



523 West Sixth Street, Suite 826
Los Angeles, CA 90014

213 623 2489 OFFICE
213 623 3909 FAX
laconservancy.org

January 17, 2023

Submitted Electronically

Cory Zelmer
Los Angeles County Metropolitan Transportation Authority
One Gateway plaza, Mail Stop 99-22-6
Los Angeles, CA 90012
Email: LAART@metro.net

**RE: Draft Environmental Impact Report for the Los Angeles
Aerial Rapid Transit Project (LA ART)**

Dear Mr. Cory Zelmer:

On behalf of the Los Angeles Conservancy, I am writing to comment on the Draft Environmental Impact Report (Draft EIR) for the proposed Los Angeles Aerial Rapid Transit (LA ART) Project. In reviewing this proposed Project, the Los Angeles Conservancy has serious concerns regarding its associated and cumulative impacts, both directly and indirectly. We strongly question the purpose and need for such an undertaking as there are environmentally superior alternatives readily available and appear to be dismissed without a clear substantiation.

The Conservancy raises concern about Metro serving as the lead agency for the California Environmental Quality Act (CEQA) process. It appears that the City of Los Angeles is better equipped and appropriate to serve in this role, and analyze potential impacts, conflicts, and identify project alternatives and appropriate mitigation measures. Lastly, we strongly question if there is a need for Federal review as a companion for this proposed undertaking, including Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the U.S. Department of Transportation Act.

If constructed, the LA ART Project would connect Los Angeles Union Station to Dodger Stadium property via an aerial gondola system. The proposed Project would include stations at Alameda and Cesar Chavez, the southernmost entrance to the Los Angeles State Historic Park, as well as at Dodger Stadium. The LA ART gondola system would be approximately 1.2 miles and consist of cables, three passenger stations, a non-passenger junction, towers, and gondola cabins.



I. Purpose and need for LA ART is not fully demonstrated when environmentally superior alternatives are identified and available to be implemented

The Draft EIR analysis does not make a compelling case for the purpose and need for this Project, especially given there are other alternatives that may achieve similar results, while minimizing and avoiding the adverse effects (both direct and indirect). The stated purpose for the proposed Project is to “improve mobility and accessibility for the region by providing a daily, high capacity aerial rapid transit (ART) service connecting the regional transit system at LAUS, Dodger Stadium, the Los Angeles State Historic Park, Elysian Park, and surrounding communities via three new transit stations.” However, the No Project Alternative and The Transportation Systems Management (TSM) Alternative are both found to be environmentally superior to the proposed LA ART Project.

Overall there are three project alternatives identified. These include a No Build Alternative, the Spring Street Alignment Alternative, and the TSM Alternative. The Spring Street Alignment is similar to the proposed project in that it will construct an aerial transit system. However, instead of a station at the southern end of Los Angeles State Historic Park, it would construct a station on the western edge boundary near Sotello Street. This alignment would have the same impacts as the proposed Project and therefore the Conservancy holds the same concerns.

The TSM Alternative would improve the already existing and popular Dodger Stadium Express (DSE) bus system, therefore requiring none of the aerial transit infrastructure. This alternative, as the environmentally superior alternative, would reduce all possible impacts tied to the construction and operation of an LA ART system.

A key policy under the California Environmental Quality Act (CEQA) is the lead agency’s duty to “take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history.”¹ To this end, CEQA “requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.”² The fact that an environmentally superior alternative may be more costly or fails to meet all project objectives does not necessarily render it infeasible under CEQA.³ Reasonable alternatives must be considered “even if they substantially impede the project or are more costly.”⁴ Likewise, findings of alternative feasibility or infeasibility must be supported by substantial evidence.⁵

Despite the analysis’ failure to explore an electric bus system the TSM remains the environmentally superior alternative. It is likely that new regulations in the coming years will require electric bus systems allowing the TSM to meet the zero emissions goals for Project Objectives 5 and 12. We believe an enhanced bus route, especially on non-event days would better serve the surrounding

¹Public Resource Code, Sec. 21001 (b), (c).

² *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41; also see Public Resources Code §§ 21002, 21002.1.

³ Guideline § 15126.6(a).

⁴ *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984), 155 Cal.App.3d 738, 750; Guideline § 15126(d)(1).

