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July 29, 2022

VIA EMAIL

Planning and Land Use Management (PLUM) Committee
Los Angeles City Council
Attn: Armando Bencomo, Deputy City Clerk, PLUM Committee
200 N. Spring Street, Room 395
Los Angeles, CA 90012

LACouncilComment.com
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Re: Case No. CPC-2019-4884-CU-DB-SPR-RDP and ENV-2019-4885-CE (2111-2139 South Pacific Avenue) – Applicant's Response to Appeal – Item No. 20 on the Committee's August 2, 2022 Agenda

Honorable Members of the PLUM Committee:

This firm represents RKD 2111 Pacific, LLC (the Applicant), the applicant for the above-referenced project (the Project) located at 2111-2139 South Pacific Avenue (the Site). The Project is the construction of a four-story, 45-foot and five-inch mixed-use residential building with 100 dwelling units (including 11 Very Low-Income affordable units) and 1,800 square feet of ground floor retail space.

At its meeting on September 9, 2021, the City Planning Commission (the CPC) approved three Off-Menu Incentives, one Waiver of Development Standard, Site Plan Review, a Conditional Use Permit for increased density, and conditions of approval and findings for the Project (the Land Use Approvals). The CPC also determined that the Project was exempt from CEQA pursuant to a Class 32 Categorical Exemption for Infill Development (CEQA Guidelines, § 15332), and that none of the applicable exceptions to a Class 32 Categorical Exemption applied (the CEQA Clearance). To support the CEQA Clearance, the City prepared an Environmental Clearance document that included a Justification for Project Exemption and supporting technical reports.

On October 5, 2021, the City issued a Letter of Determination specifying the findings for the Land Use Approvals and CEQA Clearance and the conditions of approval (the LOD).

On October 19, 2021, Citizens Protecting San Pedro (the Appellant) and additional individual appellants appealed the Density Bonus On-Menu Incentives[1], Site Plan Review, Conditional Use Permit, and CEQA Clearance for the Project (the Appeal). Attached to the Appeal

[1] Appellant's Appeal Form refers to On-Menu incentives; however, the Project applied for and received three Density Bonus off-menu incentives, as well as a waiver. As discussed in detail below, under Los Angeles Municipal Code (LAMC), section 12.22 A.25(g)(3) off-menu incentives and waivers are not appealable.

was a detailed Appeal Justification document. This letter rebuts each of the arguments in the Appeal Justification document.[2]

I. Density Bonus Findings Are Accurate, Correct and Supported by Substantial Evidence.

Appellant fundamentally misunderstands and misrepresents the Density Bonus Law and requirements. The City may not disapprove the concession or incentive unless it makes a negative written finding, based upon substantial evidence of one of the following:

> (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [CGC] Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.

(Government Code [GC], § 65915(d)(1).)

As to waivers, the City must waive an otherwise applicable development standard that "will have the effect of physically precluding the construction" of the proposed project inclusive of the density bonus and requested incentives/concessions. (Cal. Gov. Code (Gov. Code), § 65915(e).) A waiver is not mandated if it would (1) have a specific, adverse impact upon health, safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; (2) have an adverse impact on any real property that is listed in the California Register of Historical Resources; or (3) be contrary to state or federal law. (Gov. Code, § 65915(e)(1).)

Appellant's arguments regarding the appropriateness of the City's findings as to incentives and waivers are meritless as detailed below.

[2] The Appeal Justification document included an August 30, 2021 letter from Channel Law Group, LLP. The Appeal Justification incorporates all of the issues contained in the August 30, 2021 letter. As such, this Appeal Response fully addresses all of the issues raised in the letter, as well as the Appeal Justification. Further responses are not provided to avoid duplication.

A. Finding 1.a

Appellant makes a number of allegations regarding the City's approval of the off-menu incentives, none of which have merit or are supported by the law.

Appellant Wrongfully Shifts The Burden. Appellant attempts to flip the finding stating "the density bonus and requested incentives shall not be approved as it is impossible to find that the incentives do not result in identifiable and actual cost reductions to provide for affordable housing cost . . ." (Appeal Justification, at 5.) It is the City that must have substantial evidence in order to deny the incentives, not the other way around. The City determined that it did not have such evidence and, therefore, the incentives *must* be approved: "The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested off-menu incentives do not result in actual and identifiable cost reductions to provide for affordable housing costs. . ."

Appellant Wrongfully Demands Financial Information. Appellant alleges the City failed to ask for evidence that the incentives are needed for the affordable housing costs. Presumably, the Appellant is referring to a pro-forma. However, the City cannot require pro-forma financial analyses under California's State Density Bonus Law (Gov. Code, § 65915 *et. seq.*; State Density Bonus Law (DBL)). Indeed, the City's density bonus ordinance provision requiring a pro forma was determined to be pre-empted by Gov. Code Section 65915 (amended by Assembly Bill (AB) 2501):

> A local ordinance is preempted if it conflicts with the density bonus law by increasing requirements to obtain benefits . . . The ordinance here does so; it conflicts with the state density bonus law to the extent that it requires an applicant demonstrate that an incentive is needed to make the project "economically feasible." It is therefore preempted by state law.

(*Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 558.)[3] Therefore, the City could not require pro-forma analysis and, therefore, did not violate State DBL.

Appellant Wrongfully Demands The City Make Affirmative Findings. Appellant also alleges the City needed to make an affirmative finding that the incentives were "necessary to provide for affordable housing costs" – that is incorrect. Neither the State DBL nor the City's implementing ordinance requires the City to make findings that the density bonus and related incentives are necessary before approving them. Rather, the State DBL places the burden on the City to grant the incentives *unless* it finds, based on substantial evidence, they do not produce "identifiable and actual cost reductions" to "provide for affordable housing costs." (Gov. Code, § 65915(d)(1)(A).)

[3] Although the City has yet to amend the LAMC to remove the pro-forma requirement, the City, in practice, eliminated the pro-forma requirement in response to changes to the State DBL (AB 2501). (See Exhibit A [Memorandum re: Implementation of State DBL] ["Financial pro-formas and third-party reviews will no longer be required for any . . . new density bonus case filings"].)

Appellant's interpretation is contrary to the density bonus law's purpose of "reward[ing] a developer who agrees to build a certain percentage of low-income housing with the opportunity to build more residences than would otherwise be permitted." (*Shea Homes Limited Partnership v. County of Alameda* (2003) 110 Cal.App.4th 1246, 1263.) The City was required to grant the density bonus because it made **no** finding that the incentives were unnecessary. Although the City was not required to make any finding in support of the density bonus approval, the LOD's detailed findings explained the incentives were necessary.

Appellant Wrongfully Restricts Off-Menu Incentives. Finally, Appellant alleges that the Project cannot request off-menu incentives or waivers of development standards to provide relief from any development standard that is also addressed in the menu of incentives codified in LAMC Section 12.22 A.25(f). State DBL governs incentives and waivers, not the LAMC. (*Schreiber,* 69 Cal.App.5th at 558 ["A local ordinance is preempted if it conflicts with the density bonus law . . ."].) The LAMC merely implements the State DBL and local law cannot limit or constrain the benefits available under State law (Gov. Code, § 65915(a) ["All cities, counties, or cities and counties shall adopt an ordinance that specifies how compliance with this section will be implemented."]; see also § 65915(d)(3); *Schreiber*, 69 Cal.App.5th at 558; *Latinos Unidos Del Valle de Napa y Solano v. County of Napa* (*Latinos Unidos*) (2013) 217 Cal.App.4th 1160, 1169 [voiding ordinance requiring larger percentage of affordable housing than provided in Gov. Code, § 65915].)

The State DBL does not distinguish between on- and off-menu incentives, which are only part of the City's ordinance. (See Gov. Code, § 65915(k) ["[C]oncession or incentive means . . . [a] reduction in site development standards or a modification of zoning code requirements . . . ."]; LAMC, § 12.22.A.25(f).) Under the State DBL, the same legal standard applies to all requested concessions or incentives – whether identified in the LAMC or not. The City may not disapprove the concession or incentive unless it makes a negative written finding, based upon substantial evidence. (Gov. Code, § 65915(d)(1).) LAMC Section 12.22.A.25 does not contain the restriction Appellant claims. LAMC Section 12.22.A.25(f) enumerates a menu of eight incentives which a project may request via a Density Bonus application. If a project seeks relief from a development standard not on the menu, or seeks greater relief from a specified development standard than the menu includes, it may seek an off-menu incentive or a waiver of development standard pursuant to Section 12.22.A.25(g)(3). These incentives or waivers are not required to adhere to the menu of incentives. Even where LAMC Section 12.22.A.25(f) includes specified relief from a zoning or land use regulation, an applicant may still request an off-menu incentive or waiver under the State DBL to provide different or greater relief than what the LAMC permits. Indeed, Section 12.22.A.25(g) does not constrain what incentives can be sought off-menu simply because they appear on-menu. Moreover, even if it did, that would be contrary to State DBL which (1) does not distinguish between on- and off-menu incentives, and (2) controls over the City's implementing ordinance (LAMC, § 12.22.A.25). (Gov. Code, § 65915(k); *Schreiber*, 69 Cal.App.5th at 558; *Latinos Unidos*, 217 Cal.App.4th at 1169.)

As noted, the process in LAMC Section 12.22 A.25(g)(3) applies to projects requesting incentives or waivers "not included" on the menu of incentives in Section 12.22 A.25(f). These incentives or waivers are not required to adhere to the menu of incentives. Even if the menu of incentives in LAMC Section 12.22 A.25(f) includes specified relief from a zoning or land use regulation, an applicant may still request an off-menu incentive or waiver under the State DBL to provide different or greater relief than what would be otherwise permitted.

The only difference between on-menu and off-menu incentives is the City approval process that applies to each. For applications seeking only on-menu incentives, the Planning Director is the initial decision-maker, with appeal to the CPC. (LAMC, § 12.22 A.25(g)(2)(i)c., f.) For applications seeking off-menu incentives or waivers of development standards, by contrast, the CPC is the initial and final decision-maker, as there is no appeal. (*Id.* § 12.22 A.25(g)(3)(i)b.) If a project requests multiple discretionary actions, the procedures set forth in the Multiple Approvals Ordinance (the "MAO") (LAMC, § 12.36) apply. (*Id.* § 12.22 A.25(g)(2)(ii), (g)(3)(ii)a.)

LAMC Section 12.36 C.1. provides:

> If a project requires any approval or recommendation separately decided by . . . the Director, as the initial decision-maker, and also requires any approval or recommendation by the City Planning Commission as the initial decision-maker, then the City Planning Commission shall have initial decision-making authority for all of the approvals and/or recommendations.

Here, because the Applicant requested off-menu incentives and a waiver requiring CPC approval as the initial decision-maker, the CPC appropriately heard all the requested incentives, as the initial decision-maker per the MAO.

Moreover, the State DBL provides that the granting of a density bonus, concession, or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval. (Gov. Code, § 65915(f)(5), (j)(1).) In addition, the Housing Accountability Act (HAA) also provides that "the receipt of a density bonus" under the State DBL is not a valid basis on which to find a proposed housing project is not in conformity with applicable zoning or land use plans. (*Id.* § 65589.5(j)(3).) The State Department of Housing and Community Development confirmed that for purposes of this provision, a "density bonus" includes "a bonus in the number of units, incentives, concessions, or waivers to development standards allowed under Density Bonus Law." (HAA Technical Assistance Advisory, September 15, 2020, attached as Exhibit B.) The mere fact that the Project qualifies for a density bonus, incentives, and a waiver of development standards does not make the Project inconsistent with applicable zoning. (See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1348–1349 [city properly concluded zoning standards waived under State DBL were "not 'applicable' to the project"].)

B. Finding 2.a

Appellant claims the City improperly granted a waiver because the development standard waived could have been sought as an incentive. Appellant is wrong.

Appellant Wrongfully Claims Waivers Are Restricted to Development Standards Not on the Incentive Menu. The State DBL expressly allows for waivers from development standards separate from concessions/incentives. (See Gov. Code, § 65915(a)(3)(D)(III) [allowing applicants to request "incentives or concessions … **or** waivers or reductions in development standards . . ." (emphasis added)].) Waivers of development standards are provided for in a separate section of the State DBL: "In no case may a city . . . apply any development standard that will have the effect of physically precluding construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." (Gov. Code, § 65915(e)(1).) The State DBL establishes a different legal standard for waivers as opposed to incentives. The State DBL provides that an applicant may request a waiver or reduction of "any development standard that will have the effect of physically precluding the construction of a development . . . at the densities or with the concessions or incentives permitted by" the State DBL. (Gov. Code, § 65915(e)(1).) Waivers are another means to achieve the State DBL's policy objective: to encourage the production of affordable housing by granting applicants market rate bonuses and incentives. (See *Building Industry Assn. v. City of Oceanside* (1994) 27 Cal.App.4th 774, 770 [concluding that State DBL "show[s] an important state policy to promote the construction of low income housing and to remove impediments to the same."].) Thus, a waiver is not a disguised incentive and there is no requirement that a waiver can only be sought if it is not on the LAMC menu.

Moreover, the grant of a waiver does not reduce the number of incentives or concessions a project can receive as expressly stated in Gov. Code Section 65915(e)(2): "A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d)."

Appellant alleges that LAMC Section 12.22 A.25(g)(3) restricts waivers to development standards not on the menu. However, subsection (g) addresses "Procedures" for incentives and waivers with respect to the form/application and notice and hearing, it does not set forth the requirements for such. Moreover, as set forth above, the State DBL, not the LAMC controls, and the State DBL contains no restriction on waivers of development standards or provides a menu of incentives.

Appellant alleges that it makes no sense to allow for waivers of development standards that are included as on-menu incentives. Again, it is State DBL and not the LAMC that controls. Waivers function as a safety mechanism to prevent cities from imposing development standards that make density bonus/incentive projects physically impossible to achieve. Thus, waivers are another means to achieve the State DBL's policy objective: to encourage the production of

affordable housing by granting applicants market rate bonuses and incentives. (*See Building Industry Assn. v. City of Oceanside* (1994) 27 Cal.App.4th 774, 770 [concluding that State DBL "show[s] an important state policy to promote the construction of low income housing and to remove impediments to the same."].) If the City finds that applying a particular development standard would be physically preclusive, it must approve the requested waiver unless it finds that the waiver would (1) have a specific, adverse impact upon health, safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; (2) have an adverse impact on any real property that is listed in the California Register of Historical Resources; or (3) be contrary to state or federal law. (Gov. Code, § 65915(e)(1).) Here, the City made the necessary findings regarding the requested waiver as set forth in the LOD.

Appellant's Attempt To Appeal Off-Menu Incentives and the Waiver as On-Menu Incentives Fails. Appellant claims to appeal the FAR and parking off-menu incentives and height waiver as on-menu incentives. However, that is not what was requested and not what the City granted. LAMC Section 12.22 A.(g) is clear that only on-menu incentives are subject to appeal. Off-menu incentives and waivers are not subject to appeal despite Appellant's attempt to recharacterize them as on-menu incentives. In any event, the basis for Appellant's attempted appeal does not withstand scrutiny, even if the off-menu incentives and waiver were considered on-menu and subject to appeal.

Density (Not FAR): Appellant claims the maximum FAR bonus allowed is 35% or 2:025:1. However, Appellant confuses and/or conflates density and FAR. The 35% applies to density, not FAR, and the Conditional Use Permit allows for a density bonus exceeding 35% which was requested and granted. As stated in the LOD: "The State Density Bonus Law . . . allows a city to grant a density bonus greater than 35 percent for a development, if permitted by local ordinance. The City adopted the Value Capture Ordinance (Ordinance No. 185,373), codified in LAMC Section 12.24 U.26, to permit a density increase greater than 35 percent with the approval of a Conditional Use." A CUP was granted for the Project for a 46% increase in density. Nothing in Section 12.24 U.26 requires that a project site front a street designated as a Major Highway or have 50% of the parcel within a Transit Stop as a criterion for the CUP.[4] The CPC's decision is final and non-appealable. (LAMC, § 12.22 A.25(g)(3)(i)b.) Nevertheless, Appellant has not—and could not have—provided any evidence to rebut the CPC's findings.

Height: Appellant alleges that the Project's height is inconsistent with zoning requirements and inconsistent with the City's menu of incentives.

The Site is in Height District 1XL. In Height District 1XL, buildings are limited to a maximum height of 30 feet. (LAMC, § 12.21.1 A.1.) Appellant alleges that the Project can only

[4] Appellant further confuses the requirements for a CUP to allow a density bonus above 35% with the LAMC criteria that applies to an on-menu incentive to increase FAR in a commercial zone located in Height District 1 from 1.5:1 to 3:1.

seek an on-menu incentive to increase height from 30 feet to 41.5 feet. (See LAMC, § 12.22 A.25(f)(5).)

The Applicant requested a 15-foot, five-inch waiver or reduction of development standards pursuant to LAMC Section 12.22 A.25(g)(3) to permit a building height of 45 feet and five inches. As noted above, the State DBL provides that an applicant may request a waiver or reduction of "any development standard that will have the effect of physically precluding the construction of a development . . . at the densities or with the concessions or incentives permitted by" the Density Bonus Law. (Gov. Code, § 65915(e)(1).) If the City finds that applying a particular development standard would be so physically preclusive, it must approve the requested waiver or reduction unless it finds that the waiver or reduction:

> [1] would have a specific, adverse impact . . . upon health, safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact . . .
>
> [2] would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or . . .
>
> [3] would be contrary to state or federal law.

(*Id.*)

As stated in the LOD, the CPC found that the application of the LAMC height requirement "would preclude development of the proposed density bonus units and project amenities": "The request for an additional 15 feet and 5 inches and two stories is needed due to the minimum 14-foot Ground Floor height required by the CPIO. The limitation on height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households." (LOD, at F-4.)

In addition, the CPC could not make any of the other findings required to disapprove the height waiver: "There is no evidence in the record that the proposed incentives are contrary to state or federal law."

The CPC found, based upon evidence provided by the Applicant, that applying the Zoning Ordinance height requirement would physically preclude construction of the Project at the density and with the incentives permitted under the State DBL, because it would eliminate two stories of the building and, therefore, prevent the Project from constructing the permitted number of residential units at the permitted FAR of 3.26 to 1. Thus, the CPC approved the requested waiver of building height development standards. The CPC's decision is final and non-appealable. (LAMC, § 12.22 A.25(g)(3)(i)b.) Nevertheless, Appellant has not—and could not have—provided any evidence to rebut the CPC's findings, because the record clearly demonstrates the need for the

extra height envelope as a basic physical and architectural fact. As such, the height waiver is consistent with the LAMC and the State DBL.

Parking: Appellant alleges that the Project was limited to parking options contained in LAMC section 12.22 A.25. Yet, those parking options are treated like any other development standard that an applicant can seek relief from, which was done here via an off-menu incentive. Parking in mixed use projects is a standard, well-known development cost. Reducing the number of parking spaces produces obvious and identifiable cost reductions.

As to Appellant's claim that there is no evidence that the provided bicycle parking spaces will mitigate impacts from the requested parking reduction, the parking reduction was a requested off-menu incentive, and only the criteria for negative incentive findings (e.g., reduced parking would not produce cost savings) are applicable and none of these require what Appellant demands. In any event, the City had no substantial evidence supporting any of the negative findings to deny the off-menu incentives.

As with bicycle parking, whether or not the parking will be unbundled is irrelevant to the off-menu request for parking reduction.

The CPC's decision is final and non-appealable. (LAMC, § 12.22 A.25(g)(3)(i)b.) Nevertheless, Appellant has not—and could not have—provided any evidence to rebut the CPC's findings.

II. The Conditional Use Findings are Accurate, Correct and Supported by Substantial Evidence.

Appellant challenges the Condition Use findings, Finding Nos. 3 through 10; however, none of Appellant's allegations have merit. The LOD contains detailed conditional use findings. (LOD, at F-4 through F-15.)

A. Finding 3

Finding 3 states: "The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region." (LOD, at F-4.) The LOD contains detailed analysis and citation to substantial evidence in support of this finding concluding: "The City has determined that the shortage of affordable housing is an ongoing crisis in Los Angeles. The increased intensity and density of the proposed development will be offset by the project's ability to provide the number of affordable units required by the City's Density Bonus policy. Therefore, the proposed project would provide a service that is essential and beneficial to the community, city and region." (LOD, at F-5.)

Appellant claims the City's reasoned determination is "absurd" because the majority of units will be market rate and not affordable. Appellant ignores that the Project is providing 16 percent of the base density units as affordable (11 Very Low Income Affordable Units), which is

exactly what is required by the Value Capture Ordinance, in order to achieve a density increase of 46 percent. It matters not how many market rate units will be provided but, rather, that the Project is providing 11 Very Low Income Affordable Units, which go directly to helping alleviate the affordable housing crisis.

Appellant claims the Project's off-menu height increase will harm, rather than enhance the built environment, because of the potential for shading, yet provides no evidence, only speculation. However, as the City found, "The limitation on height and the number of stories would remove two (2) stories from the proposed building, resulting in a loss of 54 dwelling units from the upper floors. This height and story limitation would have the effect of physically precluding construction of a development providing 100 dwelling units, of which 11 units will be set aside for Very Low Income households." (LOD, at F-4.) Clearly, providing additional housing, including affordable housing is "essential and beneficial to the community, city and region." (LOD, at F-5.)

Additionally, Appellant claims the reduced parking off-menu incentive will exacerbate the current parking shortage creating "road rage mentality" by those seeking street parking. The availability of street parking is irrelevant.[5] The City correctly determined that "The Off-Menu Incentive will allow the developer to expand the Project's building envelope so that residential units being constructed are of sufficient size, configuration, and quality." Indeed, absent the approval of the parking reduction incentive, "the provision of affordable units that the project currently proposed would no longer be financially feasible." (LOD, at F-2.) Thus, the provision of 11 Very Low Income Affordable Units, along with 89 market rate units, is an essential and beneficial service for the community, city, and region during an unquestionable housing crisis.

B. Finding 4

Finding 4 states: "The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety." (LOD, at F-5.) The LOD contains detailed analysis and citation to substantial evidence in support of this finding concluding: "the project will provide amenities and features that will enhance the surrounding neighborhood rather than further degrade or adversely affect other properties." (LOD, at F-5 though F-7.)

Appellant claims that the Project will "negatively impact their quality of life" due to lessened sunlight, air flow and sunset view blockage, yet cites no evidence whatsoever. The Project's additional height is needed due to the minimum 14-foot Ground Floor Height required by the CPIO. The Project also complies with the transitional height requirements in the CPIO. As

[5] Appellant also claims the 40 tandem spaces are not permitted by the LAMC. However, the State DBL parking standards supersede LAMC parking requirements. In addition to permitting reduced parking ratios, the State DBL expressly provides that "a development may provide onsite parking through 'tandem' parking or uncovered parking..." (Gov. Code, § 65915(p)(5).) Accordingly, per State law, the tandem parking spaces provided in the Project are allowed and all count towards satisfying the legally required number of parking stalls, notwithstanding LAMC requirements.

such the City concluded: "the proposed project will provide a transition to be compatible with existing neighboring buildings. Therefore, the size and height of the proposed project will not adversely affect or degrade other properties, or the public health, welfare, and safety in the neighborhood." (LOD, at F-7.)

