Council District 9
Jessica Wethington McLean, Bringing Back Broadway, Council District 14
Chris Aihara and Mike Okamoto, Little Tokyo Community Council
Bill Watanabe, Little Tokyo Service Center

Attachment A

Modern Theatre, Boston

The Modern Theatre was built in 1876 to house two storefronts and furniture and carpet showrooms and storage. It was renovated in 1913 to accommodate a movie house, the first one in Boston, and did not originally contain a stage. From that point on, the building has been used for a variety of entertainment purposes, and as a performing arts center. The last attempt to restore the building was made in the late 1970's. The building has been vacant since the early 1980's and was in a state of severe neglect and disrepair.



Owner Suffolk University restored and reconstructed the grand building façade in 2010 as part of a \$41 million development project that includes a new 185-seat theater and university housing in a 10-story residence hall built in a setback above the theater. One façade of the 10-story section



displays names and dates in recognition of the rich history of the site and neighborhood.

While retaining only the façade of a building does not meet the *Secretary of the Interior's Standards for Rehabilitation*, and is not the ideal preservation solution, the approach at the Modern is an example of a creative way to recognize the complex and layered history of its site.

R-CN4

Responses to Comments from the Los Angeles Conservancy, Fine, Adrian Scott

Response to Comment R-CN4-1

Thank you for the information about the Los Angeles Conservancy. Responses to the Conservancy's previously submitted comments are provided in Volume F-2 of this Final EIS/EIR, numbered CN14-1 through CN14-5. Metro examined a full range of the potential build alternatives in the Alternatives Analysis Report completed in February 2009. The most feasible alternatives were carried forward into the Draft EIS/EIR, including the At-Grade Emphasis LRT Alternative, which would avoid the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building. However, this alternative would require the use of NRHP eligible historic resources, which is prohibited under Section 4(f) of the USDOT Act of 1966 when feasible and prudent avoidance alternatives, such as the Locally Preferred Alternative, exist. In consultation with the LA Conservancy, City of Los Angeles, and other stakeholders Metro has included additional mitigation measures, as shown in Section 4.12.1 of the Supplemental EA/Recirculated Draft EIR Sections, and Section 4.12.1.4.2 of this Final EIS/EIR, to address impacts to the building, including offering the building to any party willing to relocate it at their own expense, incorporating materials from the building into the station facilities, and providing an exhibit about the building to a local museum. These mitigation measures have been incorporated into Section 4.12.1.4.2 and the Mitigation Monitoring and Reporting Program (Chapter 8) of this Final EIS/EIR.

It should be noted that the historical uses of the building, such as the Atomic Café, have long been gone. The building now houses a Mexican restaurant that is unrelated to the historical uses. The architectural features of the building have been substantially altered, and offer little semblance of the historical uses. The fact that those former uses have an association with events linked to community history, which is the primary basis for why the building is considered historically significant, is best preserved through the recommended mitigation measures. The proposed mitigation measures would address the criteria that render the building historically significant because they would incorporate and enhance the story of the building's historic use into a museum exhibit and place interpretive materials on-site.

Response to Comment R-CN4-2

The Metro Board of Directors designated the Fully Underground LRT Alternative as the Locally Preferred Alternative on October 28, 2010. The Locally Preferred Alternative would require acquisition of the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building property, as analyzed in Section 4.12.1.3.5.2 of the Supplemental EA/Recirculated Draft EIR Sections. The CEQA impacts analysis is also provided in that section. As discussed in Section 4.12.1.3.5.2 of this Final EIS/EIR, implementation of the mitigation measures identified in Section 4.12.1.4.2 and the Mitigation and Monitoring Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR would reduce impacts to the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building property to not adverse under NEPA and less than significant under CEQA. Thank you for the information about the building. Additional information about the building is provided in the cultural resources inventory in Appendix X, Cultural Resources - Built Environment, of the Draft EIS/EIR and Appendix X, Cultural Resources - Built Environment (Updated), of this Final EIS/EIR.