⁵ Public Resources Code § 21081.5.



neighborhoods and Elysian Park and therefore meet Objective 9. A more robust DSE is likely to resolve many last mile dilemmas for nearby residents and visitors.

The existing DSE is an incredible resource for Dodger fans, shuttling thousands of fans each game. The system is limited in its current ability to attract more fans because the route is underserved and busses are often packed to maximum capacity. Enhancing the system through the TSM Alternative, by offering more frequent departures and a zero emission fleet, would attract many more riders on event days and beyond. Additional stops during non-event periods provide greater access to Elysian Park and would further benefit the community by providing a more equitable mode of access.

II. Historic and cultural resources and view sheds will be impacted and irreparably harmed by the LA ART Project

A visual intrusion as a result of the proposed project is clearly evident. If built, the LA ART will be clearly visible and obscure the view, setting, and future overall experience of various historic places and spaces, including Union Station, El Pueblo, Los Angeles State Historic Park, and Chinatown.

The Conservancy disagrees believes the proposed project would have significant impacts to numerous historic resources by altering their historic settings and overall feeling. At the southern terminus of the project, the proposed Alameda Station would significantly impact both Union Station and El Pueblo's historic setting and feeling. One of the most important character defining features of Union Station are the views of its primary façade along Alameda. As metro is aware, Union Station is the last major railroad station to be built in the United States. Its gardens and patios have welcomed countless travelers to sunny California for nearly a century. In 1972, the City of Los Angeles designated Union Station Historic-Cultural Monument #101 and it was added to the National Register of Historic Places in 1980.

The imposing new LA ART station along Alameda, with passenger plazas shown extending into the National Register and HCM boundaries, would dramatically alter the visitor's experience of Union Station when walking or driving south from Cesar Chavez Avenue as well as when exiting the station. Should the project be constructed, the current setting would no longer exist. Views of Union Station's iconic palm tree lined motor court and rising clock tower would be prematurely shrouded from the north. Alameda would go from an open airy corridor to one that compresses the passerby below a massive structure that crowds the existing relationship between Union Station and El Pueblo. It is argued that the Mosaic Apartments already contribute to the erasure of this view shed, however the LA ART Project only exacerbates and amplifies this by making the impact much worse and more impactful as it encroaches onto the Public Right-Of-Way. Metro previously proposed acquiring Mosaic property and developed plans to redevelop this site and restore the full view shed to Union Station; this Project would completely foreclose this future opportunity.

In 2015, when Metro approved the Connect US Action Plan, the restoration of the Forecourt and Esplanade improvements were contemplated, as a means to strengthen the connections and "front door" between Union Station, El Pueblo and Olvera Street. As we currently understand, this project is now on hold due to consideration of the proposed Project. Not only is this delay unfortunate, the LA ART station greatly undermines this opportunity and crowds the historic resources, greatly disrupting and indirectly interrupting the feeling and setting of these spaces and their relationships to one another. Further, queueing for the Alameda Station would occur within the planned Forecourt and Esplanade area and north of the Placita de Dolores, crowding these areas and again changing the



ways in which these historic, public spaces have been, currently are, and could be experienced in the future.

The renderings provided in the Draft EIR do not fully depict and illustrate the visual impacts of the proposed new station on Union Station. The siting of the renderings provided are from locations that appear to diminish them. In consultation with project team consultants, the Conservancy has requested additional renderings from various points along Alameda south of East Cesar E. Chavez Avenue, and as a pedestrian will experience leaving the primary entrance of the station and the expanse of the pedestrian plazas proposed on either side of Alameda. Due to the holidays and the deadline to comment on Draft EIR, these have not yet been provided and are not included in the draft EIR. If adequately illustrated and included in the EIR, the Conservancy believes the full range and visual impacts of the proposal station will be evident. These images should be modified and accurately depicted to show the full extent of the undertaking and impact on the broader community view shed.

The Los Angeles Plaza Historic District, better known as El Pueblo, is a collection of some of Los Angeles's earliest historic resources dating to 1818. In 1970, the Los Angeles Plaza Park was designated as Historic-Cultural Monument (HCM) #64 and initially listed on the National Register in 1972. As shown in project renderings, the Alameda station with its wires and gondolas would be visible from various locations within the historic district.