Appellant claims there will be a loss of "prosperity opportunity" citing the 18 private studio lofts on the ground floor as opposed to retail. The Project provides 1,800 square feet of ground floor retail space, split into two 900 square foot retail spaces along Pacific Avenue at the corners of the building on 21st Street and 22nd Street. The Project balances the need for housing, including affordable housing, with providing some ground floor neighborhood serving retail street activation. Appellant merely speculates that the lack of more ground floor retail "will have a significant adverse effect on the potential for small business opportunities for local residents." In fact, the Project provides for two small business opportunities. In any event, any purported loss of "prosperity opportunity" is irrelevant to Finding No. 4.

Appellant claims the Project will significantly increase the stress on outdated infrastructure, again without cites any specific evidence. Yet, the City specifically found that "the project site will be adequately served by all public utilities and services given that the construction of a mixed-use building will be on a site which has been previously developed and is consistent with the General Plan." (LOD, at F-24.)

Appellant claims the Project is providing insufficient parking, which will create safety hazards, but cites no evidence in support. The Project qualifies as a density bonus project and applied for an off-menu incentive for reduced parking. "The Off-Menu incentive will allow the developer to expand the Project's building envelope so that the residential units being constructed are of sufficient size, configuration, and quality." (LOD, at F-2.) While street parking may be of limited availability, that is existing conditions and not caused by the Project. The same is true as to the High Injury Network designation. Moreover, the Project is in close proximity to public transit, encouraging multi-modal transportation, located in a Tier 2 Bicycle Lane, and is providing 127 bicycle spaces. (LOD, at F-11.) Finally, "The applicant proposes active transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program for both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage." (*Ibid*.) As such, Project residents are encouraged to use transportation modes other than vehicles and the Project provides ample parking such that residents will not be looking for street parking.

Appellant claims the public bus lines surrounding the Project site do not qualify the Project for AB 744 or TOC parking reductions. While that may be true, it is irrelevant, given the Applicant did not claim that the automatic AB 744 or TOC reduced parking ratios apply to the Project. That's precisely why the Applicant instead requested – and the CPC appropriately approved – an off-menu incentive for reduced parking. With regard to tandem parking, see Footnote 1 above.

Finally, Appellant, absent any evidence, claims the Project's environmental impacts will endanger public health. As to air quality impacts, Appellant cites to existing conditions' background emissions data. The Project obviously cannot cause existing conditions. As shown in the Project's air quality report, Project construction and operation will result in less than significant impacts. Regarding the purported technical reports submitted in support of the appeal of the RKD 13 Pacific Project, each of those reports where fully responded to, demonstrating that the reports contained extensive errors, wrong assumptions, and inaccurate analyses.

C. Finding 5

Finding 5 states: "The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan." (LOD, at F-7.) The LOD contains detailed analysis and citation to substantial evidence in support of this finding concluding: "the proposed project is consistent with the purposed, intent and provisions of the General Plan, San Pedro Community Plan, Housing Element, Mobility Plan, CPIO, and Redevelopment Plan by meeting several of its goals, objectives, and policies. Specifically, the project would provide housing and retail uses on underutilized land to 1) accommodate necessary residential growth and provide a mix of apartment sizes and affordability levels, including rent restricted units for Vey Low Income households; and (3) [sic] reinforce an existing mixed-use corridor by providing an array of housing options, new retail, improves streetscape, and landscaping, that would be inviting to nearby residents and pedestrians along Pacific Avenue." (LOD, at F-7 though F-12.) Appellant's contrary claims are meritless.

Framework Element. Appellant claims four-story buildings are not permitted despite the City's statement that Mixed-Use Boulevards fall within a range of three- to six-story mixed-use buildings. First, this is a general statement about Mixed-Use Boulevards – not a prescriptive development standard. Second, even if the Framework Element did impose a height limit (which it does not), the Project's height is allowed due to the Off-Menu incentive, which allows for relief from development standards, including any General Plan standards such as height. In any event, Appellant has not demonstrated that the City's consistency determination was erroneous.

Land Use Element – San Pedro Community Plan. Appellant takes issue with certain of the goals and policies of the San Pedro Community Plan, misinterpreting the goals and polices and making inaccurate statements. A project must only be in "harmony" with the applicable land use plan to be consistent with it. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 717-18.) As the court explained in *Sequoyah*, "no project could completely satisfy every policy stated in the [General Plan], and the state law does not impose such a requirement." (*Id.* at 719.) To be "consistent" with a general plan, a project must be "compatible with the objectives, policies, general land uses, and programs specified in the applicable plan," meaning the project must be "in agreement or harmony with the applicable plan." (*Id*. at 717-18.) Despite the forgoing, each of the purported inconsistencies is addressed below.

a. Goal LU3. Appellant argues that the Project is not consistent because it does not contain a mix of ownership and rental units. What Appellant fails to understand is that Goal LU3 applies to "multi-family neighborhoods," not within an individual project. The Project neighborhood is a mix of ownership and rental units to which the Project is contributing 100 units; as such the Project is consistent with this goal.

b. Policy LU3.1. Appellant argues that the Project is not consistent with this Policy because it does not qualify for a TOC parking reduction and public infrastructure is outdated and insufficient. As demonstrated above, the Project qualifies for a density bonus parking reduction incentive and the City appropriately determined there is adequate infrastructure to serve the Project.

c. Policy LU3.3. Appellant claims the Project does not provide an equitable housing distribution. The Project provides 100 units, including 19 studio lofts, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Of the 100 units, 11 are Very Low Income units. As such, the Project is providing an equitable housing distribution. But, in any event, this policy applies throughout San Pedro's multi-family neighborhood; it is not project specific.

d. Policy LU3.4. Appellant claims the approval of the Project will "destabilize and displace an existing vulnerable community." The Project is not displacing any residences. The Project site consists of an existing single-tenant bar, surface parking lot, and a vacant lot. Therefore, there is no basis to require the Project to address "relocation needs of existing residents."

e. Policy 3.6. Appellant claims the Project does not contain any on-site recreational facilities or community spaces for area residents. True, but the Policy applies to new multi-family development – not area residents. The Project contains numerous amenities, including open-air landscaped courtyards at the second level and rooftop decks, consistent with this policy.

f. Goal LU5. Appellant claims the City has not adequately assessed the needs of the existing community. Yet, this goal has nothing to do with the needs of the existing community. Rather, this goal concerns strong and competitive commercial districts. The Project contributes to this by adding 1,800 square feet of retail.

g. Policy LU5.7. Appellant claims the Project does not meet the policy of strategically locating new, large projects because it takes up an entire block. The Project is located at an underutilized in-fill site, replacing a surface parking lot, vacant lot, and a bar. This is a purposely placed Project at an appropriate location that can accommodate the density.

h. Policy LU5.5. Appellant claims the Project parking is not "well-designed" as called for by Policy LU5.5. However, the parking reduction is an allowed incentive and tandem parking is permitted as explained above.

i. Goal LU6. Appellant claims the Project will not serve the surrounding neighborhood due to minimal retail and no public open space. Goal LU6 states "Attractive, pedestrian-friendly Neighborhood Districts" – this goal does not apply to individual projects. That said, the Project contributes to the pedestrian-friendly neighborhood district by providing 1,800 square feet of neighborhood serving retail and improves the pedestrian experience and streetscape by removing the two existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Avenue.

Housing Element. Appellant claims the Project is inconsistent with one of the nine Housing Element policies set forth in the LOD – Goal 1: "A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages and suitable for their various needs." Appellant claims the Project fails to meet this goal because not enough affordable housing is provided, and the market rate housing will result in displacement of existing communities. There is no basis to require the Project to provide additional affordable units. The 11 Very Low Income units represent 16% of the base density, which allows for the Density Bonus and three incentives and waiver. Appellant has not submitted any evidence that the Project's market rate units will displace existing neighborhoods; there are no existing residences on the Site.

Mobility Plan 2035. Appellant claims the Project is not consistent with the Mobility Plan because it is not providing adequate parking and, therefore, residents will cause safety issues as they look for street parking which is in short supply. Appellant also claims that providing 127 bicycle spaces is irrelevant as "San Pedro is largely a bedroom community, without adequate mass transportation, and so residents MUST have cars to get to work." Appellant cites no evidence in support of any of its allegations. The City's detailed finding provides substantial evidence in support of the consistency determination:

> "The project utilizes Density Bonus incentives for the construction of a mixed-use mixed-income development that provides housing opportunities in close proximity to public transit along the Pacific Avenue corridor, and to permit reduced parking through as Off-Menu Density Bonus Incentive, encouraging multi-modal transportation and decreasing vehicle miles traveled in the neighborhood. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Land in the Bicycle Lane Network, and is also within a designated Pedestrian Enhanced District. The project will also provide 75 long-term and 8 short-term bicycle parking spaces in compliance with LAMC Section 12.21 A.16. An additional 44 bicycle parking spaces are proposed, for a total of 127 bicycle parking spaces provided per Exhibit "A". The applicant proposes active

> transportation items including reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters so they are not in the public right-of-way, and Metro TAP passes that will be distributed to studio residents for at least the first year of development and ongoing based on usage." (LOD, at F-11.)

San Pedro CPIO. Appellant claims the City cannot conclude the Project is consistent with the CPIO because administrative review and clearance process for the CPIO has yet to be undertaken. However, a Geographic Project Planning Referral Form was issued on 8/5/19 after a review of the project by Planning Staff. As noted on the aforementioned Referral Form, the review concluded that the "Project complies with CPIO requirements."

Lastly, a Geographic Project Planning Referral Form was issued on 8/5/19 after a review of the project by Planning Staff. As noted on the aforementioned Referral Form, the review concluded that the "Project complies with CPIO requirements." However, the LOD states that review will take place "prior to the issuance of building permits." (LOD, at F-12.) Administrative review is a requirement of the CPIO so, by requiring it, the City is ensuring consistency. The Project provides 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscape, and 2,800 square feet of balconies. The Project will provide a total of 10,944 square feet of open space, which exceed the 10,525 square feet required by code. Additional landscaping is provided along the perimeter of the building, including within an over-dedicated area along 22nd Street, which is publicly accessible and anticipated to be programed with outdoor seating for a likely restaurant user. Additionally (per the approval, LOD F-8), the Project is conditioned to submit landscape plans prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs.

Pacific Corridor Redevelopment Plan. Appellant claims the Project is not consistent with the Pacific Corridor Redevelopment Plan (PCRP) due to vague allegations of not meeting the Vision Statement, which states that San Pedro builds upon its district natural beauty, etc. The Vision Statement is not a project specific goal or policy that the Project must be consistent with. Appellant also claims the Project does not meet Guideline 5.1.5 Transition to Adjacent Neighborhoods. The City determined otherwise: "Additionally, the project is compliant with the transitional height requirements of the San Pedro CPIO Section IV-2.A.3(b), which requires projects separated by an alley from a residentially zoned lot be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned lot property line. Therefore, the proposed project will provide a transition to be compatible with existing neighboring buildings." (LOD, at F-7.)

D. Finding 6

Appellant claims the Project does not provide a proportional amount of affordable housing in compliance with the General Plan affordability requirement. Appellant is incorrect. First, there is no General Plan affordable requirement applicable to the Project. Further, the LOD provides:

> In granting a Conditional Use for a 46 percent density increase, affordable housing is required beyond the minimum percentage required per the State Density Bonus Law and the City's Density Bonus Ordinance. This ensures that the project provides a proportional amount of affordable housing units compared to the density increase it is seeking. In this case, the project is required to set aside 16 percent, that is 11 units, of the 68 base density units for Very Low Income Households in exchange for the 46 percent density increase requested. The project proposes to set aside 11 units for Very Low Income Households, thereby complying with the requisite percentage of affordable housing units for the 47.5 percent density increase.

The State DBL provides for a 35 percent density increase for projects that provide 11 percent of the base (pre density bonus) density for Very Low Income households. Thus, with a base density of 68 units, the Project would need to provide eight Very Low Income units (rounded up) to achieve a 35 percent density bonus. The State DBL also expressly allows local jurisdictions to grant density bonuses above 35 percent pursuant to a locally adopted ordinance. To incentivize mixed income housing developers to provide increased affordable housing the City adopted LAMC Section 12.24 U.26 provides that for every 2.5 percent market rate density bonus above 35 percent, the project needs to provide another 1% Very Low Income (calculated against the base density). Here, the Project seeks a 46 percent density bonus increase under this formula by providing 11 Very Low Income units. That meets the proportional amount of affordable housing required for density bonus increases above 35 percent under the City's ordinance and consistent with the State DBL. Appellant's claims and calculations are in error, including that there is a project specific 15-percent affordable requirement for all new dwelling units (discussed in detail below).

E. Findings 7 – 10

Appellant's claims are unclear as to these findings. The findings are accurate and supported by substantial evidence.

III. The Site Plan Review Findings are Accurate, Correct and Supported by Substantial Evidence.

All of Appellant's claims regarding the accuracy of Site Plan Review (SPR) findings are irrelevant. As a General Plan/zoning compliant density bonus project, the HAA precludes the City

from denying the Project based on any or all of the subjective SPR findings. (Gov. Code, § 65589.5(j). That said, the City appropriately made all the SPR findings as discussed below.

A. Finding 11

Finding 11 states: "The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan." (LOD, at F-15). The LOD contains detailed analysis supported by substantial evidence that concludes "As provided under Finding No. 5, the project would meet the goals, objectives, and policies of the General Plan, San Pedro Community Plan, Housing Element, and Mobility Plan, particularly those concerning adding housing and affordable housing near transit, neighborhood-serving uses, and jobs. The project would provide additional housing within proximity to neighborhood-serving uses and directly adjacent to public transit. The project is subject to administrative review for compliance with the San Pedro CPIO. The project is consistent with the goals of the Redevelopment Plan which seeks to preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities." (LOD, at F-15 – F-16.)

Appellant merely repeats all of its claims regarding Finding No. 5. The Response to Finding No. 5 is hereby incorporated. As shown therein, none of Appellant's claims have merit.

B. Finding 12

Finding 12 provides: "The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on adjacent properties and neighboring properties." (LOD, at F-16.) The LOD contains detailed analysis supported by substantial evidence across nine different building standards. (LOD, at F-16 – F-19.) Appellant claims the Project is incompatible with six of the nine building standards, each of which is discussed in turn below.

Height, Bulk and Setbacks. Appellant repeats its unsupported and irrelevant claims of negative impacts on the neighborhood quality of life and fails to provide any actual analysis that specially addresses compatibility as analyzed for this finding. As to height, as demonstrated above, the Project is seeking a waiver for increased height. By granting the additional height, the Project is able to provide additional housing units. The City determined that "the proposed height is comparable with the maximum building height allowable under the On-Menu Density Bonus program and will provide a transition to be compatible with existing neighborhoods." (LOD, at F-17.) Regarding bulk/massing, the City determined that "the project massing will be appropriately set back from the neighboring uses. Additionally, the project provides architectural detailing that enhances the street-facing facades by applying recesses, balconies, and varied rooflines along the building façade, along with varying building materials and colors to incorporate variation in design." (*Id.*) Finally, as to setbacks, the City determined that the Project complies with the CPIO setback requirement. (*Id.*)

Parking. Appellant repeats its claims regarding insufficient on-site parking spaces and hazards from looking for street parking. As demonstrated above, the Applicant is seeking an incentive for reduced parking, is reducing the number of curb cuts, thus increasing pedestrian safety, and is providing EV car spaces, bicycle parking, and METRO passes, among other programs, to encourage alternative modes of transportation.

Loading Area. Appellant speculates that truck drivers will be too "hurried" to use the Project's subterranean loading space and instead double park on the street. There is no basis for Appellant's claim; the Project is providing adequate loading space.

Appellant further claims that the Project's loading space does not comply with the LAMC.

Section 12.21 C.6. of the LAMC requires that a "Loading Space" be provided and maintained on the same lot with every building in the C or M Zones where the lot abuts an alley. The code section outlines a number of criteria that are required of that loading space, such as:

1) The loading space shall be located and arranged so that delivery vehicles may be driven into said space from the alley;

2) The loading space shall have a minimum height of 14-feet;

3) The loading space shall be directly accessible through a usable door not less than three feet in width and not less than six feet in height from the building it is to serve; and

4) The loading space shall be a minimum of 400 square feet, a minimum width of 20 feet, and a minimum depth of 10 feet.

The code section goes on to identify the following: "Such loading space may be furnished within a building where said building is designed and arranged to include accessible loading space equivalent to that required by this subdivision."

As identified in the case file, the Applicant designed a loading space that has a minimum height of 14-feet, is 400 square feet in size, has a minimum width of 20 feet and a minimum depth of 10 feet. The primary difference between the loading space designed as part of this building and LAMC Section 12.21 C.6 is that the loading space is not arranged so that it is directly accessible from the alley. Given the configuration of the lot, the loading space is arranged to be accessible from 21st Street.

To this end, and out of an abundance of caution with regard to code compliance, the Applicant requested a deviation from the loading space requirements identified in LAMC Section 12.21 C.6 and cited within the required findings that the loading space was "equivalent" to that required by LAMC Section 12.21 C.6 but for the direct access from the alley. The incentive was granted because the findings showed that the intent of the code was honored and adhered to and that this configuration would not lead to an impact on parking or traffic. As concluded by the City, "[T]he loading space will be functional and usable for residents and deliveries. The subterranean

loading space will be located in the subterranean parking garage, rather than along the alley at grade level, and therefore will not affect street circulation." (LOD at F-18.)

Landscaping. Appellant claims the Project is not providing the required public open space as per the CPIO. The Project provides 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscape, and 2,800 square feet of balconies. The Project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. Additional landscaping is provided along the perimeter of the building, including within an over-dedicated area along 22nd Street, which is publicly accessible and anticipated to be programed with outdoor seating for a likely restaurant user. This criteria is required by the underlying zone and the LAMC.

Chapter IV-2 Section F of the CPIO identifies additional landscape regulations for projects located within the Coastal Commercial Subareas. No public open space requirement is listed within this Section. Additionally, Section 10 of the CPIO identifies when Appendix B (Design Guidelines) of the CPIO are required. As identified in Section 10, "the design guidelines in Appendix B are not mandatory or required for an Administrative Clearance." As this project "complies with the CPIO requirements" (per Project Planning Referral Form dated 8/5/19) the project has been identified as an "Administrative Clearance (Multiple Approvals)" and is not subject to any open space requirement referenced within Appendix B.

Lastly (per the approval, LOD F-8), the Project is conditioned to submit landscape plans prepared by a licensed landscape architect or licensed architect to show the size and location of all plants, and ensure sufficient depth and soil volume for trees and green roofs. As stated in the LOD, "The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements." (LOD at F-18.)

Appellant further claims the Project's arrangements of structures and buildings are not compatible with existing and future nearby development. As noted above, the Project is compatible and Appellant provides no evidence demonstrating otherwise.

C. Finding 13

Finding 13 provides "The residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties. The proposed project provides recreational and service amenities that will improve habitability for the residents and minimize any impacts on neighboring properties. Common open space is provided in the form of 1,398 square feet of open-air landscaped courtyards on the second floor, and 5,400 square feet of open-air rooftop deck, and 1,346 square feet of rooftop landscaping. The project also provides 2,800 square feet of private balconies for use as private open space for individual units. The project will provide a total of 10,944 square feet of open space, which exceeds the 10,525 square feet required by code. The applicant has not requested any deviations or reductions in open space or landscaping requirements. Therefore, the proposed project provides sufficient

recreational and service amenities for its residents, minimizing any impacts on neighboring properties." (LOD at F-19.) In response, Appellant speculates that the open-air roof deck is "likely to be a source of noise." Appellant cites no evidence demonstrating that roof-deck noise would exceed the LAMC noise requirements, which it will not.

Appellant claims the Project does not comply with LAMC Section 16.05, Site Plan Review, for all the same reasons as discussed above. As demonstrated above, the City properly concluded the Project was entitled to Site Plan Review approval. And again, the HAA compels project approval even in the event the City could not make one or more of the subjective Site Plan Review findings. (Gov. Code, § 65589.5(j).)

Finally, Appellant claims the Project does not comply with the PCRP with respect to the 15-percent affordable development requirement. First and foremost, the 15-percent requirement was dissolved by the Legislature along with the redevelopment agencies themselves in 2011. (*AIDS Healthcare Foundation v. City of Los Angeles* (2022) 78 Cal.App.5th 167.) In addition, the 15-percent requirement applies cumulatively – i.e., in the aggregate, not project-by-project. Appellant alleges that the City's failure to comply with LAMC Section 11.5.14 retards the City's ability to comply with Health and Safety Code (HSC) Section 33413, subdivision (b)(2)(A)(i), which required the former Community Redevelopment Agency of the City of Los Angeles (CRA/LA) to ensure that fifteen percent of all new and "substantially redeveloped" housing within the redevelopment areas of the City (including the PCRP) was affordable to low- and moderate-income households (the 15-percent requirement). As an initial matter, the Appellant fails to explain how PCRP compliance review implicates HSC Section 33413, as it is not one of "the relevant standards of this [LAMC] and the appropriate Redevelopment Plan, including the zone standards, established development standards, and any supplemental use regulations." (LAMC, § 11.5.14, subd. (D)(4)(e).)

Additionally, the 15-percent requirement is calculated in the aggregate at the time the PCRP expires, not on a project-by-project basis. (HSC, § 33413, subd. (b)(2)(A)(i) [requiring compliance "[p]rior to the time limit on the effectiveness of the redevelopment plan"], *id*. at subd. (b)(3) ["The requirements of this subdivision shall apply, in the aggregate … and not to each individual case of rehabilitation, development, or construction of dwelling units, unless an agency determines otherwise"].) The PCRP expires in 2032. (PCRP [Exh. G], § 900.) Thus, the City was not required to determine that this Project met the 15-percent requirement.

Lastly, the Community Redevelopment Law includes its own remedies for a former redevelopment agency's failure to comply with the 15-percent requirement by the expiration of the redevelopment plan, which do not include setting aside individual project approvals. (See HSC, § 33333.8, subd. (f).) Revoking Project approvals, including the affordable housing units, is not an available remedy, and would be contrary to the purposes of the Community Redevelopment Law. (See *City of Cerritos v. Cerritos Taxpayers Assn*. (2010) 183 Cal.App.4th 1417, 1424.)

In conclusion, none of Appellant's claims regarding deficiencies of Site Plan review findings have merit.

IV. The Project Qualifies for the Class 32 Infill CEQA Exemption.

A. The Project's Density Bonus Law Benefits Do Not Disqualify It from a Class 32 Categorical Exemption

Appellant alleges that, because the Project uses the State DBL to qualify for deviations from certain General Plan and zoning standards, it is not eligible for a Class 32 Categorical Exemption. This argument directly contradicts applicable case law.

To be eligible for a Class 32 Categorical Exemption, a project must be "consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations." (CEQA Guidelines, § 15332(a) [emphasis added].) The California Court of Appeal has held that a project that included waivers of development standards under the State DBL for height, FAR, and setbacks was still eligible for a Class 32 categorical exemption. (*Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347–50.) The court held that, due to the application of the State DBL waivers, the general plan and zoning regulations in question were not "applicable" to the site, and, therefore, the project still met the criterion for a Class 32 categorical exemption. (*Id.* at 1349.)