As noted on the survey form, the building was determined to be eligible for the California Register of Historic Resources (CRHR) under Criterion 1, but the structure has been significantly altered subsequent to its period of significance of 1965-1989. The historic signage present during the period of significance has been removed, the original windows have been removed and replaced, a corner entranceway has been filled in, and a side wall has been covered with a coating of gunnite. Nonetheless, the building was still determined to be eligible for the CRHR under Criterion 1.

Response to Comment R-CN4-3

Metro will continue to work with the Los Angeles Conservancy and other project stakeholders to ensure the implementation of the mitigation measures as they are currently proposed for the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building. As previously noted, Metro has explored a full range of feasible mitigation measures and alternatives to building removal. The mitigation measures (identified in Section 4.12.1.4.2 and the Mitigation Monitoring and Reporting Program (Chapter 8) of this Final EIS/EIR), when taken as a whole, provide all feasible mitigation and would reduce impacts to not adverse under NEPA and a less than significant level under CEQA. This includes offering the building for a price of one dollar to any party willing to move it off of the station site, incorporating materials from the building into project facilities, or keeping portions of the building intact for use in the 1st/Central Avenue station, as well as providing Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation (for use during any potential relocation or for a permanent record of the building), and develop an exhibit commemorating the building at the Japanese American National Museum, the 1st/Central Avenue station site, or other suitable location.

Response to Comment R-CN4-4

Thank you for the suggestions provided in regards to developing creative design options for the 1st/Central Avenue Station and the potential integration of the Atomic Café into the new facility. Given the need to connect the Regional Connector alignment beneath 2nd Street to the proposed underground rail junction beneath 1st and Alameda Streets, it will not be possible to retain the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building in place. The necessity for a subsurface station at this location would preclude the ability to maintain the building (in its entirety) at its current location due to the construction methods and access needed to safely implement the Locally Preferred Alternative. Metro has included mitigation measures, as shown in Section 4.12.1 of the Supplemental EA/Recirculated Draft EIR Sections and Section 4.12.1.4.2 of this Final EIS/EIR, to address impacts to the building.

It should be noted that many of the options laid out in the commenter's suggestions will be explored by implementing the mitigation measures as they are currently proposed in Section 4.12.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Metro will continue to work with the Los Angeles Conservancy and other project stakeholders to ensure that every effort is made to implement the mitigation measures.

Response to Comment R-CN4-5

Metro will work closely with the Los Angeles Conservancy and other project stakeholders to implement the mitigation measures for the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building.

Response to Comment R-CN4-6

Thank you for the information about the Modern Theater in Boston. The Draft EIS/EIR did include alternatives that avoided impacts to the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building property. However, the Locally Preferred Alternative identified in this Final EIS/EIR would require the acquisition of the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building property. The S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building has been significantly altered from its original condition and does not meet the criteria for architectural historic significance (Criterion 3) or association with persons significant to our past (Criterion 2). However, this location played an important role in the broad patterns of California history as the commenter points out. Metro agrees that mitigation is required for the change to the property. Metro also agrees that additional mitigation measures are warranted to mitigate for the impacts to this historic resource and that the proposed additional mitigation, while not required to reach the CEQA determination in the Draft EIS/EIR, would reinforce that determination. Metro has developed additional mitigation measures to enhance reduction of the impacts to not adverse under NEPA and a less than significant level under CEQA and to be responsive to these comments. These include Metro offering the building for a period of one year following certification of this Final EIS/EIR for the price of one dollar to any party willing to move the building off of the 1st/Central Avenue station site at their own expense. Should no parties come forward, Metro would incorporate materials from the building into the project facilities. Metro would also offer to provide an exhibit commemorating the Atomic Café at the Japanese American National Museum or other suitable location, including exploring incorporating such an exhibit into the proposed 1st/Central Avenue station; and developing an individual HABS/HAER submission. Section 4.12, Historic Resources, of this Final EIS/EIR and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) have been updated accordingly with the new mitigation measures.