From within the historic Avila Adobe's courtyard, constructed in 1818 and the oldest extant building in the City, the new station stands looming overhead. The project team has stated that this view shed was already compromised by the One Gateway Plaza at Patsaouras Transit Plaza. However, this tower is not immediately adjacent to the adobe. Even with One Gateway Plaza in the far distance, visitors are allowed the ability to spatially visualize how the vista appeared at the time of its construction. Without question, the LA ART's Alameda's station's proximity and scale impact this historic site much more heavily than that of the tower roughly 1,500 feet away. Today's Avila Adobe successfully transports visitors to a time passed. With the new station, the Conservancy is confident that this would no longer be a possibility.

In Addition to the impacts at Avila Adobe, the project would be seen from other vantages including the north entrance to Olvera Street and from La Plaza. As stated previously, the station looming above the historic district would significantly impact the setting and feeling of Los Angeles's oldest historic built environment.

Overall, the Conservancy believe the various (sighting, proximity, signage, lighting, noise and construction) and cumulative (taken as a whole) impacts to the historic view shed, including greatly altering the feeling and setting of this historic area, are highly problematic and detrimental to the overall vitality of these historic resources. We believe this requires LA ART to reconsider other locations for placement of this station, and, more importantly, viable and environmentally superior project alternatives that do not require the need for this station nor LA ART as currently envisioned.



III. Draft EIR does not adequately address the proposed use and transfer of public rights-of-way and lands, applicable general plans, permitted legal use, and is in conflict with Public Resources Code 5019.59

As described in the Draft EIR, the project would construct towers on the Alpine Parcel and Alameda Triangle. The former parcel being owned by the City of Los Angeles and latter being a Public right-of-way. With tower footprints at approximately 900 square feet, construction would occur on a sizeable portion of the parcels. Further, queueing for the Alameda Station would require the permanent use of public spaces for private use, including the Placita de Dolores and Union Station’s planned Forecourt and Esplanade area.

The Conservancy is concerned about the use of publicly-owned parcels for private use, as detailed in the Draft EIR. We believe the project does not adequately describe the legal authority and process by which LA ART is required to attain such rights, and makes inaccurate assumptions that the City and other public entities would give up their rights to these pieces of land. When looking at the Alpine Parcel in particular, other uses such as housing would better suit this site. With close proximity to City services and employment opportunities, the site is a good candidate for new, affordable housing construction. Given the need for affordable housing and limited land by which to build, as detailed in the City of Los Angeles’ recently adopted Housing Element of the General Plan and stated Regional Housing Needs Assessment (RHNA) priorities, why then should the City give up this land for LA ART?

As mainly a new tourist attraction, LA ART will attract an influx of visitors that will impact the authentic, lived experience of these historic spaces and places, not just in the area of Union Station and El Pueblo, but also Chinatown and the Los Angeles State Historic Park. As part of this concern, the Conservancy also questions the wisdom, appropriateness, and process by which various public right-of-ways and lands are to be granted for permanent use (for stations, towers, air rights, and queueing) to a private LLC and undertaking of this type.

How will these specific decisions take place and when, and does Metro, the City of Los Angeles, and/or the State Park and Recreation Commission (SPRC) have the legal authority to grant this type of commercial use to a private LLC in all the proposed locations? Our understanding is this project scope does not conform to the General Plan for El Pueblo Los Angeles State Historic Park⁶ nor the Los Angeles State Historic Park⁷. Specifically the statute for El Pueblo states, “[a]ny proposed demolition, alteration, or encroachment on historic structures must have approval from the State Department of Parks and Recreation.” Commercial, privately-built and operated uses are generally excluded from approved activities. Therefore, the Draft EIR fails to fully identify or address this land use conflict that appears to make the preferred Project infeasible if access to these public lands (a necessity to build the Project) is not granted.

The statute establishing the Los Angeles State Historic Park, for instance, is clear in stating exceptions in how private development can occur within the boundaries of the park, such as providing access, parking, sanitation, etc. Per the Draft EIR, the project would require an amendment to the State Historic Park General Plan which does not currently allow for transit on its grounds or within its air rights. The amendment would use “access” as defined in PRC 5019.59 to

⁶ Public Resources Code § 5002.2.