Here, the requested incentives and waiver that Appellant erroneously alleges make the Project ineligible for a Class 32 categorical exemption are similar to those upheld in *Wollmer*. As discussed below, the CPC approved the Project's State DBL benefits consistently with the LAMC and State law.

Contrary to Appellant's arguments, the Project fully satisfies the requirements for a Class 32 Categorical Exemption. The Project, with the requested benefits under the State DBL, is consistent with all applicable general plan and zoning regulations and policies.

B. The Project Would Not Result in Cumulative Environmental Impacts

Appellant alleges the cumulative impact analysis is flawed as it did not take into account projects outside of the 500-foot radius. Appellant misunderstands the definition of cumulative impact under CEQA Guidelines Section 15300(b): "successive projects of the same type and in the same place." The City exercised its discretion to define the "same place" as within a 500-foot radius of the Project site. The City's determination is owed deference. In addition, the traffic analysis considered cumulative impacts from eight related projects (see September 26, 2019 Traffic Technical Memorandum, Table 2) and concluded no significant impact. LADOT approved the traffic analysis. The CPC determined that with compliance with citywide regulatory compliance measures and other applicable regulations, "no foreseeable cumulative impacts are expected, and this exception does not apply." (LOD at F-25.) Moreover, Appellant provides no evidence of a cumulative impact.

C. There is No Reasonable Possibility that the Project would Result in a Significant Environmental Effect Due to Unusual Circumstances

Appellant alleges there are several "unusual circumstances" associated with the Project. Not so.

The Project's size and height are not unusual. The CPC found that the Project's height and bulk/massing would be compatible with the existing and future development on adjacent and neighboring properties (including, in part, due to the Project's compliance with the CPIO's transitional height requirements). (LOD, at F-16–F-19.)

Appellant also alleges unusual circumstances associated with increased cancer and health risks, increased pedestrian and bicycle accident risks, and increased risk of sewer pipe leaks. However, Appellant fundamentally misunderstands what constitutes an unusual circumstance. An unusual circumstance is a project characteristic that distinguishes the project from other typical projects eligible for a Class 32 Categorical Exemption. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 231 Cal.App.4th 943, 955.) An unusual circumstance is not a characteristic that, for example, applies to the entire air quality basin (as alleged), or surrounding roadways or sewer lines that service many properties. (See *id.* at 955–56 [City's approval of use permits for construction of a large house to be built on a steep hillside lot was not within the "unusual circumstances" exception, where a site-specific study revealed no landslide hazard was present, the planned house was a single-family residence in a residential zone, and it was in-fill development]; S*an Francisco Beautiful v. City & County of San Francisco* (2014) 226 Cal.App.4th 1012, 1025 [city's decision to allow utility boxes in urban environment that already contains thousands of such structures is not unusual in context of city's urban environment]; *Wollmer, supra.*, 193 Cal.App.4th at 1351 [rejecting claims that location of infill project at crowded intersection was unusual circumstance, noting that this type of circumstance is expected in infill development context].)

As to air quality and cancer and health risk, while it is correct that the ambient air quality at the Project site does not meet Federal and State ambient air quality standards, this is not a project-specific circumstance, but rather one that applies to the entire air basin. Specifically, both USEPA and CARB have designated the entire Basin, which is 6,745 square miles, as a non-attainment area. These designations encompass Orange County and the non-desert portions of Los Angeles, San Bernardino, and Riverside counties.[6] There are no higher nonattainment designations for subregions or areas within the air basin. As such, the fact that the entire air basin is in nonattainment for particulate matter cannot be a project-specific unusual circumstance. (See *Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 819 ["the unusual circumstances

[6] For example, see CARB designations for $PM_{2.5}$ -- https://www.arb.ca.gov/desig/adm/2020/state_pm25.pdf?_ga=2.119806088.1675794988.1647544619-1985971847.1622059201.

relate to some feature of the project that distinguishes the project from other features in the exempt class."].)

With respect to the Project site's location in the City's High-Injury Network, this too is not a project specific circumstance and, thus, it cannot be an unusual circumstance. (See *Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 819 ["the unusual circumstances relate to some feature of the project that distinguishes the project from other features in the exempt class."].)

In addition, there are no unusual circumstances associated with the Project's utilization of the existing sewer lines. The Project, like other typical in-fill development projects utilizing the Class 32 Categorical Exemption, would obtain will-serve letters from local utility providers and connect to the existing utility lines. The CPC specifically found that the Project can be adequately served by all required utilities, an eligibility requirement for a Class 32 Categorical Exemption:

> The project site will be adequately served by all public utilities and services given that the construction of a multi-family residential building will be on a site which has been previously developed and is consistent with the General Plan.

(LOD, at F-24.) Appellant has not challenged this determination, much less put forward any evidence to rebut it. Appellant cannot challenge the Project's allegedly inadequate sewer lines as an unusual exception, where the City found exactly the opposite based upon substantial evidence as one of the primary eligibility criteria for the Class 32 Categorical Exemption. (See *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 281 [court refused to reach the issue of whether traffic conditions created by project were unusual, because "the City correctly determined that there is no reasonable possibility of a significant effect on traffic from the Project"].) Appellant has not provided any evidence that connecting to existing sewer lines in an established community constitutes an unusual circumstance for an in-fill development project qualifying for a Class 32 Categorical Exemption.

D. The Project's CEQA Clearance Was Valid

Appellant takes issue with CPC's additional CEQA determination that the environmental effect of the Project was covered in the San Pedro Community Plan Program EIR. Appellant repeats its claims about inconsistency with the San Pedro Community Plan that have been rebutted above. Further, the fact that the San Pedro Community Plan does not specifically address density bonus incentives and waivers allowed under the State DBL does not create an inconsistency or a potential impact that the Program EIR failed to address. While it is a correct fact that the Program EIR did not address Site specific impacts, that is not how programmatic EIRs work. Site specific analysis is left to the subsequent project specific CEQA document; in this case, the Class 32 exemption analysis. Moreover, the Appellant has not identified any new information of substantial importance that satisfies the criteria under Guidelines Section 15162 requiring a subsequent EIR.

The CPC's determination that the Project qualified for a Class 32 Categorical Exemption complied with CEQA. As set forth in this letter and in the attached supporting materials[7], the Project meets the requirements for a Class 32 Categorical Exemption, and none of the exceptions to a Class 32 Categorical Exemption apply.

Thank you for your time and consideration of this matter. We respectfully request the appeal be denied. Please do not hesitate to contact me with any questions.

Sincerely,

Damon Mamalakis

cc: Connie Chauv, Department of City Planning
Michelle Singh, Department of City Planning
Jonathan Lonner, Burns & Bouchard

Enclosures: Exhibit A: Memorandum re: Implementation of State Density Bonus Law
Exhibit B: HAA Technical Assistance Advisory, September 15, 2020
Exhibit C: Updated Construction Noise Analysis
Exhibit D: Construction Health Risk Analysis
Exhibit E: Traffic Vehicle Miles Travelled (VMT) Analysis and LADOT's Assessment Letter approving the VMT analysis
Exhibit F: LLG Responses Traffic Comments March 2022

[7] Included here with are the following additional impact analyses: (1) updated construction noise analysis demonstrating less than significant impacts (Exhibit C), (2) construction health risk analysis demonstrating less than significant impacts (Exhibit D), and (3) traffic vehicle miles travelled (VMT) analysis demonstrating no VMT significant impact along with LADOT's approval of the VMT analysis along with LADOT's Assessment Letter approving the VMT analysis (Exhibit E). Exhibit F also contains LLG's Responses to Traffic Comments attached to the Appeal Justification.

EXHIBIT A

DEPARTMENT OF CITY PLANNING

City Hall • 200 N. Spring Street, Room 525 • Los Angeles, CA 90012

January 18, 2017

TO: All Staff
Other Interested Parties

FROM: Lisa M. Webber, AICP
Deputy Director of Planning
Department of City Planning

SUBJECT: **IMPLEMENTATION OF STATE DENSITY BONUS LAWS**

On September 28, 2016, Governor Brown signed AB 2501, AB 2556, AB 2442, and AB 1934 which amended the State Density Bonus Law (Government Code Section 65915). The amendments took effect on January 1, 2017. This memo will serve as interim guidance for staff and project applicants and does not create any new or additional City policies or regulations.

Additionally, this memo recognizes changes as a result of amendments made to the State Density Bonus Law through AB 2280 (2008).

Changes in State Law

Numerous minor changes and clarifications were made in the five state laws discussed in this memo. Many of these changes reflect current City practice. A summary of changes in state density bonus law that will result in significant changes to City practice are listed below. Staff and applicants are encouraged to refer to state law in Government Code Section 65915, as the list below is not an exhaustive list of the changes.

AB 2442

The law expands the categories of housing that can qualify for a density bonus. The following specialized housing types now qualify for an additional density bonus, provided the specialized units are subject to a very-low income affordability restriction for 55 years:

- 10% of total units reserved for **transitional foster youth**, as defined in Section 66025.9 of the Education Code; or
- 10% of total units reserved for **disabled veterans**, as defined in Government Code Section 18541; or
- 10% of total units reserved for **homeless persons**, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

Units set aside to serve these populations will qualify for an additional density bonus of 20% of the number of specialized units (not the total project). Because these units are income restricted, the projects will also qualify for the standard density bonus.

> Example: If a site allows 100 units and 10 (10%) are reserved for transitional foster youth at very low-income, then the project is granted a density bonus of 35 units so long as both conditions are satisfied. The 35 units are derived in this manner:

- ✓ ***33 Density Bonus Units*** - 10 units (10% of total units) set-aside at very low-income = 32.5% density rounded up to 33% = 33 total density bonus units
- ✓ ***2 Density Bonus Units*** - 20% density bonus multiplied by the units giving rise to a density bonus which corresponds to 10 units for very-low income transitional foster youth in this example = 2 total density bonus units

AB 2501

To streamline the density bonus process, the law requires that cities adopt procedures and timelines, provide a list of all documents and information required for an application to be deemed complete, and notify the applicant whether the application is complete in a manner consistent with Section 65943.

The Department has adopted relevant procedures and timelines in Los Angeles Municipal Code Section 12.22 A.25. The list of documents and information required to be deemed complete can be found in the Master Land Use Application packet and the Affordable Housing Referral Form. More information is found in an April 15, 2012 Department memo titled "Affordable Housing Project Review Procedures." The assigned project planner notifies applicants when their application has been deemed complete in a manner consistent with Section 65943.

The law also clarifies and amends a number of the density bonus procedures as follows:

1. Density calculations that result in a fractional number are to be rounded-up to the next whole number. This applies to the following:
   a. Base density
   b. Number of bonus units
   c. Number of Affordable Units required to be eligible for the density bonus
   d. Number of replacement units
   e. Number of required parking spaces
2. The ability of a local jurisdiction to require special studies is eliminated unless they meet the provisions of state law.

   Financial pro-formas and third party reviews will no longer be required for any entitlement cases currently pending with the Department or new density bonus case filings.
3. The term "density bonus" is specified to mean a density increase over the maximum allowable gross residential density at the time of the date of the application.

   The density bonus provided to a project will be calculated based on the number of units permitted on the date of the density bonus application.
4. A requested concession or incentive shall be granted pursuant to Government Code 65915 unless the City makes a written finding, based on substantial evidence, of any of the following: a) the concession or incentive "does not result in identifiable and actual cost reductions," to provide for affordable housing costs or rents for the targeted units; b) the concession or incentive has a specific adverse impact on public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable; or c) if the concession or incentive is contrary to state or federal law. Prior law allowed a concession or incentive to be denied if the City had substantial evidence that the concession or incentive was "not required in order to provide for" affordable housing costs

or rents for the targeted units, or substantial evidence in support of findings "b)" or "c)" above.

AB 2556

The law clarifies the implementation of the required replacement of affordable units in density bonus projects, first introduced by AB 2222 in 2014. The law further defines "equivalent size" to mean that as a whole, the new units must contain at least the same total number of bedrooms as the units being replaced. This prevents a developer from replacing multi-family bedroom units with more units that have fewer bedrooms.

1. For any dwelling units occupied on the date of application, if the income category of the units is not known, it shall be presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) database.

The current proportion of lower income renter households (defined by those earning less than 80% of AMI in the current 2009-2013 CHAS data) in the City of Los Angeles is 67.5%. This figure was last updated July 6, 2016 and changes annually based on the most recent data. The data source is located here: https://www.huduser.gov/portal/datasets/cp.html.

2. For any dwelling units vacated or demolished within the five-year period preceding the application, if the income category of the units is not known, it shall be presumed that low- and very-low income renter households occupied these units in the same proportion of low- and very-low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) database.

The current proportion of low-income renter households (defined by those earning between 51%-80% of AMI in the current 2009-2013 CHAS data) in the City of Los Angeles is 18.8%, and the proportion of very low-income renter households (those earning below 50% of AMI) in the City of Los Angeles is 48.7%. These figures were last updated July 6, 2016 and change annually based on the most recent data. The data source is located here: https://www.huduser.gov/portal/datasets/cp.html.

AB 1934

The law provides certain development bonuses for commercial developers of non-residential floor area that partner with affordable housing developers in conjunction with their commercial projects. This law remains in effect only until January 1, 2022, unless repealed earlier.

A commercial developer of non-residential floor area, who has entered into an agreement to contribute affordable housing through a joint project (on-site) or two separate projects (off-site), shall be granted a development bonus for the non-residential floor area portion of the project. This may include any of the following incentives as approved by the Department of City Planning:

1. Up to a 20-percent increase in maximum allowable intensity;
2. Up to a 20-percent increase in maximum allowable floor area ratio;
3. Up to a 20-percent increase in maximum height requirements;
4. Up to a 20-percent reduction in minimum parking requirements;
5. Use of a limited-use/limited-application elevator for upper floor accessibility; and
6. An exception to a zoning ordinance or other land use regulation.

In order to qualify for a development bonus under this section, the provision of affordable housing must comply with the following:

1. A commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.
2. An affordable housing agreement between the commercial developer and the housing developer shall identify how the commercial developer will contribute affordable housing and shall be approved by the Department of City Planning and the Housing and Community Investment Department.
3. The commercial developer may directly build the units, provide land to an affordable housing developer for construction of affordable housing (on site or elsewhere), or make a payment to an affordable housing developer to be used towards the costs of constructing the affordable housing project.
4. An applicant shall be ineligible for a development bonus if the housing replacement provisions of CA Health and Safety Section 65915 (c)(3)(A) are not met.
5. If the developer of the affordable units does not commence and complete the construction of those units in accordance with timelines ascribed by the agreement described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development until the developer has completed construction of the affordable units.
6. A development bonus pursuant to this section shall not include a reduction or waiver of payment of a fee for the promotion or provision of affordable housing.
7. If affordable housing is provided off-site, it must be located within the City, in close proximity to public amenities (including schools and employment centers), and within one-half mile of a Major Transit Stop.

AB 2280 (2008)

Adopted in 2008, the same year as the City's density bonus ordinance, AB 2280 made several minor clarifications, most of which are already reflected in current City practice.

To be consistent with AB 2280, the Department will evaluate requests for a waiver or reduction of development standards (distinct from requested incentives and usually processed via Requests for Waiver or Modification of any Development Standard(s) Not on the Menu pursuant to LAMC 12.22 A.25(g)(3)) based on whether applying the development standard would physically preclude the construction of the housing development project that contains the permitted densities and incentives.

The bill also deleted the requirement that an applicant for a waiver or reduction in development standards show that the waiver or modification is "necessary to make proposed housing units economically feasible."

EXHIBIT B

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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September 15, 2020

MEMORANDUM FOR: Planning Directors and Interested Parties

FROM: Megan Kirkeby, Deputy Director
Division of Housing Policy Development

SUBJECT: **Housing Accountability Act Technical Assistance Advisory (Government Code Section 65589.5)**

The Housing Accountability Act (HAA), Government Code section 65589.5, establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. The Legislature first enacted the HAA in 1982 and recently amended the HAA to expand and strengthen its provisions as part of the overall recognition of the critically low volumes of housing stock in California. In amending the HAA, the Legislature made repeated findings that the lack of housing and the lack of affordable housing, is a critical problem that threatens the economic, environmental, and social quality of life in California. This Technical Assistance Advisory provides guidance on implementation of the HAA, including the following amendments.

Chapter 368, Statutes of 2017 (Senate Bill 167), Chapter 373, Statutes of 2017 (Assembly Bill 678) - Strengthens the HAA by increasing the documentation necessary and the standard of proof required for a local agency to legally defend its denial of low-to-moderate-income housing development projects, and requiring courts to impose a fine of $10,000 or more per unit on local agencies that fail to legally defend their rejection of an affordable housing development project.

Chapter 378, Statutes of 2017 (Assembly Bill 1515) – Establishes a reasonable person standard for determining conformance with local land use requirements.

Chapter 243, Statutes of 2018 (Assembly Bill 3194) -Expands the meaning of zoning consistency to include projects that are consistent with general plan designations but not zoning designation on a site if that zone is inconsistent with the general plan.

Chapter 654, Statutes of 2019 (Senate Bill 330) - Defined previously undefined terms such as objective standards and complete application and set forth vesting rights for projects that use a new pre-application process. Most of these provisions sunset on January 1, 2025, unless extended by the Legislature and Governor.

If you have any questions, or would like additional information or technical assistance, please contact the Division of Housing Policy Development at (916) 263-2911.

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What is the Housing Accountability Act?

The Housing Accountability Act (HAA) (Government Code Section 65589.5), establishes the state's overarching policy that a local government may not deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards. Before doing any of those things, local governments must make specified written findings based upon a preponderance of the evidence that a specific, adverse health or safety impact exists. Legislative intent language indicates that the conditions that would give rise to such a specific, adverse impact upon the public health and safety would occur infrequently.

Subdivision (d) of the HAA describes requirements applicable to housing development projects that include units affordable to very- low, low- and moderate-income households (including transitional and supportive housing) as well as emergency shelters and farmworker housing. Subdivision (j) describes requirements applicable to all housing development projects, including both market-rate and affordable housing developments. Subdivisions (k), (l), and (m) expand the potential consequences for violations of the HAA. In 2017, the Legislature also granted the California Department of Housing and Community Development (HCD) authority to refer HAA violations to the Office of the Attorney General in Government Code section 65585.

The HAA was originally enacted in 1982 to address local opposition to growth and change. Communities resisted new housing, especially affordable housing, and, consequently, multiple levels of discretionary review often prevented or delayed development. As a result, developers had difficulty ascertaining the type, quantity, and location where development would be approved. The HAA was intended to overcome the lack of certainty developers experienced by limiting local governments' ability to deny, make infeasible, or reduce the density of housing development projects.

Recognizing that the HAA was falling short of its intended goal, in 2017, 2018, and again in 2019, the Legislature amended the HAA no less than seven times to expand and strengthen its provisions. Key restrictions on local governments' ability to take action against housing development projects are set out in Government Code section 65589.5, subdivisions (d) and (j). The law was amended by Chapter 368 Statutes of 2017 (Senate Bill 167), Chapter 373 Statutes of 2017 (Assembly Bill 678) and Chapter 378 Statutes of 2017 (Assembly Bill 1515), as part of the California 2017 Housing Package. The law was further amended by Chapter 243, Statutes of 2018 (Assembly Bill 3194) and Chapter 654, Statutes of 2019 (Senate Bill 330).

Why Do We Need the Housing Accountability Act?

The Housing Accountability Act has been in effect since 1982. Since that time, California's housing supply has not kept up with population and job growth, and the affordability crisis has grown significantly due to an undersupply of housing, which compounds inequality and limits economic and social mobility. Housing is a fundamental component of a healthy, equitable community. Lack of adequate housing hurts millions of Californians, stifles economic opportunities for workers and businesses, worsens poverty and homelessness, and undermines the state's environmental and climate goals and compounds the racial equity gaps faced by many communities across the state.

The legislative intent of the HAA was to limit local governments' ability to deny, make infeasible, or reduce the density of housing development projects. After determining that implementation of the HAA was not meeting the intent of the statute, the Legislature has amended the HAA to expand its provisions, strengthening the law to meaningfully and effectively curb the capacity of local governments to deny, reduce the density or render housing development projects infeasible.

Legislative Housing Accountability Act Interpretation Guidance

"It is the policy of the state that this section (HAA) should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." Government Code Section 65589.5 (a)(2)(L)

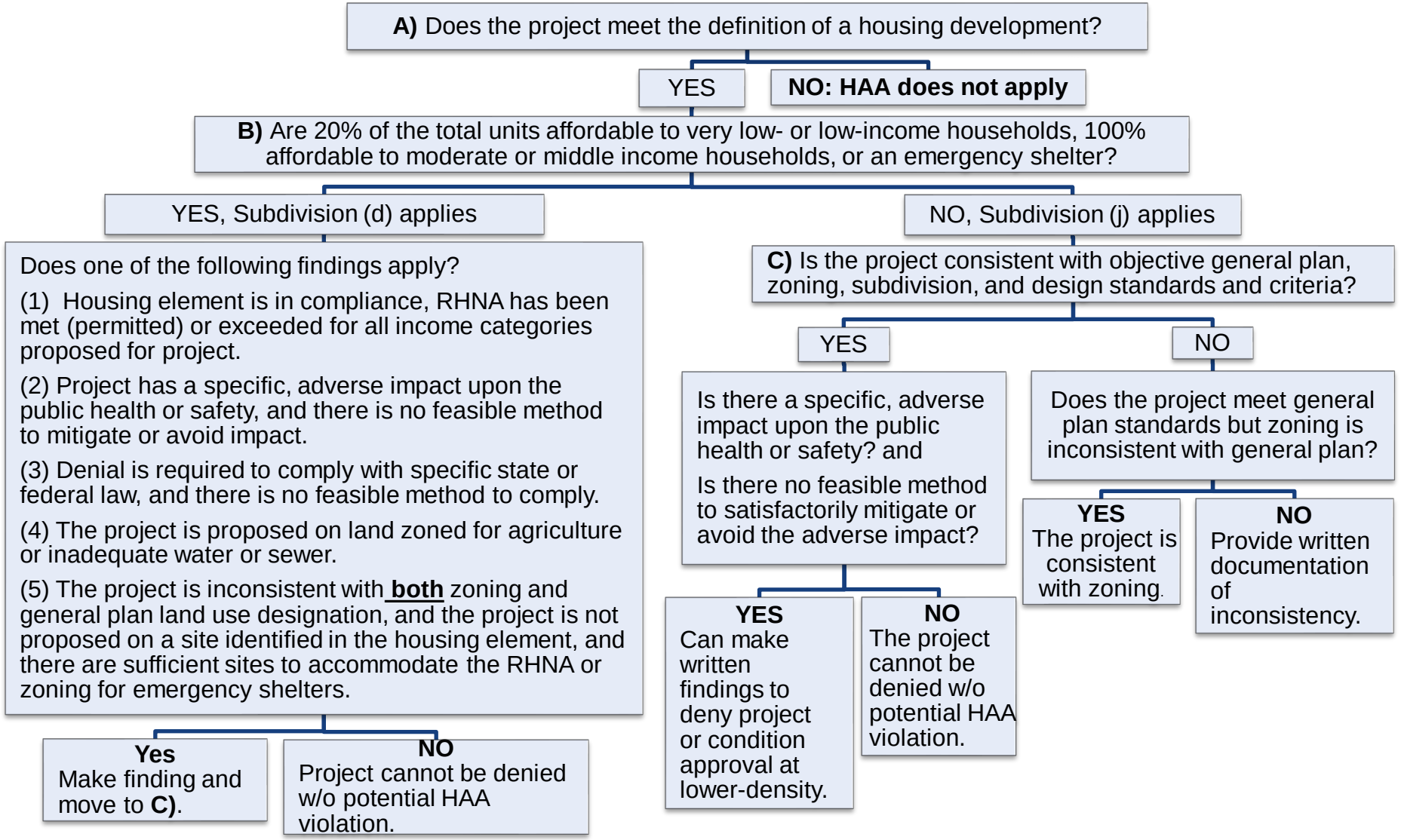
The following are findings and declarations found in the HAA pursuant to Government Code sections 65589.5(a):

- The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.
- California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.
- Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.
- Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.
- California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

- While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.
- The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.
- According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.
- California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions.
- Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.
- The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.
- When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.
- An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.
- California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

Housing Accountability Act Decision Matrix

This decision tree generally describes the components of the HAA. Both affordable and market-rate developments are protected by components of the HAA. The statute contains detailed requirements that affect the applicability of the HAA to a specific housing project based on its characteristics.