Response to Comment R-CN4-7

The St. Vibiana Cathedral, the Higgins Building, and other historic resources along the proposed Locally Preferred Alternative alignment are analyzed in Section 4.12.1 of the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. Building protection measures are included for resources not eligible for the NRHP in Section 4.12.1.4 of the Supplemental EA/Recirculated Draft EIR Sections. These mitigation measures have been incorporated into Section 4.12.1.4.2 and the Mitigation Monitoring and Reporting Program (Chapter 8) of this Final EIS/EIR. No damage to historic structures is anticipated. However, Metro would repair any damage caused by construction by restoring the building to its pre-construction survey condition, as discussed in Section 4.7.3.5.1 of the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR. This mitigation measure was included in Section 4.7.4.1 of the Draft EIS/EIR and Supplemental EA/Recirculated Draft EIR Sections, Section 4.7.4.2.1 of this Final EIS/EIR, and is included as mitigation measure number NV-1 of the Mitigation Monitoring and Reporting Program (Chapter 8 of this Final EIS/EIR).

Response to Comment R-CN4-8

Comment acknowledged. Metro looks forward to working with the Los Angeles Conservancy as the mitigation measures are implemented for the Los Angeles Zanja System as noted in Section 4.12.2.4.2 of the Draft EIS/EIR and this Final EIS/EIR (CR/A-6).

Responses to Public Comment Letters

Comment Letter	Affiliation	Last Name	First Name
R-PC1		Kasperavicius	Alexis
R-PC2		Tooley	Eric
R-PC3		Norton	Jim
R-PC4		Dillard	Joyce
R-PC5		Kay	Gregory
R-PC6		Braunstein	Alex
R-PC7		Johnston	Mark R.
R-PC8		Frevele	Dave

From: Alexis Kasperavicius [mailto:ak@kaspex.com]
Sent: Monday, July 18, 2011 11:11 AM
To: Regional Connector
Subject: Question Regarding Car Storage For R/C

Dear Regional Connector Team,

I could really use your help in figuring something out. In looking over the map for the R/C something seems apparent that doesn't seem to have been considered:

The new tunnel for the Regional Connector project will intersect the isolated portion of the old Pacific Electric "Hollywood Subway" tunnel. It is large enough to be used as a storage area for trains. Holding at least two, but potentially as many as eight or more three car trains.

The land could be had cheaply, is almost a mile long, was built for this purpose and is wide enough for two tracks which split out to *four* platforms. It could also be accessed from the subway terminal building by operators starting or leaving shifts.

Do you know if anyone had considered this option? It seems like money laying on the table.

Thanks much for your time!

1

P.S. You can see a picture of the inside of the tunnel here (<http://www.flickr.com/photos/7294653@N07/2816704344/>)



R-PC1**Responses to Comments from Kasperavicius, Alexis****Response to Comment R-PC1-1**

The abandoned Pacific Electric (Belmont) tunnel crosses the proposed Locally Preferred Alternative alignment near 4th and Flower Streets, and was partially demolished in this location during construction of the Bonaventure Hotel. Due to the depth of the proposed Regional Connector tunnel, which is confined by engineering and utility constraints, an additional section of the Pacific Electric tunnel would need to be removed during construction as indicated in Section 4.12.1 of the Draft EIS/EIR and the Supplemental EA/Recirculated Draft EIR Sections and this Final EIS/EIR. The Regional Connector tracks would not be level with the Pacific Electric tunnel in this location, making a connection difficult. The Subway Terminal Building is privately-owned, and it is Metro's goal to minimize the use of private property as requested by comments received during scoping and the Draft EIS/EIR review period. Therefore, Metro is not pursuing a connection to the Pacific Electric tunnel as part of the Regional Connector project.

From: Eric Tooley [mailto:eric@erictooleydesign.com]
Sent: Saturday, August 13, 2011 6:27 PM
To: Regional Connector
Subject: EIS/EIR

Hellow,

I am writing as a stackholder to tell you that I support he Regional Connector as layed out in the Final EIS/EIR 100%. This is the most important rail line for the future of Los Angeles, connecting the Gold, Blue and future Expo Line seamlessly through 7th/Metro. I use tat station often and look forward to the completion of the connector. I hope that the US Goverment decides to fund this project and I am happy that the work has been done so completely on this to this point.

While it would be nice to have a station in Buner Hill and FInancial District, I support the line without it as well.