⁷ Public Resources Code § 5019.50; 5019.59;



justify said amendment. However, the proposed private-public operating agreement would limit operation to “as needed” when no events at Dodger Stadium are being held. Therefore the proposed agreement offers no definitive access to the park beyond scheduled Dodger Stadium events.

Because there is no guarantee that the gondola will run on days when no events are held at the stadium, the SPRC is not likely to and should not approve the amendment. With a combined land and air use of over an acre, the SPRC would be giving up a sizeable piece of the Historic Park’s property to the project

To reiterate, claims stating the LA ART Project will provide critical public access (thus allowing the construction of towers and a station within the park and on park lands) is not substantiated within the Draft EIR. Detailed analysis is not provided that states a clear or reliable level of service (Draft EIR states “based on demand” and “as needed”) that will be provided in the future vs. only on game or special event days. The Draft EIR suggests limited access from a privately funded and operated LLC warrants the removal of public park lands. The Conservancy disagrees, and would like to see greater documentation and evidence provided to the public that can support the Draft EIRs conclusions on this issue.

IV. Should the proposed project anticipate federal funding, Section 106 and Section 4(f) would be triggered and additional environmental review would be required

The Conservancy would appreciate greater clarity regarding the funding of this project. Particularly, if any federal dollars will be used in any way for LA ART’s planning, development or construction. Should the applicant or lead agency access funding from these entities, the project would trigger Section 106 of the National Historic Preservation Act (NHPA) and Section 4(f) of the Department of Transportation Act. Generally federal environmental review occurs in tandem with CEQA reviews.

Section 106 of the NHPA requires federal agencies to consider the impact of their actions on historic resources. Because of this section, public agencies must assume responsibility for the consequences of their actions on historic resources and be publicly accountable for their decisions.

Furthermore, Section 4(f) states:

“The Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.”

Given the projected ridership, size of the station platforms, extension into the Union Station parking lot, and use of Los Angeles State Historic Park property for the Chinatown/State Park Station, it is foreseeable that additional government funds and those at the federal level will be accessed. Additionally, the Union Station forecourt and esplanade project, located in the same vicinity as the Alameda Station, had previously been granted federal funding for the future project. Should that funding contribute to the pedestrian plazas for the station in any way, it would trigger the above code sections and need for federal environmental review.



V. Transfer CEQA lead agency authority to the City of Los Angeles

The LA Conservancy believes the City of Los Angeles is better suited to serve as the Project's lead agency. As planned, the City of Los Angeles would be responsible for granting the majority of the Project's discretionary and ministerial permits and therefore is better suited for the lead agency role.

As shown in the Draft EIR, the 1.2 mile long Project is to be built and operated predominately on or above the City's public right-of-ways. Furthermore, the plan states that the private LLC developer would enter into a public-private operating agreement with the City of Los Angeles.

Given the numerous historic resources in the area, the City of Los Angeles is better equipped to evaluate impacts and conflicts, including those on historic resources for which is assigned the primary jurisdiction, such as El Pueblo and various Historic-Cultural Monuments (HCM). As previously stated, the historic resources within the project area are some of the oldest and most important within the City. Therefore, a lead agency with this experience is more appropriate.

VI. Conclusion

The Conservancy has serious concerns regarding the construction and operation of the proposed LA ART project. To state again, we raise the following concerns regarding the Draft EIR and the proposed Project:

- I. Purpose and need for LA ART is not fully demonstrated when environmentally superior alternatives are identified and available to be implemented
- II. Historic and cultural resources and view sheds will be impacted and irreparably harmed by the LA ART Project
- III. Draft EIR does not adequately address the proposed use and transfer of Public rights-of-way and lands and their permitted legal use, and is in conflict with Public Resources Code 5019.59
- IV. Should the proposed project anticipate federal funding, Section 106 and Section 4(f) would be triggered and additional environmental review would be required
- V. Transfer CEQA lead agency authority to the City of Los Angeles

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 5,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.



Sincerely,



Adrian Scott Fine
Senior Director of Advocacy

cc: Supervisor Hilda L Solis
Office of Mayor Karen Bass
Council District 1, Eunisses Hernandez
City of Los Angeles, Department of City Planning, Office of Historic Resources