Key Provisions of the Housing Accountability Act

The HAA sets out restrictions on local governments' ability to take action against housing development projects in Government Code section 65589.5, subdivisions (d) and (j). Subdivision (d) describes requirements applicable to housing development projects that include units affordable to very-low, low-, and moderate-income households (including transitional and supportive housing) as well as emergency shelters and farmworker housing. Subdivision (j) describes requirements applicable to all housing development projects, including both market-rate and affordable housing developments[1]. In sum, the HAA significantly limits the ability of a local government to deny an affordable or market-rate housing project that is consistent with planning and zoning requirements. This table describes the various component parts of the HAA for ease of reference.

Topic	Subdivisions of Government Code Section 65589.5
Declarations and legislative intent	(a), (b), (c)
Provisions for housing affordable to very low, low-, or moderate-income households, or an emergency shelter	(d), (i)
Applicability of the statute to coastal zones, local laws, and charter cities	(e), (f), (g)
Definitions	(h)
Provisions relating to all housing developments	(j)
Consequences for violation	(k), (l), (m), (n)
Vesting rights for pre-applications (SB 330)	(o)

The following is an overview of key provisions of the HAA focusing on project qualifications, applicability of local standards, provisions that relate to all housing projects, provisions that relate just to housing affordable to lower- and moderate-income households and emergency shelters, and consequences for violation of the HAA. Appendix A includes a list of definitions of terms referenced throughout the HAA and Appendix B includes information related to the Preliminary Application Process pursuant to Senate Bill 330.

Housing Development Project Qualifications

In order for a development to qualify for the protections under the HAA it must meet the definition of a "housing development project". Furthermore, for a project to qualify for the affordable housing protections, it must also meet the definition of "Housing for very low-, low-, or moderate-income households".

[1] *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1072-1073

Housing Development Project Definition
Government Code, § 65589.5, subdivision (h)(2).

A “housing development project” means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term “units” is plural, a development must consist of more than one unit to qualify under the HAA. The development can consist of attached or detached units and may occupy more than one parcel, so long as the development is included in the same development application.

Housing for Very Low, Low-, or Moderate-Income Households
Government Code, § 65589.5, subdivision (h)(3).

In order to qualify as a housing development affordable to lower- or moderate- income households, the project must meet one of the following two criteria:

- At least 20 percent of the total units shall be sold or rented to lower income households. Lower-income households are those persons and families whose income does not exceed that specified by Health and Safety Code, § 50079.5, 80 percent of area median income.
- 100 percent of the units shall be sold or rented to persons and families of moderate income, or persons and families of middle income. Moderate-income households are those persons and families whose incomes are 80 percent to 120 percent of area median income (Health and Safety Code, § 50093.) Middle-income households are those persons and families whose income does not exceed 150 percent of area median income (Gov. Code, § 65008 subd. (c).)

In addition, the rental or sales prices of that housing cannot exceed the following standards:

- Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based.
- Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

Housing Developments Applying for the Streamlined Ministerial Approval Process Pursuant to Government Code Section 65913.4.

To facilitate and expedite the construction of housing, Chapter 366, Statutes of 2017 (SB 35, Wiener) established the availability of a Streamlined Ministerial Approval Process for developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need (RHNA). Recent amendments to the law clarified that projects utilizing the Streamlined Ministerial Approval Process qualify for the protections under the HAA (Gov. Code, § 65913.4, subd. (g)(2).)

Applicability of Local Standards

In addition to limiting the conditions for which a housing development project can be denied, the HAA also sets parameters around aspects of the approval process. Specifically, it defines:

- The type of development standards, conditions, and policies with which a housing development or emergency shelter can be required to comply
- Parameters for fees and exactions that can be imposed
- Standards that can be applied once an application is deemed complete
- Actions by a local government that would constitute a denial of a project or impose development conditions

These requirements are intended to provide developers with greater transparency and clarity in the entitlement process.

Objective Development Standards, Conditions, Policies, Fees, and Exactions
Government Code, § 65589.5, subdivision (f)

Local governments are not prohibited from requiring a housing development project or emergency shelter to comply with objective, quantifiable, written development standards, conditions, and policies (subject to the vesting provisions of the HAA and other applicable laws). However, those standards, conditions, and policies must meet the following criteria:

- Be appropriate to, and consistent with, meeting the local government's share of the RHNA or meeting the local government's need for emergency shelters as identified in the housing element of the general plan.
- Be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development or to facilitate and accommodate the development of the emergency shelter project.
- Meet the definition of "objective". Objective standards are those that involve no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

The intent of these provisions of the HAA is that developers are given certainty in what standards, conditions, and policies apply to their project and how those standards can be met. Local governments that deny a project due to a failure to meet subjective standards (those standards that are not objective as defined) could be in violation of the HAA. In addition, objective standards that do apply should make it feasible for a developer to build to the density allowed by the zoning and not constrain a local government's ability to achieve its RHNA housing targets.

Nothing in the statute generally prohibits a local government from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter. However, the HAA does impose limitations on the fees and exactions that can be imposed on a specific housing development project once a preliminary application is submitted (see Appendix C).

Determination of Application Completeness
Government Code, § 65589.5, subdivisions (d)(5), (h)(5) and (9), and (j)(1).

The process of submitting an application for a housing development project can be iterative. For example, applications that are missing information cannot be fully evaluated by a local government for compliance with local objective standards. Therefore, an application is not typically processed until it is "determined to be complete". The HAA currently uses two terms related to completeness, "deemed complete" and "determined to be complete."

Deemed Complete: For the purposes of the HAA, until January 1, 2025, "deemed complete" means the date on which a preliminary application was submitted under the provisions of Government Code section 65941.1. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the full information required by the local government for a housing development application. Submittal of this information allows a housing developer to "freeze" the applicable standards for their project while they assemble the rest of the material necessary for a full application submittal. This ensures development requirements do not change during this time, potentially adding costs to a project. No affirmative determination by a local government regarding the completeness of a preliminary application is required. (See Appendix C).

The term "deemed complete" triggers the "freeze date" for applicable development standards, criteria, or condition that can be applied to a project. Changes to the zoning ordinance, general plan land use designation, standards, and criteria, subdivision ordinance, and design review standards, made subsequent to the date the housing development project preliminary application was "deemed complete", cannot be applied to a housing development project or used to disapprove or condition approval of the project.

However, if the developer does not submit a preliminary application, the standards that must be applied are those that are in effect when the project is determined to be complete under the Permit Streamlining Act (Gov. Code § 65943).

Determined to be complete: Until January 1, 2025, the full application is "determined to be complete" when it is found to be complete under the Permit Streamlining Act (Gov. Code § 65943). This phrase triggers the timing provisions for the local government to provide written documentation of inconsistency with any applicable plan, program, policy, ordinance, standard, requirement, or other similar provision (see page 10 below for inconsistency determinations).

Completeness Determination of Development Application

Government Code section 65943 states that local governments have 30 days after an application for a housing development project is submitted to inform the applicant whether or not the application is complete. If the local government does not inform the applicant of any deficiencies within that 30-day period, the application will be "deemed complete", even if it is deficient.

If the application is determined to be incomplete, the local government shall provide the applicant with an exhaustive list of items that were not complete pursuant to the local government's submittal requirement checklist. Information not included in the initial list of deficiencies in the application cannot be requested in subsequent reviews of the application.

A development applicant who submitted a preliminary application has 90 days to complete the application after receiving notice that the application is incomplete, or the preliminary application will expire. Each time an applicant resubmits new information, a local government has 30 calendar days to review the submittal materials and to identify deficiencies in the application.

Please note, Government Code section 65943 is triggered by an application submitted with all of the requirements on lists compiled by the local government and available when the application was submitted that specifies in detail the information that will be required from any applicant for a development project pursuant to Government Code section 65940. This is not the "preliminary application" referenced in Government Code section 65941.1.

Triggers for a Disapproval of a Housing Development Project
Government Code, § 65589.5, subdivisions (h)(6)

The HAA does not prohibit a local government from exercising its authority to disapprove a housing development project, but rather provides limitations and conditions for exercising that authority. The HAA defines disapproval as when the local government takes one of the following actions:

- Votes on a proposed housing development project application and the application is disapproved. This includes denial of other required land use approvals or entitlements necessary for the issuance of a building permit. Examples include, but are not limited to, denial of the development application, tentative or final maps, use permits, or design review. If the project is using the Streamlined Ministerial Approval Process, disapproval of the application would trigger the provisions of the HAA.
- Fails to comply with decision time periods for approval or disapproval of a development application[2]. Until 2025, the following timeframes apply:
    - 90 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project.
    - 60 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project where at least 49 percent of the units in the development project are affordable to very low or low-income households[3], and where rents for the lower income units are set at an affordable rent[4] for at least 30 years and owner-occupied units are available at an affordable housing cost[5], among other conditions (see Gov Code § 65950).
    - 60 days from the date of adoption by the lead agency of a negative declaration.
    - 60 days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

[2] Timeframes are pursuant to Government Code section 65950
[3] As defined by Health and Safety Code sections 50105 and 50079.5
[4] Pursuant to Section 50053 of the Health and Safety Code
[5] Pursuant to Section 50052.5 of the Health and Safety Code

Imposition of Development Conditions

Government Code, § 65589.5, subdivisions. (d), (h)(7), and (i)

Like the ability to deny a project, the HAA does not prohibit a local government from exercising its authority to condition the approval of a project, but rather provides limitations and conditions for the application of certain conditions. Specifically, the HAA limits the application of conditions that lower the residential density of the project, and, for housing affordable to lower- and moderate-income households and emergency shelters, conditions that would have a substantial adverse impact on the viability or affordability of providing those units unless specific findings are made and supported by a preponderance of the evidence in the record[6].

For purposes of the HAA, "lower density" includes any conditions that have the same effect or impact on the ability of the project to provide housing. This could include a condition that directly lowers the overall number of units proposed (e.g., the development proposes 50 units, but the local government approves only 45 units). It could also include indirect conditions that result in a lower density (e.g., a development proposes 50 units at 800 square feet per unit but the local government conditions the approval on the provision of 850 square feet per unit, resulting in the project having to provide fewer units to accommodate the increase in square footage). Another example would be a reduction in building height that would result in the project being able to provide fewer units than originally proposed.

Local governments must also consider if imposed conditions of approval would have an adverse effect on a project's ability to provide housing for very low-, low-, or moderate-Income households at the affordability levels proposed in the housing development project. This includes provisions that would render the project for very low-, low-, or moderate-income households infeasible or would have a substantial adverse effect on the viability or affordability of the proposed housing. For example, project approval for an affordable housing development might be conditioned on the need to use specific materials that significantly increase the cost of the project. This additional cost could either render the project financially infeasible altogether or require substantial changes to the affordability mix of the units where fewer very low-income units could be provided. In these cases, it is possible that the conditions would violate the HAA.

Conditions that should be analyzed for their effect on density and project feasibility (for affordable projects) include, but are not limited to, the following:

- Design changes
- Conditions that directly or indirectly lower density
- Reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning.

[6] See Page13 for more information on the preponderance of the evidence standard.

Housing Accountability Act Provisions That Apply to All Housing Projects

The following provisions apply to all housing development projects regardless of affordability.

Determination of Consistency with Applicable Plans, Standards, or Other Similar Provision Based on the Reasonable Person Standard

Government Code, § 65589.5, subdivision (f)(4)

A key component of the HAA is the determination as to whether or not the proposed housing development project is consistent, compliant and in conformity with all applicable plans, programs, policies, ordinances, standards, requirements, and other similar provisions.

Traditionally, this determination is made by local government, which is given significant deference to interpret its own plans, programs, policies, ordinances, standards, requirements, and other similar provisions. In most planning and zoning matters, courts traditionally uphold an agency's determination if there is "substantial evidence" to support that determination. If substantial evidence supports the agency's decision, an agency can reach a conclusion that a development project is inconsistent with applicable provisions, even if there is evidence to the contrary.

Departing from these traditional rules, the HAA sets forth its own standard for determining consistency with local government rules for housing development projects and emergency shelters. A housing development project or emergency shelter is deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that could allow *a reasonable person* to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity with applicable standards and requirements. The intent of this provision is to provide an objective standard and increase the likelihood of housing development projects being found consistent, compliant and in conformity.

Applicability of Density Bonus Law

Government Code, § 65589.5, subdivision (j)(3)

The receipt of a density bonus pursuant to Density Bonus Law (Government Code § 65915) does not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision. Receipt of a density bonus can include a bonus in number of units, incentives, concessions, or waivers to development standards allowed under Density Bonus Law.[7]

General Plan and Zoning Consistency Standard

Government Code, § 65589.5, subdivision (j)(4)

For various reasons, there is at times inconsistency between standards in a general plan and zoning standards. For example, a local government may have amended the general plan, but

[7] Please note pursuant to Government Code § 65915, subd. (f) a receipt of a density bonus does not require an increase in density. An applicant can elect to ask for just the concessions, incentives, and waivers that the project qualifies for under State Density Bonus Law.

has not yet amended all of its municipal ordinances to assure vertical consistency[8]. Recognizing this, the HAA clarifies that if the zoning standards and criteria are inconsistent with applicable, objective general plan standards, but the development project is consistent with the applicable objective general plan standards for the site, then the housing development project cannot be found inconsistent with the standards and criteria of the zoning. Further, if such an inconsistency exists, the local agency may not require rezoning prior to housing development project approval.

However, the local agency may require the proposed housing development project to comply with the objective standards and criteria contained elsewhere in the zoning code that are consistent with the general plan designation. For example, if a site has a general plan land use designation of high density residential, but the site is zoned industrial, then a local government can require the project to comply with objective development standards in zoning districts that are consistent with the high density residential designation, such as a multifamily high density residential zone.

However, under the HAA, the standards and criteria determined to apply to the project must facilitate and accommodate development at the density allowed the general plan on the project site and as proposed by the housing development project.

Written Notification of Inconsistency
Government Code, § 65589.5, subdivision (j)(2)

If a local government considers a proposed housing development project to be inconsistent, non-compliant, or not in conformity with any applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the local government must provide written notification and documentation of the inconsistency, noncompliance, or inconformity. This requirement applies to all housing development projects, regardless of affordability level. The documentation must:

- Identify the specific provision or provisions and provide an explanation of the reason or reasons why the local agency considers the housing development to be inconsistent, non-compliant, or non-conformant with identified provisions.
- Be provided to the applicant within 30 days of a project application being deemed complete for projects containing 150 or fewer housing units.
- Be provided to the applicant within 60 days of a project application being deemed complete for projects containing over 150 units.

Consequence for Failure to Provide Written Documentation

If the local government fails to provide the written documentation within the required timeframe, the housing development project is deemed consistent, compliant and in conformity with applicable plans, programs, policies, ordinances, standards, requirements, or other similar provisions.

[8] Pursuant to Government Code § 65860, city and county, including a charter city, zoning ordinances must be consistent with the adopted general plan. This is known as vertical consistency.

Denial of a Housing Project that is Consistent with Applicable Plans, Standards, or Other Similar Provisions Based on the Preponderance of the Evidence Standard
Government Code, § 65589.5, subdivision (j)(1)

When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.

A **"specific, adverse impact"** means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Pursuant to Government Code section 65589.5 (a)(3) it is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety arise infrequently.

An example of a condition that does not constitute a specific, adverse impact would be criteria that requires a project to conform with "neighborhood character". Such a standard is not quantifiable and therefore would not meet the conditions set forth under the HAA.

- There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Preponderance of the Evidence Standard

In most actions, a local government is tasked with making findings or determinations based on "substantial evidence." Under the substantial evidence standard, local government is merely required to find reasonable, adequate evidence in support of their findings, even if the same or *even more* evidence supports a finding to the contrary.

Findings or determinations based on a "preponderance of the evidence" standard require that local governments weigh the evidence and conclude that the evidence on one side outweighs, preponderates over, is more than the evidence on the other side, not necessarily in the number or quantity, but in its convincing force upon those to whom it is addressed[9]. Evidence that is substantial, but not a preponderance of the evidence, does not meet this standard.

[9] People v. Miller (1916) 171 Cal. 649, 652. Harris v. Oaks Shopping Center (1999) 70 Cal.App.4th 206, 209 ("'Preponderance of the evidence' means evidence that has more convincing force than that opposed to it.").

Provisions Related to Housing Affordable to Very Low-, Low-, or Moderate-Income Household, Emergency Shelters, and Farmworker Housing

State Policy on Housing Project Approval

"It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article (RHNA) without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d)" Government Code, § 65589.5, subdivision (b).

The HAA provides additional protections for projects that contain housing affordable to very low-, low- or moderate-income households, including farmworker housing, or emergency shelters. State policy prohibits local governments from rejecting or otherwise making infeasible these types of housing development projects, including emergency shelters, without making specific findings.

Denial or Conditioning of Housing Affordable to Very Low-, Low- or Moderate-Income Households, Including Farmworker Housing, or Emergency Shelters
Government Code, § 65589.5, subdivision (d) and (i)

The HAA specifies findings that local governments must make, in addition to those in the previous section, if they wish to deny a housing development affordable to very low-, low-, or moderate-income housing (including farmworker housing) or emergency shelters. These requirements also apply when a local government wishes to condition such a project in a way that it would that render it infeasible or would have a substantial adverse effect on the viability or affordability of a housing development project for very low-, low-, or moderate-income households. In addition to the findings, described above, that apply to all housing development projects, a local government must also make specific findings based upon the preponderance of the evidence of one of the following:

(1) The local government has an adopted housing element in substantial compliance with California's Housing Element Law, contained in Article 10.6 of Government Code, *and* has met or exceeded development of its share of the RHNA in all income categories proposed in the housing development project. In the case of an emergency shelter, the local government shall have met or exceeded the need for emergency shelters as identified in the housing element. This requirement to meet or exceed its RHNA is in relationship to units built in the local government, not zoning. A local government's housing element Annual Progress Report pursuant to Government Code section 65400 can be used to demonstrate progress towards RHNA goals.

(2) The housing development project would have a specific, adverse impact upon public health or safety and there is no feasible method to mitigate or avoid the impact without rendering the housing development project unaffordable or financially infeasible. Specific to housing development projects affordable to very low-, low-, or moderate-income housing (including farmworker housing) or emergency shelters, specific, adverse impacts do not include inconsistency with the zoning ordinance or general plan land use designation or eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) Denial of the housing development project or the imposition of conditions is required to comply with specific state or federal law, *and* there is no feasible method to comply without

rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project is proposed on land zoned for agriculture or resource preservation that is either: (a) surrounded on two sides by land being used for agriculture or resource preservation; or (b) does not have adequate water or wastewater facilities to serve the housing development project.

(5) The housing development project meets both the following conditions:

- Is inconsistent with both the local government's zoning ordinance and the general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. This means this finding cannot be used in situations where the project is inconsistent with one (e.g., the general plan designation), but is consistent with the other (e.g., zoning ordinance).
- The local government has an adopted housing element in substantial compliance with housing element Law.

  Finding (5) *cannot* be used when any of the following occur:

  - The housing development project is proposed for a site identified as suitable or available for very low-, low-, or moderate-income households within a housing element and the project is consistent with the specified density identified in the housing element.
  - The local government has failed to identify sufficient adequate sites in its inventory of available sites to accommodate its RNHA, and the housing development project is proposed on a site identified in any element of its general plan for residential use or in a commercial zone where residential uses are permitted or conditionally permitted.
  - The local government has failed to identify a zone(s) where emergency shelters are allowed without a conditional use or other discretionary permit, or has identified such zone(s) but has failed to demonstrate that they have sufficient capacity to accommodate the need for emergency shelter(s), and the proposed emergency shelter is for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses.

Any of these findings must be based on a preponderance of the evidence. For details, see "Preponderance of the evidence standard" on page 12 for further information.

Violations of Housing Accountability Act

The courts are the primary authority that enforces the HAA. Actions can be brought by eligible plaintiffs and petitioners to the court for potential violations of the law. Similarly, HCD under Government Code section 65585 (j), can find that a local government has taken an action in violation of the HAA. In that case, after notifying a local government of the violation, HCD would refer the violation to the Office of the Attorney General who could file a petition against a local government in the Superior Court.

Eligible Plaintiffs and Petitioners

Government Code, § 65589.5, subdivision (k)(1)(A) and (k)(2)

The applicant, a person eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring action to enforce the HAA. A housing organization, however, may only file an action to challenge the disapproval of the housing development project and must have filed written or oral comments with the local government prior to its action on the housing development project.

"Housing organizations" means a trade or industry group engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households. A housing organization is entitled to reasonable attorney fees and costs when prevailing in an action. Labor unions, building associations, multifamily apartment management companies, and legal aid societies are examples of housing organizations.

Remedies

Government Code, § 65589.5, subdivision (k)(1)(A)

If the plaintiff or petitioner prevails, the court must issue an order compelling compliance with the HAA within 60 days. The court's order would at a minimum require the local agency to take action on the housing development project or emergency shelter during that time period. The court is further empowered to issue an order or judgment that actually directs the local government to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA. "Bad faith" includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

If the plaintiff or petitioner prevails, the court shall award reasonable attorney fees and costs of the suit to the plaintiff or petitioner for both affordable and market-rate housing development projects,[10] except in the "extraordinary circumstances" in which the court finds that awarding fees would not further the purposes of the HAA.

Local Agency Appeal Bond

Government Code, § 65589.5, subdivision (m)

If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant. In this provision, the Legislature has waived, to some degree, the immunity from damages that normally extends to local agencies, recognizing that the project applicant incurs costs due to the delay of its project when a local agency appeals. (Contrast Gov. Code, § 65589.5, subd. (m), with Code Civ. Proc., § 995.220, subd. (b) [local public entities do not have to post bonds].)