Thank you

Eric Tooley

1741 Maltman Ave.
Los Angeles CA 90026

R-PC2

R-PC2

Responses to Comments from Tooley, Eric

Response to Comment R-PC2-1

Thank you for your comment. Support for the project with or without stations in the Bunker Hill and Financial District areas is noted.

From: PalmTown111@aol.com [mailto:PalmTown111@aol.com]
Sent: Sunday, August 14, 2011 11:38 AM
To: Regional Connector
Subject: Regional Connector

Dear Ms. Roybal Saltarelli,

First of all, the route chosen for the regional connector, as well as the decision to go underground, makes perfectly good sense--no surface route would have worked from either a speed or capacity standpoint.] 1

What I do find troubling--and I realize this is not a new concern--is lack of a station at the heart of the financial district: 4th/5th and Flower. My chief concern is not a lessening of convenience for office workers in that vicinity: walking a couple of extra blocks would do us all good. Crowding at the 7th/Metro platforms is the real concern. Already those platforms can be uncomfortably crowded at rush hours, and adding the Expo Line traffic will only intensify the problem.] 2

If monetary considerations won't allow for a Financial District station during initial construction, it would be extremely shortsighted not to construct the line in such a way that a station can be added in the future--it will surely be needed.

2

cont'd

Thank you for the opportunity to comment, and good luck as you move ahead with the excellent plan for a regional connector that promises to tie the entire light-rail system together in a rational way.

3

Jim Norton

R-PC3

Responses to Comments from Norton, Jim

Response to Comment R-PC3-1

Comment noted. The Locally Preferred Alternative alignment would be underground.

Response to Comment R-PC3-2

Due to a need to reduce project cost, the Locally Preferred Alternative designated by the Metro Board of Directors on October 28, 2010 does not include a station at 5th and Flower Streets. However, the Locally Preferred Alternative would be designed so as not to preclude a station from being added at this location as a separate future project. Ridership at 7th Street/Metro Center Station will be affected by a number of new developments in the area. As shown in Section 4.19.2.3 of this Final EIS/EIR, the separate Flower Street Fire/Life/Safety Project would address Fire/Life/Safety concerns at 7th Street/Metro Center Station. However the Regional Connector project is a separate project that, by itself, would not result in crowding at unsafe levels regardless of whether a station is built at 5th and Flower Streets.

Response to Comment R-PC3-3

Thank you for your comment.

From: Joyce Dillard <dillardjoyce@yahoo.com>
Date: September 6, 2011 4:41:32 PM PDT
To: Ray Tellis <ray.tellis@dot.gov>, "Roybal, Dolores" <ROYBALD@metro.net>
Subject: Comments to Metro Regional Connector Recirculation Draft EIR/EIS due 9.6.2011
Reply-To: Joyce Dillard <dillardjoyce@yahoo.com>

Comments to Metro Regional Connector Recirculation Draft EIR/EIS due 9.6.2011

Methane and mitigation standards and a Methane Prevention Detection and Monitoring Program (with the National Fire Protection Association standards) need to be taken into account as well as the City of Los Angeles Methane Task Force.] 1

The Methane Task Force does not seem to meet and therefore may be inconsequential to mitigation of methane. An alternative needs to be decided.] 2

Subsidence matters need to be taken into consideration.] 3

Earthquake faults were not mentioned in this recirculation or mitigation factors.] 4

Mangrove Estates property was a former oil field. This and any other site should be recognized for safety factors.] 5

Methane migration would change any projected usage in the Greenhouse Gas Emissions.] 6

The use of overweight trucks was not mentioned, nor any sewer breakage by their use. Who will be responsible, the private property owner?] 7

No mention of stormwater projects including City of Los Angeles Proposition O projects or any State watershed projects including but not limited to State grants was not mentioned and its effect.] 8

Water supply issues were not addressed and there appears to be no Water Supply Assessment. There lacks any mention of restroom placement and drinking water.] 9

Noise and vibration was not measured during time of days of usage such as the Disney Center concert schedule.] 10

What scientific data will be collected, who will analyze that data and who will report that data.] 11