[10] / *Honchariw v. County of Stanislaus* (2013) 218 Cal.App.4th 1019, 1023–1024, which ruled to the contrary, was superseded by statutory changes in Senate Bill 167 (Stats. 2017, ch. 368, § 1), Assembly Bill 678 (Stats. 2017, ch. 373, § 1), and Senate Bill 330 (Stats. 2019, ch. 654, § 3).

Failure to Comply with Court Order
Government Code, § 65589.5, subdivision (k)(1)(B)(i), (k)(1)(C), and (l)

If the local government fails to comply with the order or judgment within 60 days of issuance, the court must impose a fine on the local government. The *minimum* fine that may be imposed is $10,000 per housing unit in the housing development project as proposed on the date the application was deemed complete. Please note, the use of the term "deemed complete" in this instance has the same meaning as "determined to be complete" as referenced on page 7. The monies are to be deposited into the State's Building Homes and Jobs fund or the Housing Rehabilitation Loan fund. In calculating the amount of the fine in excess of the minimum, the court is directed to consider the following factors:

- The local government's progress in meeting its RHNA and any previous violations of the HAA.
- Whether the local government acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA. If the court finds that the local government acted in bad faith, the total amount of the fine must be multiplied by five.

The court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and an order to approve the housing development project.

Court-Imposed Fines

Court-imposed fines begin at $10,000 per housing unit and could be much higher. If the court determines the local government acted in bad faith, the fine is multiplied by five. This equates to a minimum fine of $50,000 per unit.

Bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit. For example, in a recent Los Altos Superior Court order, the court issued an order directing the local agency to approve the housing development project and found that the local agency acted in bad faith when it disapproved the housing development because its denial was entirely without merit. The city's denial letter did not reflect that the city made a benign error in the course of attempting, in good faith, to follow the law by explaining to the developer how the project conflicted with objective standards that existed at the time of application; instead, the city denied the application with a facially deficient letter, employed strained interpretations of statute and local standards, and adopted a resolution enumerating insufficient reasons for its denial[11]. Bad faith can be demonstrated through both substantive decisions and procedural actions. In the Los Altos case, the court found that demanding an administrative appeal with less than a days' notice revealed bad faith. Repeated, undue delay may likewise reveal bad faith.

[11] Order Granting Consolidated Petitions for Writ of Mandate, 40 Main Street Offices, LLC v. City of Los Altos et al. (Santa Clara Superior Court Case No. 19CV349845, April 27, 2020), p. 38

APPENDIX A: Frequently Asked Questions

What types of housing development project applications are subject to the Housing Accountability Act (HAA)?

The HAA applies to both market rate and affordable housing development projects. (*Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1073.) It applies to housing development projects that consist of residential units and mixed-use developments when two-thirds or more of the square footage is designated for residential use. It also applies to transitional housing, supportive housing, farmworker housing, and emergency shelters. (Gov. Code, § 65589.5, subds. (d) and (h)(2).)

Does the Housing Accountability Act apply to charter cities?

Yes, the HAA applies to charter cities (Gov. Code, § 65589.5, subd. (g).)

Does the Housing Accountability Act apply to housing development projects in coastal zones?

Yes. However, local governments must still comply with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code) (Gov. Code, § 65589.5, subd. (e).)

Are housing developments still subject to the California Environmental Quality Act (CEQA) if they qualify for the protections under the Housing Accountability Act?

Yes. Jurisdictions are still required to comply with CEQA (Division 13 (commencing with Section 21000) of the Public Resources Code) as applicable to the project. (Gov. Code, § 65589.5, subd. (e).)

Does the California Department of Housing and Community Development have enforcement authority for the Housing Accountability Act?

Yes. HCD has authority to find that a local government's actions do not substantially comply with the HAA (Gov. Code, § 65585, subd. (j)(1).) In such a case, HCD may notify the California State Attorney General's Office that a local government has taken action in violation of the HAA.

If approval of a housing development project triggers the No-Net Loss Law, may a local government disapprove the project?

No. Triggering a required action under the No-Net Loss Law is not a valid basis to disapprove a housing development project. (Gov. Code, § 65863, subd. (c)(2).) The only valid reasons for disapproving a housing development project are defined in the HAA under subdivisions (d) and (j). Subdivision (j) contains requirements that apply to all housing development projects; subdivision (d) contains additional requirements for housing development projects for very low-, low- or moderate-income households or emergency shelters.

Does the Housing Accountability Act apply to a residential development project on an historic property?

Yes. The HAA does not limit the applicability of its provisions based on individual site characteristics or criteria. The local government may apply objective, quantifiable, written development standards, conditions, and policies related to historic preservation to the housing development project, so long as they were in effect when the application was deemed

complete[12]. The standards should be appropriate to, and consistent with, meeting the local government's regional housing need and facilitate development at the permitted density. (Gov. Code, § 65589.5, subd. (f)(1).) However, it should be noted that compliance with historic preservation laws may otherwise constrain the approval of a housing development.

Under the Housing Accountability Act, is the retail/commercial component of a mixed-use project subject to review when the housing component must be approved?

Yes. The local government may apply objective, quantifiable, written development standards, conditions and policies to the entirety of the mixed-use project, so long as they were in effect when the application was deemed complete. (Gov. Code, § 65589.5, subd. (f)(1).)

Does the Housing Accountability Act apply to subdivision maps and other discretionary land use applications?

Yes. The HAA applies to denials of subdivision maps and other discretionary land use approvals or entitlements necessary for the issuance of a building permit (Gov. Code, § 65589.5, subd (h)(6).)

Does the Housing Accountability Act apply to applications for individual single-family residences or individual Accessory Dwelling Units (ADUs)?

No. A "housing development project" means a use consisting of residential units only, mixed use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, or transitional or supportive housing. Because the term "units" is plural, a development has to consist of more than one unit to qualify under the HAA (Gov. Code, § 65589.5, subd. (h)(2).).

Does the Housing Accountability Act apply to an application that includes both a single-family residence and an Accessory Dwelling Unit?

Yes. Since an application for both a single-family residence and an ADU includes more than one residential unit, the HAA applies (Gov. Code, § 65589.5, subd. (h)(2).)

Does the Housing Accountability Act apply to an application for a duplex?

Yes. Since an application for a duplex includes more than one residential unit, the HAA applies. (Gov. Code, § 65589.5, subd. (h)(2).)

Does the Housing Accountability Act apply to market-rate housing developments?

Yes. Market-rate housing developments are subject to the HAA (Gov. Code, § 65589.5, subd. (h)(2).) In *Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, the court found the definition of "housing development project" was not limited to projects involving affordable housing and extended to market-rate projects. Market-rate housing development projects are subject to the requirements of paragraph (j) (Gov. Code, § 65589.5, subd. (j).)

[12] For purposes of determination of whether a site is historic, "deemed complete" is used with reference to Government Code §65940. See Government Code § 65913.10.

Under the Housing Accountability Act, if a housing development project is consistent with local planning rules, can it be denied or conditioned on a density reduction?

Yes. However, a local government may deny a housing development that is consistent with local planning rules, or condition it on reduction in density, only under very specific circumstances. (Gov. Code, § 65589.5, subds. (j)(1)(A), (B).) The local government must make written findings based on a preponderance of the evidence that both:

(1) The housing development project would have a specific, adverse impact upon public health or safety unless disapproved or approved at a lower density; and

(2) There is no feasible method to satisfactorily mitigate or avoid the impact.

(See definition of and specific requirements for finding of "specific, adverse impact" discussed below.)

Under the Housing Accountability Act, can a housing development project affordable to very low-, low-, or moderate-income households (including farmworker housing) or emergency shelter that is inconsistent with local planning requirements be denied or conditioned in a manner that renders it infeasible for the use proposed?

Yes, but only under specific circumstances. The local government must make written findings based on a preponderance of the evidence as to specific criteria. However, inconsistency with zoning does not justify denial or conditioning if the project is consistent with the general plan. (See Page 11 for more details). See also Gov. Code, § 65589.5, subds. (d)(1)-(5).)

Is there a definition for "specific, adverse impact" upon public health and safety?

Yes. The HAA provides that a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation is not such a specific, adverse impact upon the public health or safety. (Gov. Code, § 65589.5, subds. (d)(2) and (j)(1)(A).)

The HAA considers that such impacts would be rare: "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).)

Appendix B: Definitions

Area median income means area median income as periodically established by the HCD pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years. (Gov. Code, § 65589.5, subd. (h)(4).)

Bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit. (Gov. Code, § 65589.5, subd. (l).) This definition arises in the context of the action a local government takes when it disapproved or conditionally approved the housing development or emergency shelter in violation of the HAA.

Deemed complete means that the applicant has submitted a preliminary application pursuant to Government Code section 65941.1 (Gov. Code, § 65589.5, subd. (h)(5).) However, in Government Code section 65589.5(k)(1)(B)(i) deemed complete has the same meaning as "Determined to be Complete".

Determined to be complete means that the applicant has submitted a complete application pursuant to Government Code section 65943 (Gov. Code, § 65589.5, subd. (h)(9).)

Disapprove the housing development project means a local government either votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit, or fails to comply with specified timeframes in the Permit Streamlining Act. (Gov. Code, § 65589.5, subd. (h)(5).)

Farmworker housing means housing in which at least 50 percent of the units are available to, and occupied by, farmworkers and their households.

Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Gov. Code, § 65589.5, subd. (h)(1).)

Housing development project means a use consisting of any of the following: (1) development projects with only residential units, (2) mixed-use developments consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use, (3) transitional or supportive housing.

Housing organization means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. (Gov. Code, § 65589.5, subd. (k)(2).) This definition is relevant to the individuals or entities that have standing to bring an HAA enforcement action against a local agency.

Housing for very low-, low-, or moderate-income households means that either:

- At least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or

- One hundred (100) percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code.

Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based. (Gov. Code, § 65589.5, subd. (h)(3).)

Lower density (as used in the sense of "to lower density") means a reduction in the units built per acre. It includes conditions that directly lower density and conditions that effectively do so via indirect means. (Gov. Code, § 65589.5, subd. (h)(7).)

Mixed use means a development consisting of residential and non-residential uses with at least two-thirds of the square footage designated for residential use. (Gov. Code, § 65589.5, subd. (h)(2)(B).)

Objective means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official. (Gov. Code, § 65589.5, subd. (h)(2)(B).)

Regional housing needs allocation (RHNA) means the share of the regional housing needs assigned to each jurisdiction by income category pursuant to Government Code section 65584 though 65584.6.

Specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Gov. Code, § 65589.5, subds. (d)(2), (j)(1)(A).) This definition is relevant to the written findings that a local agency must make when it disapproves or imposes conditions on a housing development project or an emergency shelter that conforms with all objective standards. It is the express intent of the Legislature that the conditions that would give rise to a specific, adverse impact upon the public health and safety occur infrequently. (Gov. Code, § 65589.5, subd. (a)(3).)

Appendix C: Preliminary Application (Senate Bill 330, Statutes of 2019)

The Housing Crisis Act of 2019 (Chapter 654, Statutes of 2019 (SB 330)) strengthens protections for housing development projects under the Housing Accountability Act (HAA), Planning and Zoning Law, and the Permit Streamlining Act. The provisions set forth under SB 330 sunset in 2025.

Among other provisions, to increase transparency and certainty early in the development application process, SB 330 allows a housing developer the option of submitting a "preliminary application" for any housing development project. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the complete information required by the local government. Upon submittal of an application and a payment of the permit processing fee, a housing developer is allowed to "freeze" the applicable standards to their project early while they assemble the rest of the material necessary for a full application submittal. This ensures development requirements do not change during this time, adding costs to a project due to potential redesigns due to changing local standards.

Benefits of a Preliminary Application

Government Code, § 65589.5, subdivision (o)

The primary benefit of a preliminary application is that a housing development project is subject only to the ordinances, policies, standard, or any other measure (standards) adopted and in effect when a preliminary application was submitted. "Ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

However, there are some circumstances where the housing development project can be subjected to a standard beyond those in effect when a preliminary application is filed:

- In the case of a fee, charge, or other monetary exaction, an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.
- A preponderance of the evidence in the record establishes that the standard is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.
- The standard is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- The housing development project has not commenced construction within two and a-half years following the date that the project received final approval. "Final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:
    - The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition,

request for reconsideration, or legal challenge have been filed. If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

- The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. "Square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations). However, a local government is not prevented from applying the standards in effect at the time of the preliminary application submittal.
- Once a residential project is complete and a certificate of occupancy has been issued, local governments are not limited in the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

Contents of a Preliminary Application

Government Code, § 65941.1

Each local government shall compile a checklist and application form that applicants for housing development projects may use for submittal of a preliminary application. However, HCD has adopted a standardized form that may be used to submit a preliminary application if a local agency has not developed its own application form. The preliminary application form can be found on HCD's website.

The following are the items that are contained in the application form. Local government checklists or forms cannot require or request any information beyond these 17 items.

1. The specific location, including parcel numbers, a legal description, and site address, if applicable.
2. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.
3. A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.
4. The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.
5. The proposed number of parking spaces.
6. Any proposed point sources of air or water pollutants.
7. Any species of special concern known to occur on the property.
8. Whether a portion of the property is located within any of the following:
    - A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.
    - Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

- A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.
- A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
- A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

9. Any historic or cultural resources known to exist on the property.
10. The number of proposed below market rate units and their affordability levels.
11. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.
12. Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
13. The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
14. For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:
    - Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.
    - Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.
    - A tsunami run-up zone.
    - Use of the site for public access to or along the coast.
15. The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.
16. A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
17. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

Timing Provisions from Filing of a Preliminary Application to Determination of Consistency with Applicable Standards under the Housing Accountability Act

Step 1: Preliminary Application Submittal GC 65941.1

- Applicant submits preliminary application form.
- Applicant pays permit processing fees.
- No affirmative determination by local government regarding the completeness of a preliminary application is required.

Step 2: Full Application Submittal

- Applicant submits full application within 180 days of preliminary application submittal.
- Application contains all information required by the local government application checklist pursuant to Government Code Sections 65940, 65941, and 65941.5[13].

Step 3: Determination of Application Completeness GC 65943

- Local government has 30 days to determine application completeness and provide in writing both the determination of whether the application is complete and, when applicable, a list of items that were not complete. This list is based on the agency's submittal requirement checklist. If written notice is not provided within 30 days, the application is deemed complete.
- An applicant that has submitted a preliminary application has 90 days to correct deficiencies and submit the material needed to complete the application[14].
- Upon resubmittal, local government has 30 days to evaluate. Evaluation is based on previous stated items and the supplemented or amended materials. If still not correct, the local agency must specify those parts of the application that were incomplete and indicate the specific information needed to complete the application.
- Upon a third determination of an incomplete application, an appeals process must be provided.

Step 4: Application Consistency with Standards (HAA) GC 65589.5

- Identify the specific provision or provisions and provide an explanation of the reason or reasons why the local agency considers the housing development to be inconsistent, non-compliant, or non-conformant with identified provisions.

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[13] Government Codes § 65940, 65941, and 65941.5 require, among other things, a local government to compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Copies of the information shall be made available to all applicants for development projects and to any person who requests the information.

[14] The statute is silent on applications that did not use the preliminary application process. There is no statutory timeline for resubmittal in those instances.

- 30 days of a project application being deemed complete for projects containing 150 or fewer housing units.
- 60 days of a project application being deemed complete for projects containing over 150 units.

Step 5: Other Entitlement Process Requirements Pursuant to SB 330

- Pursuant to Government Code section 65905.5, if a proposed housing development project complies with the applicable, objective general plan and zoning standards, the local government can conduct a maximum of five hearings, including hearing continuances, in connection with the approval of the project. Compliance with applicable, objective general plan and zoning standards has the same meaning and provisions as in the HAA, including circumstances when there is inconsistency between the general plan and zoning.

  A "hearing" includes any public hearing, workshop, or similar meeting conducted by the local government with respect to the housing development project, whether by the legislative body of the city or county, the planning agency, or any other agency, department, board, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof. A "hearing" does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

  However, it should be noted nothing in this requirement supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to CEQA.

- Pursuant to Government Code section 65950, a local government must make a final decision on a residential project within 90 days after certification of an environmental impact report (or 60 days after adoption of a mitigated negative declaration or an environment report for an affordable housing project).

Appendix D: Housing Accountability Act Statute (2020)

GOVERNMENT CODE - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]
DIVISION 1. PLANNING AND ZONING [65000 - 66301]

CHAPTER 3. Local Planning [65100 - 65763]
ARTICLE 10.6. Housing Elements [65580 - 65589.11]

65589.5.
(a) (1) The Legislature finds and declares all of the following:

(A) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California.

(B) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(C) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

(2) In enacting the amendments made to this section by the act adding this paragraph, the Legislature further finds and declares the following:

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives.

(B) While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

(C) The crisis has grown so acute in California that supply, demand, and affordability fundamentals are characterized in the negative: underserved demands, constrained supply, and protracted unaffordability.

(D) According to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025.

(E) California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per

capita. Only one-half of California's households are able to afford the cost of housing in their local regions.

(F) Lack of supply and rising costs are compounding inequality and limiting advancement opportunities for many Californians.

(G) The majority of California renters, more than 3,000,000 households, pay more than 30 percent of their income toward rent and nearly one-third, more than 1,500,000 households, pay more than 50 percent of their income toward rent.

(H) When Californians have access to safe and affordable housing, they have more money for food and health care; they are less likely to become homeless and in need of government-subsidized services; their children do better in school; and businesses have an easier time recruiting and retaining employees.

(I) An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences.

(J) California's housing picture has reached a crisis of historic proportions despite the fact that, for decades, the Legislature has enacted numerous statutes intended to significantly increase the approval, development, and affordability of housing for all income levels, including this section.

(K) The Legislature's intent in enacting this section in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California's communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters. That intent has not been fulfilled.

(L) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

(3) It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety, as described in paragraph (2) of subdivision (d) and paragraph (1) of subdivision (j), arise infrequently.

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local governments should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The local government has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the local government has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the local government has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the local government shall be calculated consistently with the forms and definitions that may be adopted by HCD pursuant to Section 65400. In the case of an emergency shelter, the local government shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

(A) Inconsistency with the zoning ordinance or general plan land use designation.

(B) The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

(3) The denial of the housing development project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the local government's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the local government has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the local government's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the local government's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the local government's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low, low-, and moderate-income categories.

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) (1) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the local government's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

(2) Except as provided in subdivision (o), nothing in shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the local government's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this

code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) “Area median income” means area median income as periodically established by the HCD pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) Notwithstanding any other law, until January 1, 2025, “deemed complete” means that the applicant has submitted a preliminary application pursuant to Section 65941.1.

(6) “Disapprove the housing development project” includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved, including any required land use approvals or entitlements necessary for the issuance of a building permit.

(B) Fails to comply with the time periods specified in subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(7) “Lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(8) Until January 1, 2025, “objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

(9) Notwithstanding any other law, until January 1, 2025, “determined to be complete” means that the applicant has submitted a complete application pursuant to Section 65943.

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time housing development project’s the application is complete, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d), and that the findings are supported by a preponderance of the evidence in the record, and with the requirements of subdivision (o).

(j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and

accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the housing development project or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

(I) The local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households, including farmworker housing, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(II) The local agency, in violation of subdivision (j), disapproved a housing development project complying with applicable, objective general plan and zoning standards and criteria, or imposed a condition that the project be developed at a lower density, without making the findings required by this section or without making findings supported by a preponderance of the evidence.

(III) (ia) Subject to sub-subclause (ib), the local agency, in violation of subdivision (o), required or attempted to require a housing development project to comply with an ordinance, policy, or standard not adopted and in effect when a preliminary application was submitted.

(ib) This subclause shall become inoperative on January 1, 2025.

(ii) If the court finds that one of the conditions in clause(i) is met, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the housing development project or emergency shelter. The court may issue an order or judgment directing the local agency to approve the housing development project or emergency shelter if the court finds that the local agency acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section.

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars ($10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated

to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

(ii) If any money derived from a fine imposed pursuant to this subparagraph is deposited in the Housing Rehabilitation Loan Fund, then, notwithstanding Section 50661 of the Health and Safety Code, that money shall be available only upon appropriation by the Legislature.

(C) If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant consents to a different decision or action by the local agency.

(2) For purposes of this subdivision, “housing organization” means a trade or industry group whose local members are primarily engaged in the construction or management of housing units or a nonprofit organization whose mission includes providing or advocating for increased access to housing for low-income households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court’s order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, “bad faith” includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any

other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court's order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) (1) Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

(A) In the case of a fee, charge, or other monetary exaction, to an increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or other monetary exaction.

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

(C) Subjecting the housing development project to an ordinance, policy, standard, or any other measure, beyond those in effect when a preliminary application was submitted is necessary to avoid or substantially lessen an impact of the project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(D) The housing development project has not commenced construction within two and one-half years following the date that the project received final approval. For purposes of this subparagraph, "final approval" means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:

(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.

(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

(3) This subdivision does not prevent a local agency from subjecting the additional units or square footage of construction that result from project revisions occurring after a preliminary application is submitted pursuant to Section 65941.1 to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted.

(4) For purposes of this subdivision, "ordinances, policies, and standards" includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

EXHIBIT C

DOUGLASKIM+ASSOCIATES,LLC

To: **File**
From: **Douglas Kim, AICP**
CC:
Date: **January 5, 2022**
Re: **2111 Pacific Avenue Supplemental Noise Analysis**

This memo supplements DKA Planning's November 2019 technical report and its analysis of construction noise impacts from the Proposed Project at 2111 South Pacific Avenue in Los Angeles.

The November 2019 technical report was prepared consistent with City guidance at the time, including addressing whether construction activities would comply with Los Angeles Municipal Code (LAMC). Specifically, the analysis found that construction activities would meet the noise limits of LAMC Section 112.05, which limits noise from powered equipment to 75 dBA at 50 feet of distance. Compliance was largely a function of employing best practices, such as using advanced mufflers to dampen noise from internal combustion engines, use of temporary noise barriers, and locating equipment away from sensitive receptors.

Following a February 2020 ruling by a California Appellate Court (King and Gardiner Farms vs. County of Kern), the City called for noise analyses to determine whether construction noise impacts could elevate ambient noise levels near a Project Site. To do so, establish ambient noise levels at off-site sensitive receptors and modeling any changes to those conditions is appropriate.

As shown in Table 1, the cumulative impact of operating multiple pieces of construction equipment on-site would elevate ambient noise levels by up to 4.4 dBA L_{eq} at the nearest sensitive receptor.[1] Figure 1 illustrates how construction noise would propagate over the area near the Project Site.

[1] Assumes operation of up to four pieces of equipment (i.e., backhoe, dozer, excavator, grader) simultaneously on the 24,337 square-foot Project Site with a cumulative sound pressure level of 68.1 dB and full sphere propagation. Assumes best practices measures per Table 4 of November 2019 noise technical report.

Table 1
Construction Noise Impacts at Off-Site Sensitive Receptors

Receptor	Maximum Construction Noise Level (dBA L_{eq})	Existing Ambient Noise Level (dBA L_{eq})	New Ambient Noise Level (dBA L_{eq})	Increase (dBA L_{eq})	Potentially Significant?
1. 523 West 21st St residence	56.7	54.3	58.7	4.4	No
2. 2041 S. Pacific Ave residences	53.7	60.8	61.6	0.8	No
3. 2102 S. Pacific Ave residences	57.7	65.7	66.3	0.6	No
4. Pacific View Guest Home residences	44.5	67.1	67.1	0.0	No

Source: DKA Planning, 2022.
Note: As decibels are logarithmic units, they are not additive; instead, it is the ratio of two sound intensities that define the change in decibels.

Figure 1
Construction Noise Contours

As such, construction noise impacts from the Project Site would not result in a significant increase (i.e., 5 dBA L_{eq}) over existing conditions at analyzed sensitive receptors. Noise impacts at more distance residences and other sensitive receptors would be lesser given attenuation from intervening structures and distance from the Project Site.

EXHIBIT D

January 24, 2022

Armbruster Goldsmith and Delvac LLP
12100 Wilshire Boulevard, Suite 1600
Los Angeles, California 90025
Attn: Damon Mamalakis

Re: 2111 South Pacific Avenue - Construction Health Risk Assessment

Mr. Mamalakis:

Per your request, Air Quality Dynamics has prepared a health risk assessment (HRA) to quantify the impact of diesel particulate matter (DPM), which is identified as a toxic air contaminant pursuant to California Code of Regulations Section 93001, associated with the generation of off-road equipment emissions during construction of the proposed project. This was done to supplement the Air Quality Technical Report prepared by DKA Planning which evaluated criteria pollutant exposures associated with project construction and operation.

The HRA quantifies both carcinogenic risks and noncarcinogenic hazards for the maximum exposed residential receptor adjoining the project site. To ensure a viable quantification of exposure, the technical approach used in the preparation of the HRA was composed of all relevant and appropriate assessment and dispersion modeling methodologies presented by the U.S. Environmental Protection Agency, California Environmental Protection Agency and South Coast Air Quality Management District (SCAQMD).

Results of the HRA showed carcinogenic risk and noncarcinogenic hazard estimates for the maximum exposed residential receptor did not exceed identified significance thresholds. The following discussion outlines the methodology utilized to conduct the HRA and summarizes the protocol used to evaluate DPM exposures.

Source Identification

The project proposes the development of a 4-story mixed-use residential building comprised of 100 dwelling units (including 11 very low income households) with 1,800 square feet of ground floor retail space. Vehicular parking will be provided within two subterranean parking levels. A total of 10,944 square feet of open space is proposed, including 1,398 square feet of open-air courtyards, 5,400 square feet of rooftop deck and associated landscape features.

The site is currently improved with a 1,490 square foot single-tenant bar, surface parking and vacant space with twelve non-protected palm trees and ten non-protected palm trees along the public right-of-way. The project proposes removal of all existing improvements, non-protected trees and the export of approximately 20,000 cubic yards of soil to facilitate development of the site.

The project is located at 2111-2139 South Pacific Avenue on a 0.56 acre (24,336 square feet) parcel adjoining urban uses including multi-family residential buildings, commercial structures and single family dwellings.

It is anticipated that the project will begin and complete construction within a 19 month calendar period. Figure 1 presents an aerial photograph of the project location and adjoining community.

Figure 1
Site Location /Vicinity Aerial Photograph

Source Characterization

On-site construction emission estimates were based upon the Los Angeles-South Coast County profile generated by the CalEEMod land use emission software provided by DKA Planning. CalEEMod is an emissions model which provides a uniform platform quantifying pollutant emissions associated with project construction and operation. The model is considered a comprehensive tool for quantifying air quality impacts from projects located throughout the State prepared under the auspices of the California Environmental Quality Act (CEQA).

For this assessment, the off-road PM_{10} exhaust estimates reported by CalEEMod were used as a surrogate for DPM emissions which assumed diesel-powered construction equipment will meet EPA-certified Tier 4 emission standards. The emission rates for both winter and summer scenarios were found to be commensurate.

To assess localized impacts, construction phase, calendar year and number of days associated with each activity were identified to produce an average daily emission rate. Construction operations are reported to occur for 405 days over a 567 day period (i.e., 1.55 years) based upon a 5 day per week operational schedule which accounts for a portion of concurrent phase activities during building construction and architectural coating operations.

Table 1 provides a summary of estimated average daily particulate emissions associated with each identified construction phase and year. Attachment B presents the emission calculation worksheet used to quantify pollutant source strength. Excerpts from the CalEEMod output file which identify construction phase timelines and associated emission rates are provided in Attachment C.

Table 1
Average Daily Emissions/PM_{10}

Construction Phase/Year	Emissions (Lbs/Day)
Demolition/2020	0.1146
Grading/2020	0.1387
Building Construction/2020	0.0566
Building Construction/2021	0.0566
Building Construction/Architectural Coating/2021	0.0606
Building Construction/2021	0.0566
Average Daily Emissions	**0.0651**

Exposure Quantification

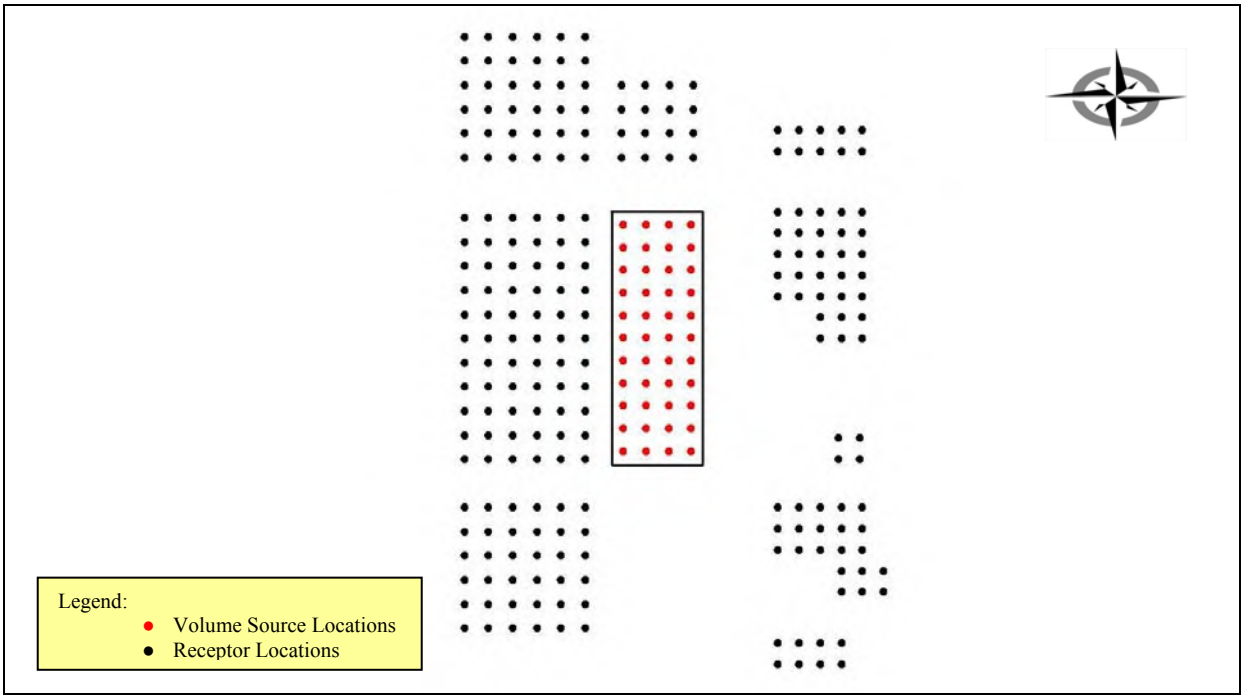
In order to assess the impact of DPM emissions, air quality modeling utilizing the AMS/EPA Regulatory Model AERMOD was performed. AERMOD is a steady-state Gaussian plume model applicable to directly emitted air pollutants that employs best state-of-practice parameterizations for characterizing meteorological influences and atmospheric dispersion. AERMOD is the U.S. Environmental Protection Agency's guideline model for the assessment of near-field pollutant dispersion.

The SCAQMD provides guidance (*Localized Significance Threshold Methodology*, July 2008) on the evaluation of localized air quality impacts to public agencies conducting environmental review of projects located within its jurisdiction. As such, source treatment outlined in the Localized Significance Threshold (LST) methodology was utilized whereby exhaust emissions from construction equipment were treated as a set of side-by-side elevated volume sources with a release height of five and an initial vertical (sigma z) dimension of 1.4 meters. The elevated source characterization accounts for a mid-range plume rise height associated with exhaust stack emissions for typical off-road equipment inventories. Horizontal (sigma y) parameters were produced by dividing source separation distances by a standard deviation of 2.15.

To accommodate a Cartesian grid format, direction dependent calculations were obtained by identifying the universal transverse mercator (UTM) coordinates for each volume source

location. UTM coordinates were also identified for residential receptors adjoining the project site. A flagpole receptor height of two meters was assumed and assigned to each receptor location. A graphical representation of the source-receptor grid network is presented in Figure 2.

Figure 2
Source-Receptor Grid Network



Refined air dispersion models require meteorological information to account for local atmospheric conditions. Due to their sensitivity to individual meteorological parameters such as wind speed and direction, the U.S. Environmental Protection Agency recommends that meteorological data used as input into dispersion models be selected on the basis of relative spatial and temporal conditions that exist in the area of concern. In response to this recommendation, meteorological data from the SCAQMD Long Beach Airport (Source Receptor Area 4) monitoring station which is located approximately 10 miles northeast of the project site was used to represent local weather conditions and prevailing winds. In a manner consistent with SCAQMD guidance for the assessment of chronic exposures, maximum concentrations were produced by incorporating all five years of available data. A model scalar value of 1 was assigned to account for emissions generated during construction related activity corresponding to 8 hours per day as reported in the CalEEMod construction profile from 8 a.m. to 4 p.m. (ending hours 9 to 16). A scalar value of 0 was used for non-operational hours. A copy of the AERMOD dispersion model output file is provided in Attachment D.

Risk Characterization

Carcinogenic compounds are not considered to have threshold levels (i.e., dose levels below which there are no risks). Any exposure, therefore, will have some associated risk. As a result, the State of California has established a threshold of one in one hundred thousand (1.0E-05) as a

level posing no significant risk for exposures to carcinogens regulated under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). This threshold is also consistent with the maximum incremental cancer risk established by the SCAQMD for projects prepared under CEQA.

Health risks associated with exposure to carcinogenic compounds can be defined in terms of the probability of developing cancer as a result of exposure to a chemical at a given concentration. Under a deterministic approach (i.e., point estimate methodology), the cancer risk probability is determined by multiplying the chemical's annual concentration by its unit risk factor (URF). The URF is a measure of the carcinogenic potential of a chemical when a dose is received through the inhalation pathway. It represents an upper bound estimate of the probability of contracting cancer as a result of continuous exposure to an ambient concentration of one microgram per cubic meter ($\mu g/m^3$) over a 70 year lifetime. The URF and corresponding cancer potency factor for DPM utilized in the assessment was obtained from the *Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values*.

A review of available guidance was conducted to determine applicability of the use of early life exposure adjustments to identified carcinogens. For risk assessments conducted under the auspices of The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly, Statutes of 1987; Health and Safety Code Section 44300 et seq.) a weighting factor is applied to all carcinogens regardless of purported mechanism of action. Notwithstanding, applicability of AB 2588 is limited to commercial and industrial operations. There are two broad classes of facilities subject to the AB 2588 Program: Core facilities and facilities identified within discrete industry-wide source categories. Core facilities subject to AB 2588 compliance are sources whose criteria pollutant emissions (particulate matter, oxides of sulfur, oxides of nitrogen and volatile organic compounds) are 25 tons per year or more as well as those facilities whose criteria pollutant emissions are 10 tons per year or more but less than 25 tons per year. Industry-wide source facilities are classified as smaller operations with relatively similar emission profiles (e.g., auto body shops, gas stations and dry cleaners using perchloroethylene). The off-road source emissions generated from the construction of the proposed project are not classified as core operations nor subject to industry-wide source evaluation.

As such, the HRA relied upon U.S. Environmental Protection Agency guidance relating to the use of early life exposure adjustment factors (*Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens*, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act "through the mutagenic mode of action." In 2006, the U.S. Environmental Protection Agency published a memorandum which provides guidance regarding the preparation of health risk assessments should carcinogenic compounds elicit a mutagenic mode of action (USEPA, 2006). As presented in the technical memorandum, numerous compounds were identified as having a mutagenic mode of action. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise < 1% of the exhaust particulate mass. To date, the U.S. Environmental Protection Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action (USEPA, 2018).

As a commenting agency, the SCAQMD has not provided guidance nor developed policy relating to the applicability of applying early life exposure adjustment factors for projects prepared by other public/lead agencies subject to CEQA. Additionally, the California Department of Toxic Substances Control (DTSC) which is charged with protecting individuals and the environment from the effects of toxic substances is also responsible for assessing, investigating and evaluating sensitive receptor populations to ensure that properties are free of contamination or that health protective remediation levels are achieved has adopted the U.S. Environmental Protection Agency's policy in the application of early life exposure adjustments. As such, incorporation of early life exposure adjustments for exposures to DPM emissions in the quantification of carcinogenic risk for construction of the proposed project were not considered in the HRA.

To quantify dose, the procedure requires the incorporation of several discrete exposure variates. To account for upper-bound exposures associated with residential occupancies, lifetime risk values were adjusted to account for an exposure frequency of 261 days per year for a period of 1.55 years (i.e., 0.25 years for the third trimester and 1.3 years for the 0 to 2 year age group). Point estimates for daily breathing rates representing the 95th percentile of 361 and 1090 L/kg-day for the identified age groups were utilized and incorporated into the following dose algorithm.

$$Dose_{air} = C_{air} \times \{BR/BW\} \times A \times EF \times 10^{-6}$$

Where:

$Dose_{air}$	=	*dose through inhalation (mg/kg/day)*
C_{air}	=	*concentration of contaminant in air (µg/m^3)*
$\{BR/BW\}$	=	*daily breathing rate normalized to body weight (L/kg body weight/day)*
A	=	*inhalation absorption factor (unitless)*
EF	=	*exposure frequency (days/365 days)*
10^{-6}	=	*micrograms to milligrams conversion*

Inhalation dose values for each age group were incorporated into the following equation to produce carcinogenic risk estimates for residential occupancies commensurate with the duration of construction activity:

$$Risk_{inh} = Dose_{air} \times CPF \times ED/AT \times FAH$$

Where:

$Risk_{inh}$	=	*inhalation cancer risk*
$Dose_{air}$	=	*daily inhalation dose (mg/kg/day)*
CPF	=	*inhalation cancer potency factor (mg/kg/day^{-1})*
ED	=	*exposure duration for specified age group (years)*
AT	=	*averaging time (years)*
FAH	=	*fraction of exposure time (unitless)*

Table 2 presents the carcinogenic risk estimate for the maximum exposed residential receptor. Attachment A, Tables A1 and A2, column b identify the predicted DPM concentration,

columns f-h, present the URF, corresponding cancer potency factor and dose for each exposure scenario. The cancer risk estimate is presented in column i.

Table 2
Carcinogenic Risk / Maximum Exposed Residential Receptor

Age Group	Risk
Third Trimester	5.4E-08
0 to 2 years	8.4E-07
Total	**9.0E-07**

Note: 9.0E-07 denotes an excess case of cancer of 0.09 in one hundred thousand (100,000) individuals exposed.

As noted above, the cancer risk for the maximum exposed residential receptor is predicted to be well below the significance threshold of one in one hundred thousand (1.0E-05).

An evaluation of the potential noncancer effects of DPM exposure was also conducted. Under the point estimate approach, adverse health effects are evaluated by comparing the pollutant concentration with the appropriate Reference Exposure Level (REL). The chronic REL presented in the *Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values* was considered in the assessment. There are no available acute/8-hour reference exposure levels for DPM.

To quantify noncarcinogenic impacts, the hazard index approach was used. The hazard index assumes that subthreshold exposures adversely affect a specific organ or organ system (i.e., toxicological endpoint). To calculate the hazard index, the pollutant concentration or dose is divided by its toxicity value. Should the total equal or exceed one (i.e., unity), a health hazard is presumed to exist. No exposure frequency or duration adjustments are considered for noncarcinogenic exposures.

For chronic noncarcinogenic effects, the hazard index for the respiratory endpoint totaled less than one for the maximum exposed residential receptor.

Table 3 presents the hazard index value for the maximum exposed residential receptor. Attachment A, Tables A1 and A2, column j presents the REL used in the evaluation of chronic noncarcinogenic exposure. The noncancer hazard index generated from off-road equipment activity is presented in column k.

Table 3
Noncarcinogenic Hazards

Receptor	Hazard
Residential	1.3E-02

Note: 1.3E-02 is commensurate with a numeric value of 0.013.

Conclusion

Based upon the predicted carcinogenic risk and noncarcinogenic hazard estimates for the residential exposure scenario, the HRA demonstrates that construction of the proposed project will not result in unacceptable localized impacts.

I can be reached at (818) 703-3294 should you have any questions or require additional information.

Sincerely,

Bill Piazza

Attachment A: Carcinogenic Risk/Noncarcinogenic Hazard Calculation Worksheets
Attachment B: Emission Calculation Worksheet
Attachment C: CalEEMod Output File
Attachment D: Dispersion Model Output File
Attachment E: List of References

ATTACHMENT A

Carcinogenic Risk/Noncarcinogenic Hazard Calculation Worksheets

Table A1
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
Third Trimester Exposure / Maximum Receptor Location

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards / Toxicological Endpoints*								
					URF	CPF	DOSE	RISK	REL	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
On-Site Exhaust	0.06516	6.52E-05	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	1.7E-05	5.4E-08	5.0E+00	1.3E-02							
TOTAL								5.4E-08		1.3E-02	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

* Key to Toxicological Endpoint

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effect
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intak

exposure frequency (days/year)	261
exposure duration (years)	0.25
inhalation rate (L/kg-day))	361
inhalation absorption factor	1
averaging time (years)	70
fraction of exposure time	0.85

Table A2
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
0 to 2 Year Exposure / Maximum Receptor Location

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards / Toxicological Endpoints*								
					URF	CPF	DOSE	RISK	REL	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)
On-Site Exhaust	0.06516	6.52E-05	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	5.1E-05	8.4E-07	5.0E+00	1.3E-02							
TOTAL								8.4E-07		1.3E-02	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

* Key to Toxicological Endpoint

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effect
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intak

exposure frequency (days/year)	261
exposure duration (years)	1.30
inhalation rate (L/kg-day))	1090
inhalation absorption factor	1
averaging time (years)	70
fraction of exposure time	0.85

ATTACHMENT B

Emission Calculation Worksheet

Emission Calculation Worksheet

Emissions	Phase	Year	Lb/Day	# Days	Emissions
On-Site	Demolition	2020	0.1146	22	2.5212
Exhaust PM 10	Grading	2020	0.1387	22	3.0514
	Building Construction	2020	0.0566	122	6.9052
	Building Construction	2021	0.0566	64	3.6224
	Building Construction/Architectural Coating	2021	0.0606	87	5.2687
	Building Construction	2021	0.0566	88	4.9808
				405	26.3497
	Average Daily Construction (Lb/Day)				0.0651

Exhaust PM10			Combustion mass	Combustion g/s/source
	Combustion Sources	44	0.0651	2.3288E-05

ATTACHMENT C

CalEEMod Output File

2111 South Pacific Avenue Future - Los Angeles-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

2111 South Pacific Avenue Future

Los Angeles-South Coast County, Winter

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	5/1/2020	6/1/2020	5	22	
2	Grading	Grading	6/15/2020	7/14/2020	5	22	
3	Building Construction	Building Construction	7/15/2020	12/1/2021	5	361	
4	Architectural Coating	Architectural Coating	4/1/2021	8/1/2021	5	87	

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Dumpers/Tenders	5	8.00	16	0.38
Demolition	Excavators	1	8.00	158	0.38
Demolition	Rubber Tired Dozers	1	1.00	247	0.40
Demolition	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Bore/Drill Rigs	1	8.00	221	0.50
Grading	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Dumpers/Tenders	5	8.00	16	0.38
Grading	Excavators	2	8.00	158	0.38
Grading	Rubber Tired Dozers	1	1.00	247	0.40
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Building Construction	Air Compressors	2	8.00	78	0.48
Building Construction	Cement and Mortar Mixers	2	8.00	9	0.56
Building Construction	Cranes	1	4.00	231	0.29

Building Construction	Forklifts	1	8.00	89	0.20
Building Construction	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Replace Ground Cover

Water Exposed Area

Clean Paved Roads

3.2 Demolition - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5698	0.0000	0.5698	0.0863	0.0000	0.0863			0.0000			0.0000
Off-Road	0.5634	3.1748	13.0230	0.0209		0.1146	0.1146		0.1146	0.1146	0.0000	1,952.0552	1,952.0552	0.4114		1,962.3392
Total	**0.5634**	**3.1748**	**13.0230**	**0.0209**	**0.5698**	**0.1146**	**0.6844**	**0.0863**	**0.1146**	**0.2009**	**0.0000**	**1,952.0552**	**1,952.0552**	**0.4114**		**1,962.3392**

3.3 Grading - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.3270	0.0000	0.3270	0.1602	0.0000	0.1602			0.0000			0.0000
Off-Road	0.7439	3.9568	21.2286	0.0355		0.1387	0.1387		0.1387	0.1387	0.0000	3,361.9805	3,361.9805	0.8674		3,383.6644
Total	**0.7439**	**3.9568**	**21.2286**	**0.0355**	**0.3270**	**0.1387**	**0.4657**	**0.1602**	**0.1387**	**0.2988**	**0.0000**	**3,361.9805**	**3,361.9805**	**0.8674**		**3,383.6644**

3.4 Building Construction - 2020

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.3270	1.6441	12.6487	0.0200		0.0566	0.0566		0.0566	0.0566	0.0000	1,880.5234	1,880.5234	0.4014		1,890.5581
Total	**0.3270**	**1.6441**	**12.6487**	**0.0200**		**0.0566**	**0.0566**		**0.0566**	**0.0566**	**0.0000**	**1,880.5234**	**1,880.5234**	**0.4014**		**1,890.5581**

3.4 Building Construction - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.3270	1.6441	12.6485	0.0200		0.0566	0.0566		0.0566	0.0566	0.0000	1,880.7611	1,880.7611	0.3949		1,890.6326
Total	**0.3270**	**1.6441**	**12.6485**	**0.0200**		**0.0566**	**0.0566**		**0.0566**	**0.0566**	**0.0000**	**1,880.7611**	**1,880.7611**	**0.3949**		**1,890.6326**

3.5 Architectural Coating - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	5.0645					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.0297	0.1288	1.8324	2.9700e-003		3.9600e-003	3.9600e-003		3.9600e-003	3.9600e-003	0.0000	281.4481	281.4481	0.0193		281.9309
Total	**5.0942**	**0.1288**	**1.8324**	**2.9700e-003**		**3.9600e-003**	**3.9600e-003**		**3.9600e-003**	**3.9600e-003**	**0.0000**	**281.4481**	**281.4481**	**0.0193**		**281.9309**