Who is responsible for any liability and with what securitization?] 12

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031

R-PC4**Responses to Comments from Dillard, Joyce****Response to Comment R-PC4-1**

Analysis of the potential to encounter methane in the project area was analyzed in Section 4.9.3.5.2 of the Draft EIS/EIR and this Final EIS/EIR, and mitigation measures were proposed in Section 4.9.4. These mitigation measures have been incorporated into Section 4.9.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR. The Regional Connector project would be consistent with the City of Los Angeles Methane Mitigation Standards. Also, all project structures within methane zones and buffer zones would be consistent with municipal code requirements for gas concentration/pressure testing on a specified frequency and, based on the results, appropriate mitigation measures or controls to be included in the design. These measures would include the use of gas-impermeable liners and venting to reduce or eliminate gas intrusion into stations and along the length of the underground segments as needed to ensure consistency. Mitigation ensuring compliance with all applicable fire and methane standards and regulations is included as mitigation measure numbers SS-1 through SS-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR).

Response to Comment R-PC4-2

Adequate analysis and mitigation of methane was performed and included in the Draft EIS/EIR, as described in Response to Comment R-PC4-1 above. Metro would implement the mitigation measures identified in Sections 4.9.4.2 and 4.15.4.2 and the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8) of this Final EIS/EIR to ensure no adverse/significant methane risks occur, irrespective of Methane Task Force meetings.

Response to Comment R-PC4-3

Impacts associated with subsidence have been analyzed in Section 4.9, Geotechnical/Subsurface/Seismic/Hazardous Materials, of the Draft EIS/EIR and this Final EIS/EIR. As indicated in Section 4.9, the proposed tunneling would have the potential for adverse impacts related to ground settlement and differential settlement immediately above the alignment as well as adjacent to structures including the historical buildings. Mitigation measures were identified in the Draft EIS/EIR and have been refined in this Final EIS/EIR, which would reduce impacts associated with potential ground settlement to not adverse under NEPA and less than significant under CEQA.

Response to Comment R-PC4-4

Earthquake faults were discussed in Section 4.9.2.2 of the Draft EIS/EIR and this Final EIS/EIR. As indicated in the section, the project area is not located within a currently established Alquist-Priolo earthquake fault zone for surface fault rupture. A detailed inventory of regional fault zones is available in Appendix U, Geotechnical/Subsurface/Seismic/Hazardous Materials Technical Memorandum.

Response to Comment R-PC4-5

The Union Station Oil Field along Los Angeles and Temple Streets has been delineated as a Methane Zone by the City of Los Angeles Department of Public Works, Bureau of Engineering. The area of the Union Oil Methane Zone, which includes the Mangrove property, is illustrated in Figure 4.9-3 of the Draft EIS/EIR and this Final EIS/EIR. Hazardous impacts associated with this methane zone have been discussed in Section 4.9, Geotechnical/Subsurface/Seismic/Hazardous Materials, of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-PC4-6

The comment is unclear. Hazardous impacts associated with methane zones and methane buffer zones have been discussed in Section 4.9, Geotechnical/Subsurface/Seismic/Hazardous Materials, of the Draft EIS/EIR and this Final EIS/EIR. Greenhouse gas emissions were discussed in Section 4.6, Climate Change, of the Draft EIS/EIR and this Final EIS/EIR.

Response to Comment R-PC4-7

The potential for haul trucks to physically damage roadways was discussed in Chapter 3, Transportation Impacts and Mitigation, of the Draft and Final EIS/EIR. Mitigation was incorporated which required that roadways be restored to pre-construction condition if damaged by project-related traffic (see mitigation measure number TR-2 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR)). The construction contractor would be responsible for repairing roadways damaged due to project-related traffic during construction. The weight of loaded haul trucks would not be heavy enough to damage sewer lines.

Response to Comment R-PC4-8

No City of Los Angeles Proposition O or state watershed projects are located in the Regional Connector project area. As indicated in Section 4.10, Water Resources, of the Draft EIS/EIR and this Final EIS/EIR, the Regional Connector would have no adverse effects and no significant impacts on drainage or hydrology.