ATTACHMENT D

Dispersion Model Output File

```
**BEE-Line Software:  (Version 12.07) data input file
**  Model: AERMOD.EXE     Input File Creation Date: 1/22/2022  Time: 9:28:01 AM
NO ECHO

  *** Message Summary For AERMOD Model Setup ***

  --------- Summary of Total Messages --------

 A Total of            0 Fatal Error Message(s)
 A Total of            2 Warning Message(s)
 A Total of            0 Informational Message(s)


    ******** FATAL ERROR MESSAGES ********
               ***  NONE  ***



    ********   WARNING MESSAGES   ********
 ME W186     393       MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold used          0.50
 ME W187     393       MEOPEN: ADJ_U* Option for Stable Low Winds used in AERMET

 *********************************
 *** SETUP Finishes Successfully ***
 *********************************

 *** AERMOD - VERSION 21112  ***   *** 2111 South Pacific Avenue                                    ***        01/22/22
 *** AERMET - VERSION  16216 ***   *** Construction Scenario / DPM Emissions                        ***        09:28:20
                                                                                                              PAGE   1
 *** MODELOPTs:    RegDFAULT  CONC  ELEV  FLGPOL  NODRYDPLT  NOWETDPLT  URBAN  ADJ_U*

                                          ***     MODEL SETUP OPTIONS SUMMARY       ***
 - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

 **Model Is Setup For Calculation of Average CONCentration Values.

   --  DEPOSITION LOGIC  --
 **NO GAS DEPOSITION Data Provided.
 **NO PARTICLE DEPOSITION Data Provided.
 **Model Uses NO DRY DEPLETION.  DRYDPLT  =  F
 **Model Uses NO WET DEPLETION.  WETDPLT  =  F

 **Model Uses URBAN Dispersion Algorithm for the SBL for    44 Source(s),
   for Total of    1 Urban Area(s):
   Urban Population =   9818605.0 ;  Urban Roughness Length =  1.000 m

 **Model Uses Regulatory DEFAULT Options:
        1. Stack-tip Downwash.
        2. Model Accounts for ELEVated Terrain Effects.
        3. Use Calms Processing Routine.
        4. Use Missing Data Processing Routine.
        5. No Exponential Decay.
        6. Urban Roughness Length of 1.0 Meter Assumed.

 **Other Options Specified:
        ADJ_U*   - Use ADJ_U* option for SBL in AERMET
        CCVR_Sub - Meteorological data includes CCVR substitutions
        TEMP_Sub - Meteorological data includes TEMP substitutions

 **Model Accepts FLAGPOLE Receptor Heights.

 **The User Specified a Pollutant Type of:  OTHER

 **Model Calculates ANNUAL Averages Only

 **This Run Includes:     44 Source(s);       1 Source Group(s); and     228 Receptor(s)

                with:      0 POINT(s), including
                           0 POINTCAP(s) and      0 POINTHOR(s)
                 and:     44 VOLUME source(s)
                 and:      0 AREA type source(s)
                 and:      0 LINE source(s)
                 and:      0 RLINE/RLINEXT source(s)
                 and:      0 OPENPIT source(s)
                 and:      0 BUOYANT LINE source(s) with a total of     0 line(s)
```

**Model Set To Continue RUNning After the Setup Testing.

**The AERMET Input Meteorological Data Version Date: 16216

**Output Options Selected:
        Model Outputs Tables of ANNUAL Averages by Receptor
        Model Outputs External File(s) of High Values for Plotting (PLOTFILE Keyword)
        Model Outputs Separate Summary File of High Ranked Values (SUMMFILE Keyword)

**NOTE: The Following Flags May Appear Following CONC Values: c for Calm Hours
                                                                m for Missing Hours
                                                                b for Both Calm and Missing Hours

**Misc. Inputs: Base Elev. for Pot. Temp. Profile (m MSL) =   10.00 ; Decay Coef. =   0.000   ; Rot. Angle =   0.0
                 Emission Units = GRAMS/SEC   ; Emission Rate Unit Factor =   0.10000E+07
                 Output Units   = MICROGRAMS/M**3

**Approximate Storage Requirements of Model =   3.6 MB of RAM.

**Input Runstream File: F:\WD Passport\san pedro 2\model\PACIFIC AVENUE_CONSTRUCTION_DPM2_2012-2016_OTHER.DTA
**Output Print File: F:\WD Passport\san pedro 2\model\PACIFIC AVENUE_CONSTRUCTION_DPM2_2012-2016_OTHER.LST

**File for Summary of Results: F:\WD Passport\san pedro 2\model\PACIFIC AVENUE_CONSTRUCTION_DPM2_2012-2016_OTHER.SUM

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** VOLUME SOURCE DATA ***

SOURCE ID	NUMBER PART. CATS.	EMISSION RATE (GRAMS/SEC)	X (METERS)	Y (METERS)	BASE ELEV. (METERS)	RELEASE HEIGHT (METERS)	INIT. SY (METERS)	INIT. SZ (METERS)	URBAN SOURCE	EMISSION RATE SCALAR VARY BY
C_1	0	0.23288E-04	380631.8	3732341.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_2	0	0.23288E-04	380639.2	3732341.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_3	0	0.23288E-04	380646.8	3732341.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_4	0	0.23288E-04	380654.2	3732341.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_5	0	0.23288E-04	380631.8	3732349.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_6	0	0.23288E-04	380639.2	3732349.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_7	0	0.23288E-04	380646.8	3732349.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_8	0	0.23288E-04	380654.2	3732349.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_9	0	0.23288E-04	380631.8	3732356.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_10	0	0.23288E-04	380639.2	3732356.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_11	0	0.23288E-04	380646.8	3732356.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_12	0	0.23288E-04	380654.2	3732356.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_13	0	0.23288E-04	380631.8	3732364.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_14	0	0.23288E-04	380639.2	3732364.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_15	0	0.23288E-04	380646.8	3732364.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_16	0	0.23288E-04	380654.2	3732364.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_17	0	0.23288E-04	380631.8	3732371.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_18	0	0.23288E-04	380639.2	3732371.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_19	0	0.23288E-04	380646.8	3732371.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_20	0	0.23288E-04	380654.2	3732371.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_21	0	0.23288E-04	380631.8	3732379.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_22	0	0.23288E-04	380639.2	3732379.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_23	0	0.23288E-04	380646.8	3732379.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_24	0	0.23288E-04	380654.2	3732379.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_25	0	0.23288E-04	380631.8	3732386.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_26	0	0.23288E-04	380639.2	3732386.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_27	0	0.23288E-04	380646.8	3732386.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_28	0	0.23288E-04	380654.2	3732386.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_29	0	0.23288E-04	380631.8	3732394.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_30	0	0.23288E-04	380639.2	3732394.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_31	0	0.23288E-04	380646.8	3732394.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_32	0	0.23288E-04	380654.2	3732394.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_33	0	0.23288E-04	380631.8	3732401.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_34	0	0.23288E-04	380639.2	3732401.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_35	0	0.23288E-04	380646.8	3732401.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_36	0	0.23288E-04	380654.2	3732401.8	22.0	5.00	3.49	1.40	YES	HROFDY

C_37	0	0.23288E-04	380631.8	3732409.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_38	0	0.23288E-04	380639.2	3732409.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_39	0	0.23288E-04	380646.8	3732409.2	22.0	5.00	3.49	1.40	YES	HROFDY
C_40	0	0.23288E-04	380654.2	3732409.2	22.0	5.00	3.49	1.40	YES	HROFDY

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** VOLUME SOURCE DATA ***

SOURCE ID	NUMBER PART. CATS.	EMISSION RATE (GRAMS/SEC)	X (METERS)	Y (METERS)	BASE ELEV. (METERS)	RELEASE HEIGHT (METERS)	INIT. SY (METERS)	INIT. SZ (METERS)	URBAN SOURCE	EMISSION RATE SCALAR VARY BY
C_41	0	0.23288E-04	380631.8	3732416.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_42	0	0.23288E-04	380639.2	3732416.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_43	0	0.23288E-04	380646.8	3732416.8	22.0	5.00	3.49	1.40	YES	HROFDY
C_44	0	0.23288E-04	380654.2	3732416.8	22.0	5.00	3.49	1.40	YES	HROFDY

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** SOURCE IDs DEFINING SOURCE GROUPS ***

SRCGROUP ID	SOURCE IDs
ALL	C_1 , C_2 , C_3 , C_4 , C_5 , C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 , C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 , C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , C_29 , C_30 , C_31 , C_32 , C_33 , C_34 , C_35 , C_36 , C_37 , C_38 , C_39 , C_40 , C_41 , C_42 , C_43 , C_44 ,

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** SOURCE IDs DEFINED AS URBAN SOURCES ***

URBAN ID	URBAN POP	SOURCE IDs
	9818605.	C_1 , C_2 , C_3 , C_4 , C_5 , C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 , C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 , C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , C_29 , C_30 , C_31 , C_32 , C_33 , C_34 , C_35 , C_36 , C_37 , C_38 , C_39 , C_40 , C_41 , C_42 , C_43 , C_44 ,

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_1 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_2 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_3 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_4 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_5 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_6 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_7 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_8 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_9 ; SOURCE TYPE = VOLUME :

```
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00


SOURCE ID = C_10         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00

*** AERMOD - VERSION 21112  ***   *** 2111 South Pacific Avenue                                          ***        01/22/22
*** AERMET - VERSION  16216 ***   *** Construction Scenario / DPM Emissions                              ***        09:28:20
                                                                                                                  PAGE   8
*** MODELOPTs:    RegDFAULT  CONC  ELEV  FLGPOL  NODRYDPLT  NOWETDPLT  URBAN  ADJ_U*

                        * SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

    HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR
- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -


SOURCE ID = C_11         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00


SOURCE ID = C_12         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00


SOURCE ID = C_13         ; SOURCE TYPE = VOLUME   :

      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00


SOURCE ID = C_14         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00


SOURCE ID = C_15         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00

*** AERMOD - VERSION 21112  ***   *** 2111 South Pacific Avenue                                          ***        01/22/22
*** AERMET - VERSION  16216 ***   *** Construction Scenario / DPM Emissions                              ***        09:28:20
                                                                                                                  PAGE   9
*** MODELOPTs:    RegDFAULT  CONC  ELEV  FLGPOL  NODRYDPLT  NOWETDPLT  URBAN  ADJ_U*

                        * SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

    HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR      HOUR    SCALAR
- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -


SOURCE ID = C_16         ; SOURCE TYPE = VOLUME   :
      1   .00000E+00      2   .00000E+00      3   .00000E+00      4   .00000E+00      5   .00000E+00      6   .00000E+00
      7   .00000E+00      8   .00000E+00      9   .10000E+01     10   .10000E+01     11   .10000E+01     12   .10000E+01
     13   .10000E+01     14   .10000E+01     15   .10000E+01     16   .10000E+01     17   .00000E+00     18   .00000E+00
     19   .00000E+00     20   .00000E+00     21   .00000E+00     22   .00000E+00     23   .00000E+00     24   .00000E+00
```

SOURCE ID = C_17 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_18 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_19 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_20 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_21 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_22 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_23 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_24 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_25 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_26 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_27 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_28 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_29 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_30 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_31 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_32 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_33 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_34 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_35 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_36 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_37 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_38 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_39 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_40 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR	HOUR	SCALAR

SOURCE ID = C_41 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_42 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_43 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_44 ; SOURCE TYPE = VOLUME :

1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** DISCRETE CARTESIAN RECEPTORS ***
(X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
(METERS)

(380579.0,	3732439.0,	22.0,	22.0,	2.0);	(380587.0,	3732439.0,	22.0,	22.0,	2.0);
(380595.0,	3732439.0,	22.0,	22.0,	2.0);	(380603.0,	3732439.0,	22.0,	22.0,	2.0);
(380611.0,	3732439.0,	22.0,	22.0,	2.0);	(380619.0,	3732439.0,	22.0,	22.0,	2.0);
(380579.0,	3732447.0,	22.0,	22.0,	2.0);	(380587.0,	3732447.0,	22.0,	22.0,	2.0);
(380595.0,	3732447.0,	22.0,	22.0,	2.0);	(380603.0,	3732447.0,	22.0,	22.0,	2.0);
(380611.0,	3732447.0,	22.0,	22.0,	2.0);	(380619.0,	3732447.0,	22.0,	22.0,	2.0);
(380579.0,	3732455.0,	22.0,	22.0,	2.0);	(380587.0,	3732455.0,	22.0,	22.0,	2.0);
(380595.0,	3732455.0,	22.0,	22.0,	2.0);	(380603.0,	3732455.0,	22.0,	22.0,	2.0);
(380611.0,	3732455.0,	22.0,	22.0,	2.0);	(380619.0,	3732455.0,	22.0,	22.0,	2.0);
(380579.0,	3732463.0,	22.0,	22.0,	2.0);	(380587.0,	3732463.0,	22.0,	22.0,	2.0);
(380595.0,	3732463.0,	22.0,	22.0,	2.0);	(380603.0,	3732463.0,	22.0,	22.0,	2.0);
(380611.0,	3732463.0,	22.0,	22.0,	2.0);	(380619.0,	3732463.0,	22.0,	22.0,	2.0);
(380579.0,	3732471.0,	22.0,	22.0,	2.0);	(380587.0,	3732471.0,	22.0,	22.0,	2.0);
(380595.0,	3732471.0,	22.0,	22.0,	2.0);	(380603.0,	3732471.0,	22.0,	22.0,	2.0);
(380611.0,	3732471.0,	22.0,	22.0,	2.0);	(380619.0,	3732471.0,	22.0,	22.0,	2.0);
(380579.0,	3732479.0,	22.0,	22.0,	2.0);	(380587.0,	3732479.0,	22.0,	22.0,	2.0);
(380595.0,	3732479.0,	22.0,	22.0,	2.0);	(380603.0,	3732479.0,	22.0,	22.0,	2.0);
(380611.0,	3732479.0,	22.0,	22.0,	2.0);	(380619.0,	3732479.0,	22.0,	22.0,	2.0);
(380579.0,	3732339.0,	22.0,	22.0,	2.0);	(380587.0,	3732339.0,	22.0,	22.0,	2.0);
(380595.0,	3732339.0,	22.0,	22.0,	2.0);	(380603.0,	3732339.0,	22.0,	22.0,	2.0);
(380611.0,	3732339.0,	22.0,	22.0,	2.0);	(380619.0,	3732339.0,	22.0,	22.0,	2.0);
(380579.0,	3732347.0,	22.0,	22.0,	2.0);	(380587.0,	3732347.0,	22.0,	22.0,	2.0);
(380595.0,	3732347.0,	22.0,	22.0,	2.0);	(380603.0,	3732347.0,	22.0,	22.0,	2.0);
(380611.0,	3732347.0,	22.0,	22.0,	2.0);	(380619.0,	3732347.0,	22.0,	22.0,	2.0);
(380579.0,	3732355.0,	22.0,	22.0,	2.0);	(380587.0,	3732355.0,	22.0,	22.0,	2.0);
(380595.0,	3732355.0,	22.0,	22.0,	2.0);	(380603.0,	3732355.0,	22.0,	22.0,	2.0);
(380611.0,	3732355.0,	22.0,	22.0,	2.0);	(380619.0,	3732355.0,	22.0,	22.0,	2.0);
(380579.0,	3732363.0,	22.0,	22.0,	2.0);	(380587.0,	3732363.0,	22.0,	22.0,	2.0);
(380595.0,	3732363.0,	22.0,	22.0,	2.0);	(380603.0,	3732363.0,	22.0,	22.0,	2.0);
(380611.0,	3732363.0,	22.0,	22.0,	2.0);	(380619.0,	3732363.0,	22.0,	22.0,	2.0);
(380579.0,	3732371.0,	22.0,	22.0,	2.0);	(380587.0,	3732371.0,	22.0,	22.0,	2.0);
(380595.0,	3732371.0,	22.0,	22.0,	2.0);	(380603.0,	3732371.0,	22.0,	22.0,	2.0);
(380611.0,	3732371.0,	22.0,	22.0,	2.0);	(380619.0,	3732371.0,	22.0,	22.0,	2.0);
(380579.0,	3732379.0,	22.0,	22.0,	2.0);	(380587.0,	3732379.0,	22.0,	22.0,	2.0);
(380595.0,	3732379.0,	22.0,	22.0,	2.0);	(380603.0,	3732379.0,	22.0,	22.0,	2.0);
(380611.0,	3732379.0,	22.0,	22.0,	2.0);	(380619.0,	3732379.0,	22.0,	22.0,	2.0);
(380579.0,	3732387.0,	22.0,	22.0,	2.0);	(380587.0,	3732387.0,	22.0,	22.0,	2.0);
(380595.0,	3732387.0,	22.0,	22.0,	2.0);	(380603.0,	3732387.0,	22.0,	22.0,	2.0);
(380611.0,	3732387.0,	22.0,	22.0,	2.0);	(380619.0,	3732387.0,	22.0,	22.0,	2.0);
(380579.0,	3732395.0,	22.0,	22.0,	2.0);	(380587.0,	3732395.0,	22.0,	22.0,	2.0);
(380595.0,	3732395.0,	22.0,	22.0,	2.0);	(380603.0,	3732395.0,	22.0,	22.0,	2.0);
(380611.0,	3732395.0,	22.0,	22.0,	2.0);	(380619.0,	3732395.0,	22.0,	22.0,	2.0);
(380579.0,	3732403.0,	22.0,	22.0,	2.0);	(380587.0,	3732403.0,	22.0,	22.0,	2.0);
(380595.0,	3732403.0,	22.0,	22.0,	2.0);	(380603.0,	3732403.0,	22.0,	22.0,	2.0);
(380611.0,	3732403.0,	22.0,	22.0,	2.0);	(380619.0,	3732403.0,	22.0,	22.0,	2.0);

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** DISCRETE CARTESIAN RECEPTORS ***
(X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
(METERS)

(380579.0,	3732411.0,	22.0,	22.0,	2.0);	(380587.0,	3732411.0,	22.0,	22.0,	2.0);
(380595.0,	3732411.0,	22.0,	22.0,	2.0);	(380603.0,	3732411.0,	22.0,	22.0,	2.0);
(380611.0,	3732411.0,	22.0,	22.0,	2.0);	(380619.0,	3732411.0,	22.0,	22.0,	2.0);
(380579.0,	3732419.0,	22.0,	22.0,	2.0);	(380587.0,	3732419.0,	22.0,	22.0,	2.0);
(380595.0,	3732419.0,	22.0,	22.0,	2.0);	(380603.0,	3732419.0,	22.0,	22.0,	2.0);
(380611.0,	3732419.0,	22.0,	22.0,	2.0);	(380619.0,	3732419.0,	22.0,	22.0,	2.0);
(380579.0,	3732283.0,	22.0,	22.0,	2.0);	(380587.0,	3732283.0,	22.0,	22.0,	2.0);
(380595.0,	3732283.0,	22.0,	22.0,	2.0);	(380603.0,	3732283.0,	22.0,	22.0,	2.0);
(380611.0,	3732283.0,	22.0,	22.0,	2.0);	(380619.0,	3732283.0,	22.0,	22.0,	2.0);
(380579.0,	3732291.0,	22.0,	22.0,	2.0);	(380587.0,	3732291.0,	22.0,	22.0,	2.0);
(380595.0,	3732291.0,	22.0,	22.0,	2.0);	(380603.0,	3732291.0,	22.0,	22.0,	2.0);
(380611.0,	3732291.0,	22.0,	22.0,	2.0);	(380619.0,	3732291.0,	22.0,	22.0,	2.0);
(380579.0,	3732299.0,	22.0,	22.0,	2.0);	(380587.0,	3732299.0,	22.0,	22.0,	2.0);
(380595.0,	3732299.0,	22.0,	22.0,	2.0);	(380603.0,	3732299.0,	22.0,	22.0,	2.0);
(380611.0,	3732299.0,	22.0,	22.0,	2.0);	(380619.0,	3732299.0,	22.0,	22.0,	2.0);
(380579.0,	3732307.0,	22.0,	22.0,	2.0);	(380587.0,	3732307.0,	22.0,	22.0,	2.0);
(380595.0,	3732307.0,	22.0,	22.0,	2.0);	(380603.0,	3732307.0,	22.0,	22.0,	2.0);
(380611.0,	3732307.0,	22.0,	22.0,	2.0);	(380619.0,	3732307.0,	22.0,	22.0,	2.0);
(380579.0,	3732315.0,	22.0,	22.0,	2.0);	(380587.0,	3732315.0,	22.0,	22.0,	2.0);
(380595.0,	3732315.0,	22.0,	22.0,	2.0);	(380603.0,	3732315.0,	22.0,	22.0,	2.0);
(380611.0,	3732315.0,	22.0,	22.0,	2.0);	(380619.0,	3732315.0,	22.0,	22.0,	2.0);
(380579.0,	3732323.0,	22.0,	22.0,	2.0);	(380587.0,	3732323.0,	22.0,	22.0,	2.0);
(380595.0,	3732323.0,	22.0,	22.0,	2.0);	(380603.0,	3732323.0,	22.0,	22.0,	2.0);
(380611.0,	3732323.0,	22.0,	22.0,	2.0);	(380619.0,	3732323.0,	22.0,	22.0,	2.0);
(380631.0,	3732439.0,	22.0,	22.0,	2.0);	(380639.0,	3732439.0,	22.0,	22.0,	2.0);
(380647.0,	3732439.0,	22.0,	22.0,	2.0);	(380655.0,	3732439.0,	22.0,	22.0,	2.0);
(380631.0,	3732447.0,	22.0,	22.0,	2.0);	(380639.0,	3732447.0,	22.0,	22.0,	2.0);
(380647.0,	3732447.0,	22.0,	22.0,	2.0);	(380655.0,	3732447.0,	22.0,	22.0,	2.0);
(380631.0,	3732455.0,	22.0,	22.0,	2.0);	(380639.0,	3732455.0,	22.0,	22.0,	2.0);
(380647.0,	3732455.0,	22.0,	22.0,	2.0);	(380655.0,	3732455.0,	22.0,	22.0,	2.0);
(380631.0,	3732463.0,	22.0,	22.0,	2.0);	(380639.0,	3732463.0,	22.0,	22.0,	2.0);
(380647.0,	3732463.0,	22.0,	22.0,	2.0);	(380655.0,	3732463.0,	22.0,	22.0,	2.0);
(380683.0,	3732441.0,	22.0,	22.0,	2.0);	(380690.0,	3732441.0,	22.0,	22.0,	2.0);
(380697.0,	3732441.0,	22.0,	22.0,	2.0);	(380704.0,	3732441.0,	22.0,	22.0,	2.0);
(380711.0,	3732441.0,	22.0,	22.0,	2.0);	(380683.0,	3732448.0,	22.0,	22.0,	2.0);
(380690.0,	3732448.0,	22.0,	22.0,	2.0);	(380697.0,	3732448.0,	22.0,	22.0,	2.0);
(380704.0,	3732448.0,	22.0,	22.0,	2.0);	(380711.0,	3732448.0,	22.0,	22.0,	2.0);
(380697.0,	3732379.0,	22.0,	22.0,	2.0);	(380704.0,	3732379.0,	22.0,	22.0,	2.0);
(380711.0,	3732379.0,	22.0,	22.0,	2.0);	(380697.0,	3732386.0,	22.0,	22.0,	2.0);
(380704.0,	3732386.0,	22.0,	22.0,	2.0);	(380711.0,	3732386.0,	22.0,	22.0,	2.0);
(380683.0,	3732393.0,	22.0,	22.0,	2.0);	(380690.0,	3732393.0,	22.0,	22.0,	2.0);
(380697.0,	3732393.0,	22.0,	22.0,	2.0);	(380704.0,	3732393.0,	22.0,	22.0,	2.0);
(380711.0,	3732393.0,	22.0,	22.0,	2.0);	(380683.0,	3732400.0,	22.0,	22.0,	2.0);
(380690.0,	3732400.0,	22.0,	22.0,	2.0);	(380697.0,	3732400.0,	22.0,	22.0,	2.0);
(380704.0,	3732400.0,	22.0,	22.0,	2.0);	(380711.0,	3732400.0,	22.0,	22.0,	2.0);