Response to Comment R-PC4-9

No public restrooms or drinking fountains would be provided as part of this project. Restrooms for Metro staff would be located at each station. The water supply required for private restroom facilities and fire flow needs would be minimal and adequate water supply would be available to serve the project from existing entitlements and resources, and no new water facilities or the expansion of existing facilities would be required. The Regional Connector project does not meet the definition of a "project" requiring of preparation of a Water Supply Assessment.

Response to Comment R-PC4-10

In order to obtain conservative ambient noise measurements, noise monitoring was conducted when Walt Disney Concert Hall facilities were not in use, which resulted in lower ambient noise levels. In addition, noise monitoring was conducted to minimize disruption with operations and activities at the Walt Disney Concert Hall.

Response to Comment R-PC4-11

The scientific data that was collected as part of this environmental analysis is presented in Volumes F-1, F-5, and F-6 of this Final EIS/EIR. Refer to Appendix C, List of Preparers (Updated), of this Final EIS/EIR for the list of staff who prepared the Draft EIS/EIR, Supplemental EA/Recirculated Draft EIR Sections, and this Final EIS/EIR.

Response to Comment R-PC4-12

It is unclear what liability the commenter is referring to. Liability varies depending on the circumstance. The EIS/EIR has been prepared in accordance with National Environmental Policy Act regulations and California Environmental Quality Act guidelines. Federal Transit Administration is the lead agency under NEPA and the Los Angeles County Metropolitan Transportation Authority (Metro) is the lead agency under CEQA.

From: Wufoo [mailto:no-reply@wufoo.com]
Sent: Thursday, September 01, 2011 11:16 PM
To: Roybal, Dolores
Subject: Feedback - Regional Connector Transit Corridor [#26]

Name * Gregory Kay

Email (you@email.com) * Gregoryekay@gmail.com

Phone Number (323) 663-5900

Select a Subject * I have a suggestion

Comment *

I have a comment on the Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report (Supplemental EA/Recirculated Draft EIR Sections) presenting information on the refinements to the Locally Preferred Alternative (LPA) for the Regional Connector.

I have one primary concern regarding the Regional Connector project, and it is about the proposed station at 1st and Alameda. It is my understanding that in order to build this station, three historic structures – and the successful businesses they house – must be razed. The businesses are Señor Fish, Weiland's Brewery, and The Spice Table. 1st st in Little Tokyo is one of the very few historic streets in Los Angeles that has kept the majority of its buildings

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intact – this continuity has contibuted to a well–frequented pedestrian friendly streetscape.

I would like to encourage the Regional Connector planners to carefully consider how the proposed station will impact the intersection, particularly in regards to scale. The sense of place is already present. A station area consisting of oversized sculptural gestures in a vast plaza would be a step backwards. Perhaps at least the historic facade of the Señor Fish building could be preserved, in a similar manner as was done for facades on Vine Street, Hollywood when the massive "W" Hotel project was constructed.

From an urban planning perspective, it is unfortunate that the original plan – to replace the Office Depota property with the station – was found to be unsuitable. The Office Depot and its parking lot are at a surburban scale, and very out of character with the neighborhood. The focal point that a station would have contributed to that part of the neighborhood could have helped to tie together the gateways to the Artist District and Little Tokyo.

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R-PC5

Responses to Comments from Kay, Gregory

Response to Comment R-PC5-1

Of the three structures mentioned, only the S. Kamada Restaurant, Atomic Café, Señor Fish, and Coast Imports building is eligible for the California Register of Historic Resources, and none are eligible for the National Register of Historic Places. Metro understands the value of these buildings, and the importance of small businesses to the Little Tokyo community. It is Metro's goal to minimize the number of business acquisitions needed for the project. Refinements made to the Locally Preferred Alternative since publication of the Draft EIS/EIR have reduced the number of businesses displaced on the block bounded by 1st Street, Alameda Street, 2nd Street, and Central Avenue, as shown in Table 4.2-5 and Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections and Table 4.2-5 and Appendix 1, Locally Preferred Alternative Drawings, of this Final EIS/EIR. No historic resources in the Little Tokyo Historic District would be affected. In mitigation measure number CN-8 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), Metro indicates that the design of the 1st/Central Avenue station would enhance pedestrian circulation, thus contributing to the pedestrian-friendliness of the streetscape. A visual and aesthetic analysis of the Locally Preferred Alternative was performed and documented in Section 4.4.3.5 of the Draft EIS/EIR and this Final EIS/EIR. Station design features would be developed in conjunction with the community. As indicated in Section 4.12.1 of the Supplemental EA/Recirculated Draft EIR Sections and mitigation measure number CR/B-5 in the Mitigation Monitoring and Reporting Program for the Locally Preferred Alternative (Chapter 8 of this Final EIS/EIR), would be offered for a period of one year following certification of this Final EIS/EIR for the price of one dollar to any party willing to move it off of the 1st/Central Avenue station site at their own expense. Should no parties come forward, Metro would incorporate materials from the building into the project facilities. Metro would explore keeping portions of the building intact for use in the 1st/Central Avenue station. The 1st/Central Avenue station would be adjacent to the Office Depot store, and would still be able to function as a focal point for both Little Tokyo and the Arts District.

From: Alex Braunstein [mailto:legandaryedition@gmail.com]
Sent: Friday, September 02, 2011 5:05 PM
To: Regional Connector
Subject:

I have read most of the EIR for the regional connector. It looks, for the most part, like a good system, with a few exceptions. The most glaring is the odd placement of portals. There are times when there are three portals places on the same side of the same block. Three portals are good, but when they are adjacent to each other, they are pointless. Instead, I would like suggest placing them across the street from each other, as the portals are in cities such as New York, London, and Paris. Besides that, there is not much more to say. It looks like a good extension, especially the part about grade-separating the Gold Line.

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R-PC6

Responses to Comments from Braunstein, Alex

Response to Comment R-PC6-1

It appears that the term “portals” refers to station entrances in this comment. Not all station entrances shown in Appendix R-1, Locally Preferred Alternative Drawings, of the Supplemental EA/Recirculated Draft EIR Sections would ultimately be built, as discussed in Section 2.3.6.2 of this Final EIS/EIR. Entrance locations would be confirmed during final design. Preference for having entrances across the street from each other is noted.

Response to Comment R-PC6-2

Support for the project and grade separation of the Metro Gold Line is noted.

From: Mark Johnston [mailto:canammj@yahoo.com]
Sent: Wednesday, September 07, 2011 9:40 AM
To: Regional Connector
Subject: Supplemental EA/Recirculated Draft EIR Sections Available for Public Review

I am still disappointed that there is no discussion or comments about connections to any lines heading south from Union Station/Alameda street area. These could be to the Blue Line, the Harbor Sub to LAX and the Santa Ana Branch corridor- a line that will desperately need a connection to Union Station/Downtown to be a success. Still feel you need a knock out panel near Central to allow a future line to the south.

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This is a typical problem with METRO have individual teams doing individual lines, no one talks or communicates about connections or junctions with the other proposed lines. Good example is having to redo 1st/Alameda from the East LA just to make the downtown connector work.

other than the deleted station in the financial district, the rest of the project being underground and spacing of the stations is good.

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thank you
Mark R. Johnston
4185 Van Buren St

R-PC7

Responses to Comments from Johnston, Mark R.

Response to Comment R-PC7-1

Connections southward along Alameda Street toward the Metro Blue Line, Harbor Subdivision, or the Santa Ana Branch corridor are outside the scope of this project, and would not meet the purpose and need goal of minimizing trip times between the Metro Gold, Blue, and Expo Lines at Union Station and 7th Street/Metro Center Station as stated in Section 1.2.2 of the Draft EIS/EIR and this Final EIS/EIR. The Harbor Subdivision Alternatives Analysis Report prepared in 2009 examined the possibility of an Alameda Street alignment. Metro ensures coordination and consistency between its corridor projects. The At-Grade Emphasis LRT Alternative and Underground Emphasis LRT Alternative would have preserved the existing Little Tokyo/Arts District station and much of the surface trackwork around the 1st and Alameda Streets intersection. However, the Metro Board of Directors designated the Fully Underground LRT Alternative as the Locally Preferred Alternative on October 28, 2010 because it would result in fewer impacts to the Little Tokyo community than the other build alternatives and it would successfully serve the project purpose and need.

Response to Comment R-PC7-2

Opposition to the deletion of the Flower/5th/4th Street station is noted. The Locally Preferred Alternative would be constructed in a way that does not preclude addition of a Flower/5th/4th Street station at a later time as a separate future project. Support for the spacing between station and the underground alignment is noted.

September 2, 2011

Dolores Roybal Saltarelli, AICP, Project Manager
 One Gateway Plaza, MS 99-22-2
 Los Angeles, CA, 90012

Dear Ms. Roybal Saltarelli,

This is a comment for the Supplemental Environmental Assessment/Recirculated Sections of the Draft Environmental Impact Report for the Regional Connector Transit Corridor Study. During the over-half century that I've lived my whole life here in Los Angeles, I haven't simply been a deeply intent fan of railroads in southern California, I've done thousands of hours of research and on site investigation. I'm the Huntington Library manuscript volunteer who works on railroad maps. I'm one of the rapidly disappearing few who made sure to ride local rail transit before its final fragments were totally erased county-wide on March 31, 1963. Few people have the knowledge in local railroads that I have. Because of extensive, long time interest, the proposed Regional Connector strikes me as one of the most badly needed projects that have ever been proposed.

The key message here is mandate that Measure R sent on November 2008. Ballot initiatives almost never pass with two thirds vote. Measure R did. Though figures vary, whether 2,039,214 votes (67.93%), or 67.22%, or other precise total is used, it's still clear that passage of Measure R was a truly rare event, a pointed and emphatic message that the majority of us need and want require relief from the increasing transportation gridlock we suffer. That's how deep our dissatisfaction is with our transit system, how much more we want it expanded and improved. It would be tough to claim that either the Westside Subway extension of the Purple Line or the Regional Connector trumps the other in being beneficial or overdue, that's a difficult choice. But we reject further single passenger automobile solutions that have gotten us in such a widespread predicament. Because of the signal value of the Regional Connector, I hope the Draft and Final Environmental Impact Reports are approved and construction expedited as soon as possible, we need it.

Unfortunately and even at this advanced date, the Regional Connector doesn't get the share of attention it deserves. Though the Regional Connector project some powerful people who advocate it, California Senator Barbara Boxer and Los Angeles Mayor Antonio Villaraigosa not being the least, I have to stress that insufficient attention is focused on the value and necessity of Connector, how it removes the critical gap that's prompted it, how it would take what is currently somewhat a patchwork of transit in one of the greatest cities on the planet and make that transit system far more useful.

This greatly refined Regional Connector is truly superb now, with its elegant alignment that now tunnels under Japanese Village Plaza. Besides simply

being "done right" it will make an overdue and welcome change to thousands of us, not only in saving time and making a daily impact in quality of life to those who need to use it but in the resulting gridlock it will relieve from the rest of us. This project has had some of the most demanding changes and stresses locally that such projects ever suffer. No small amount of work has been done by the Connector staff to be hospitable and compliant with the wishes of the historic, valued Little Tokyo community that was concerned about the damage to them from at-grade crossings. The Little Tokyo Community Council understandably gave approval to the the good work doen revising the project, particularly the changed alignment under Japanese Village, proceeding with the underground-only alternative, and use of the Mangrove property to markedly reduce the impact of construction on the tiny, fragile and beloved Little Tokyo in downtown Los Angeles. By having so many different factions nearly unaminously stress the need and desire for the Regional Connector, I hope that Metro responds to the voice and wishes of the people to make every effort to have it in operation as soon as safely and competently possible.

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Sincerely,



Dave Frevele
622 S. Wall St. #A337
Los Angeles, CA 90014

R-PC8

Responses to Comments from Frevele, Dave

Response to Comment R-PC8-1

Thank you for your comment. Experience with railroads and support for the Regional Connector project is noted. Support for the Locally Preferred Alternative and refinements made since publication of the Draft EIS/EIR is noted. It is Metro's goal to complete the Regional Connector project in a safe and timely manner.