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** DISCRETE CARTESIAN RECEPTORS ***
(X-COORD, Y-COORD, ZELEV, ZHILL, ZFLAG)
(METERS)

(380683.0,	3732407.0,	22.0,	22.0,	2.0);	(380690.0,	3732407.0,	22.0,	22.0,	2.0);
(380697.0,	3732407.0,	22.0,	22.0,	2.0);	(380704.0,	3732407.0,	22.0,	22.0,	2.0);
(380711.0,	3732407.0,	22.0,	22.0,	2.0);	(380683.0,	3732414.0,	22.0,	22.0,	2.0);
(380690.0,	3732414.0,	22.0,	22.0,	2.0);	(380697.0,	3732414.0,	22.0,	22.0,	2.0);
(380704.0,	3732414.0,	22.0,	22.0,	2.0);	(380711.0,	3732414.0,	22.0,	22.0,	2.0);
(380683.0,	3732421.0,	22.0,	22.0,	2.0);	(380690.0,	3732421.0,	22.0,	22.0,	2.0);
(380697.0,	3732421.0,	22.0,	22.0,	2.0);	(380704.0,	3732421.0,	22.0,	22.0,	2.0);

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    ( 380711.0, 3732421.0,      22.0,      22.0,       2.0);        ( 380703.0, 3732339.0,      22.0,      22.0,       2.0);
    ( 380710.0, 3732339.0,      22.0,      22.0,       2.0);        ( 380703.0, 3732346.0,      22.0,      22.0,       2.0);
    ( 380710.0, 3732346.0,      22.0,      22.0,       2.0);        ( 380704.0, 3732295.0,      22.0,      22.0,       2.0);
    ( 380711.0, 3732295.0,      22.0,      22.0,       2.0);        ( 380718.0, 3732295.0,      22.0,      22.0,       2.0);
    ( 380704.0, 3732302.0,      22.0,      22.0,       2.0);        ( 380711.0, 3732302.0,      22.0,      22.0,       2.0);
    ( 380718.0, 3732302.0,      22.0,      22.0,       2.0);        ( 380683.0, 3732309.0,      22.0,      22.0,       2.0);
    ( 380690.0, 3732309.0,      22.0,      22.0,       2.0);        ( 380697.0, 3732309.0,      22.0,      22.0,       2.0);
    ( 380704.0, 3732309.0,      22.0,      22.0,       2.0);        ( 380711.0, 3732309.0,      22.0,      22.0,       2.0);
    ( 380683.0, 3732316.0,      22.0,      22.0,       2.0);        ( 380690.0, 3732316.0,      22.0,      22.0,       2.0);
    ( 380697.0, 3732316.0,      22.0,      22.0,       2.0);        ( 380704.0, 3732316.0,      22.0,      22.0,       2.0);
    ( 380711.0, 3732316.0,      22.0,      22.0,       2.0);        ( 380683.0, 3732323.0,      22.0,      22.0,       2.0);
    ( 380690.0, 3732323.0,      22.0,      22.0,       2.0);        ( 380697.0, 3732323.0,      22.0,      22.0,       2.0);
    ( 380704.0, 3732323.0,      22.0,      22.0,       2.0);        ( 380711.0, 3732323.0,      22.0,      22.0,       2.0);
    ( 380683.0, 3732271.0,      22.0,      22.0,       2.0);        ( 380690.0, 3732271.0,      22.0,      22.0,       2.0);
    ( 380697.0, 3732271.0,      22.0,      22.0,       2.0);        ( 380704.0, 3732271.0,      22.0,      22.0,       2.0);
    ( 380683.0, 3732278.0,      22.0,      22.0,       2.0);        ( 380690.0, 3732278.0,      22.0,      22.0,       2.0);
    ( 380697.0, 3732278.0,      22.0,      22.0,       2.0);        ( 380704.0, 3732278.0,      22.0,      22.0,       2.0);

*** AERMOD - VERSION 21112  ***   *** 2111 South Pacific Avenue                                           ***        01/22/22
*** AERMET - VERSION  16216 ***   *** Construction Scenario / DPM Emissions                               ***        09:28:20
                                                                                                                     PAGE  18
*** MODELOPTs:    RegDFAULT  CONC  ELEV  FLGPOL  NODRYDPLT  NOWETDPLT  URBAN  ADJ_U*

                                             *** METEOROLOGICAL DAYS SELECTED FOR PROCESSING ***
                                                              (1=YES; 0=NO)

           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1 1 1 1 1
           1 1 1 1 1 1 1 1 1 1  1 1 1 1 1 1

               NOTE:  METEOROLOGICAL DATA ACTUALLY PROCESSED WILL ALSO DEPEND ON WHAT IS INCLUDED IN THE DATA FILE.

                                     *** UPPER BOUND OF FIRST THROUGH FIFTH WIND SPEED CATEGORIES ***
                                                           (METERS/SEC)

                                                   1.54,   3.09,   5.14,   8.23,  10.80,

*** AERMOD - VERSION 21112  ***   *** 2111 South Pacific Avenue                                           ***        01/22/22
*** AERMET - VERSION  16216 ***   *** Construction Scenario / DPM Emissions                               ***        09:28:20
                                                                                                                     PAGE  19
*** MODELOPTs:    RegDFAULT  CONC  ELEV  FLGPOL  NODRYDPLT  NOWETDPLT  URBAN  ADJ_U*

                                       *** UP TO THE FIRST 24 HOURS OF METEOROLOGICAL DATA ***

  Surface file:   F:\WD Passport\san pedro 2\metdata\KLGB_v9.SFC                                  Met Version:  16216
  Profile file:   F:\WD Passport\san pedro 2\metdata\KLGB_v9.PFL
  Surface format: FREE
  Profile format: FREE
  Surface station no.:    23129                  Upper air station no.:     3190
                Name: UNKNOWN                                    Name: UNKNOWN
                Year:   2012                                     Year:   2012

 First 24 hours of scalar data
 YR MO DY JDY HR     H0      U*     W*  DT/DZ ZICNV ZIMCH  M-O LEN    Z0  BOWEN ALBEDO  REF WS   WD     HT  REF TA     HT
- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -
 12 01 01    1 01   -5.3  0.094 -9.000 -9.000 -999.   70.     14.3  0.10   2.68   1.00    1.13  322.    7.9  282.0    2.0
 12 01 01    1 02 -999.0 -9.000 -9.000 -9.000 -999. -999. -99999.0  0.10   2.68   1.00    0.00    0.    7.9  281.4    2.0
 12 01 01    1 03   -2.5  0.068 -9.000 -9.000 -999.   43.     11.4  0.10   2.68   1.00    0.74   79.    7.9  280.9    2.0
 12 01 01    1 04   -3.2  0.075 -9.000 -9.000 -999.   49.     11.7  0.10   2.68   1.00    0.86  137.    7.9  280.9    2.0
 12 01 01    1 05 -999.0 -9.000 -9.000 -9.000 -999. -999. -99999.0  0.10   2.68   1.00    0.00    0.    7.9  280.4    2.0
 12 01 01    1 06   -5.2  0.093 -9.000 -9.000 -999.   68.     14.0  0.10   2.68   1.00    1.11   92.    7.9  279.9    2.0
 12 01 01    1 07   -2.3  0.066 -9.000 -9.000 -999.   41.     11.5  0.10   2.68   1.00    0.69   67.    7.9  278.8    2.0
 12 01 01    1 08   -1.7  0.060 -9.000 -9.000 -999.   36.     11.4  0.10   2.68   0.54    0.65   91.    7.9  279.9    2.0
 12 01 01    1 09   36.2 -9.000 -9.000 -9.000   37. -999. -99999.0  0.10   2.68   0.31    0.00    0.    7.9  283.8    2.0
 12 01 01    1 10  108.4  0.139  0.707  0.009  119.  124.     -2.3  0.10   2.68   0.24    0.92  319.    7.9  287.5    2.0
 12 01 01    1 11  160.5  0.114  1.137  0.005  334.   93.     -1.0  0.10   2.68   0.21    0.62   23.    7.9  292.5    2.0
 12 01 01    1 12  186.7  0.125  1.473  0.005  623.  105.     -1.0  0.10   2.68   0.20    0.69   18.    7.9  295.4    2.0
 12 01 01    1 13  186.8  0.130  1.761  0.005 1065.  112.     -1.1  0.10   2.68   0.20    0.74  250.    7.9  297.5    2.0
 12 01 01    1 14  161.7  0.150  1.834  0.005 1387.  139.     -1.9  0.10   2.68   0.21    0.96  347.    7.9  300.4    2.0
 12 01 01    1 15  105.5  0.243  1.633  0.005 1499.  288.    -12.4  0.10   2.68   0.24    2.11  194.    7.9  295.9    2.0
```

12	01	01	1	16	32.4	0.211	1.109	0.005	1530.	233.	-26.3	0.10	2.68	0.33	1.98	186.	7.9	295.4	2.0
12	01	01	1	17	-20.5	0.250	-9.000	-9.000	-999.	300.	69.2	0.10	2.68	0.60	2.81	293.	7.9	291.4	2.0
12	01	01	1	18	-25.4	0.257	-9.000	-9.000	-999.	313.	72.8	0.10	2.68	1.00	2.90	301.	7.9	288.1	2.0
12	01	01	1	19	-21.0	0.211	-9.000	-9.000	-999.	233.	49.0	0.10	2.68	1.00	2.40	313.	7.9	286.4	2.0
12	01	01	1	20	-25.7	0.258	-9.000	-9.000	-999.	315.	73.3	0.10	2.68	1.00	2.91	302.	7.9	286.4	2.0
12	01	01	1	21	-22.5	0.225	-9.000	-9.000	-999.	256.	55.7	0.10	2.68	1.00	2.55	306.	7.9	285.4	2.0
12	01	01	1	22	-9.3	0.126	-9.000	-9.000	-999.	111.	19.5	0.10	2.68	1.00	1.48	284.	7.9	285.9	2.0
12	01	01	1	23	-21.4	0.214	-9.000	-9.000	-999.	237.	50.3	0.10	2.68	1.00	2.43	282.	7.9	285.4	2.0
12	01	01	1	24	-30.1	0.300	-9.000	-9.000	-999.	394.	98.9	0.10	2.68	1.00	3.36	300.	7.9	284.2	2.0

First hour of profile data

YR	MO	DY	HR	HEIGHT	F	WDIR	WSPD	AMB_TMP	sigmaA	sigmaW	sigmaV
12	01	01	01	7.9	1	322.	1.13	282.1	99.0	-99.00	-99.00

F indicates top of profile (=1) or below (=0)

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** THE ANNUAL AVERAGE CONCENTRATION VALUES AVERAGED OVER 5 YEARS FOR SOURCE GROUP: ALL ***
INCLUDING SOURCE(S): C_1 , C_2 , C_3 , C_4 , C_5 ,
C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 ,
C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 ,
C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , . . . ,

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

** CONC OF OTHER IN MICROGRAMS/M**3 **

X-COORD (M)	Y-COORD (M)	CONC	X-COORD (M)	Y-COORD (M)	CONC
380579.00	3732439.00	0.00853	380587.00	3732439.00	0.01067
380595.00	3732439.00	0.01361	380603.00	3732439.00	0.01772
380611.00	3732439.00	0.02359	380619.00	3732439.00	0.03197
380579.00	3732447.00	0.00790	380587.00	3732447.00	0.00980
380595.00	3732447.00	0.01239	380603.00	3732447.00	0.01597
380611.00	3732447.00	0.02093	380619.00	3732447.00	0.02767
380579.00	3732455.00	0.00732	380587.00	3732455.00	0.00903
380595.00	3732455.00	0.01132	380603.00	3732455.00	0.01442
380611.00	3732455.00	0.01858	380619.00	3732455.00	0.02392
380579.00	3732463.00	0.00681	380587.00	3732463.00	0.00834
380595.00	3732463.00	0.01037	380603.00	3732463.00	0.01304
380611.00	3732463.00	0.01648	380619.00	3732463.00	0.02069
380579.00	3732471.00	0.00635	380587.00	3732471.00	0.00773
380595.00	3732471.00	0.00951	380603.00	3732471.00	0.01180
380611.00	3732471.00	0.01463	380619.00	3732471.00	0.01795
380579.00	3732479.00	0.00593	380587.00	3732479.00	0.00717
380595.00	3732479.00	0.00874	380603.00	3732479.00	0.01068
380611.00	3732479.00	0.01301	380619.00	3732479.00	0.01564
380579.00	3732339.00	0.00908	380587.00	3732339.00	0.01125
380595.00	3732339.00	0.01417	380603.00	3732339.00	0.01816
380611.00	3732339.00	0.02364	380619.00	3732339.00	0.03112
380579.00	3732347.00	0.00997	380587.00	3732347.00	0.01251
380595.00	3732347.00	0.01600	380603.00	3732347.00	0.02089
380611.00	3732347.00	0.02782	380619.00	3732347.00	0.03767
380579.00	3732355.00	0.01073	380587.00	3732355.00	0.01360
380595.00	3732355.00	0.01759	380603.00	3732355.00	0.02324
380611.00	3732355.00	0.03138	380619.00	3732355.00	0.04327
380579.00	3732363.00	0.01134	380587.00	3732363.00	0.01447
380595.00	3732363.00	0.01885	380603.00	3732363.00	0.02510
380611.00	3732363.00	0.03422	380619.00	3732363.00	0.04787
380579.00	3732371.00	0.01175	380587.00	3732371.00	0.01507
380595.00	3732371.00	0.01973	380603.00	3732371.00	0.02645
380611.00	3732371.00	0.03638	380619.00	3732371.00	0.05145
380579.00	3732379.00	0.01197	380587.00	3732379.00	0.01539
380595.00	3732379.00	0.02024	380603.00	3732379.00	0.02730
380611.00	3732379.00	0.03783	380619.00	3732379.00	0.05396
380579.00	3732387.00	0.01198	380587.00	3732387.00	0.01544
380595.00	3732387.00	0.02037	380603.00	3732387.00	0.02761
380611.00	3732387.00	0.03851	380619.00	3732387.00	0.05527
380579.00	3732395.00	0.01180	380587.00	3732395.00	0.01521

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** THE ANNUAL AVERAGE CONCENTRATION VALUES AVERAGED OVER 5 YEARS FOR SOURCE GROUP: ALL ***
INCLUDING SOURCE(S): C_1 , C_2 , C_3 , C_4 , C_5 ,
C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 ,
C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 ,
C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , . . . ,

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

** CONC OF OTHER IN MICROGRAMS/M**3 **

X-COORD (M)	Y-COORD (M)	CONC	X-COORD (M)	Y-COORD (M)	CONC
380595.00	3732395.00	0.02011	380603.00	3732395.00	0.02734
380611.00	3732395.00	0.03831	380619.00	3732395.00	0.05523
380579.00	3732403.00	0.01143	380587.00	3732403.00	0.01472
380595.00	3732403.00	0.01944	380603.00	3732403.00	0.02645
380611.00	3732403.00	0.03711	380619.00	3732403.00	0.05363
380579.00	3732411.00	0.01090	380587.00	3732411.00	0.01399
380595.00	3732411.00	0.01842	380603.00	3732411.00	0.02495
380611.00	3732411.00	0.03487	380619.00	3732411.00	0.05025
380579.00	3732419.00	0.01027	380587.00	3732419.00	0.01310
380595.00	3732419.00	0.01711	380603.00	3732419.00	0.02298
380611.00	3732419.00	0.03176	380619.00	3732419.00	0.04522
380579.00	3732283.00	0.00363	380587.00	3732283.00	0.00402
380595.00	3732283.00	0.00444	380603.00	3732283.00	0.00488
380611.00	3732283.00	0.00534	380619.00	3732283.00	0.00578
380579.00	3732291.00	0.00416	380587.00	3732291.00	0.00466
380595.00	3732291.00	0.00522	380603.00	3732291.00	0.00582
380611.00	3732291.00	0.00645	380619.00	3732291.00	0.00708
380579.00	3732299.00	0.00478	380587.00	3732299.00	0.00544
380595.00	3732299.00	0.00618	380603.00	3732299.00	0.00701
380611.00	3732299.00	0.00790	380619.00	3732299.00	0.00881
380579.00	3732307.00	0.00550	380587.00	3732307.00	0.00636
380595.00	3732307.00	0.00736	380603.00	3732307.00	0.00851
380611.00	3732307.00	0.00980	380619.00	3732307.00	0.01116
380579.00	3732315.00	0.00631	380587.00	3732315.00	0.00742
380595.00	3732315.00	0.00877	380603.00	3732315.00	0.01038
380611.00	3732315.00	0.01227	380619.00	3732315.00	0.01435
380579.00	3732323.00	0.00720	380587.00	3732323.00	0.00862
380595.00	3732323.00	0.01042	380603.00	3732323.00	0.01266
380611.00	3732323.00	0.01543	380619.00	3732323.00	0.01869
380631.00	3732439.00	0.04927	380639.00	3732439.00	0.05991
380647.00	3732439.00	0.06516	380655.00	3732439.00	0.06312
380631.00	3732447.00	0.04036	380639.00	3732447.00	0.04796
380647.00	3732447.00	0.05206	380655.00	3732447.00	0.05133
380631.00	3732455.00	0.03327	380639.00	3732455.00	0.03872
380647.00	3732455.00	0.04185	380655.00	3732455.00	0.04180
380631.00	3732463.00	0.02765	380639.00	3732463.00	0.03161
380647.00	3732463.00	0.03400	380655.00	3732463.00	0.03428
380683.00	3732441.00	0.03015	380690.00	3732441.00	0.02434
380697.00	3732441.00	0.01973	380704.00	3732441.00	0.01611
380711.00	3732441.00	0.01326	380683.00	3732448.00	0.02806

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** THE ANNUAL AVERAGE CONCENTRATION VALUES AVERAGED OVER 5 YEARS FOR SOURCE GROUP: ALL ***
INCLUDING SOURCE(S): C_1 , C_2 , C_3 , C_4 , C_5 ,
C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 ,
C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 ,
C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , . . . ,

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

** CONC OF OTHER IN MICROGRAMS/M**3 **

X-COORD (M)	Y-COORD (M)	CONC	X-COORD (M)	Y-COORD (M)	CONC
380690.00	3732448.00	0.02303	380697.00	3732448.00	0.01888

380704.00	3732448.00	0.01554	380711.00	3732448.00	0.01287
380697.00	3732379.00	0.02719	380704.00	3732379.00	0.02213
380711.00	3732379.00	0.01825	380697.00	3732386.00	0.02718
380704.00	3732386.00	0.02193	380711.00	3732386.00	0.01796
380683.00	3732393.00	0.04381	380690.00	3732393.00	0.03400
380697.00	3732393.00	0.02680	380704.00	3732393.00	0.02147
380711.00	3732393.00	0.01748	380683.00	3732400.00	0.04291
380690.00	3732400.00	0.03317	380697.00	3732400.00	0.02605
380704.00	3732400.00	0.02079	380711.00	3732400.00	0.01687
380683.00	3732407.00	0.04113	380690.00	3732407.00	0.03181
380697.00	3732407.00	0.02498	380704.00	3732407.00	0.01993
380711.00	3732407.00	0.01616	380683.00	3732414.00	0.03873
380690.00	3732414.00	0.03012	380697.00	3732414.00	0.02375
380704.00	3732414.00	0.01900	380711.00	3732414.00	0.01543
380683.00	3732421.00	0.03619	380690.00	3732421.00	0.02839
380697.00	3732421.00	0.02252	380704.00	3732421.00	0.01810
380711.00	3732421.00	0.01474	380703.00	3732339.00	0.01871
380710.00	3732339.00	0.01615	380703.00	3732346.00	0.02011
380710.00	3732346.00	0.01719	380704.00	3732295.00	0.00788
380711.00	3732295.00	0.00746	380718.00	3732295.00	0.00703
380704.00	3732302.00	0.00924	380711.00	3732302.00	0.00863
380718.00	3732302.00	0.00804	380683.00	3732309.00	0.01346
380690.00	3732309.00	0.01260	380697.00	3732309.00	0.01170
380704.00	3732309.00	0.01081	380711.00	3732309.00	0.00995
380683.00	3732316.00	0.01657	380690.00	3732316.00	0.01519
380697.00	3732316.00	0.01383	380704.00	3732316.00	0.01255
380711.00	3732316.00	0.01137	380683.00	3732323.00	0.02028
380690.00	3732323.00	0.01814	380697.00	3732323.00	0.01616
380704.00	3732323.00	0.01439	380711.00	3732323.00	0.01282
380683.00	3732271.00	0.00496	380690.00	3732271.00	0.00487
380697.00	3732271.00	0.00477	380704.00	3732271.00	0.00466
380683.00	3732278.00	0.00583	380690.00	3732278.00	0.00570
380697.00	3732278.00	0.00555	380704.00	3732278.00	0.00540

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** THE SUMMARY OF MAXIMUM ANNUAL RESULTS AVERAGED OVER 5 YEARS ***

** CONC OF OTHER IN MICROGRAMS/M**3 **

GROUP ID	AVERAGE CONC	RECEPTOR (XR, YR, ZELEV, ZHILL, ZFLAG)	OF TYPE	NETWORK GRID-ID
ALL	1ST HIGHEST VALUE IS	0.06516 AT (380647.00, 3732439.00, 22.00, 22.00, 2.00)	DC	
	2ND HIGHEST VALUE IS	0.06312 AT (380655.00, 3732439.00, 22.00, 22.00, 2.00)	DC	
	3RD HIGHEST VALUE IS	0.05991 AT (380639.00, 3732439.00, 22.00, 22.00, 2.00)	DC	
	4TH HIGHEST VALUE IS	0.05527 AT (380619.00, 3732387.00, 22.00, 22.00, 2.00)	DC	
	5TH HIGHEST VALUE IS	0.05523 AT (380619.00, 3732395.00, 22.00, 22.00, 2.00)	DC	
	6TH HIGHEST VALUE IS	0.05396 AT (380619.00, 3732379.00, 22.00, 22.00, 2.00)	DC	
	7TH HIGHEST VALUE IS	0.05363 AT (380619.00, 3732403.00, 22.00, 22.00, 2.00)	DC	
	8TH HIGHEST VALUE IS	0.05206 AT (380647.00, 3732447.00, 22.00, 22.00, 2.00)	DC	
	9TH HIGHEST VALUE IS	0.05145 AT (380619.00, 3732371.00, 22.00, 22.00, 2.00)	DC	
	10TH HIGHEST VALUE IS	0.05133 AT (380655.00, 3732447.00, 22.00, 22.00, 2.00)	DC	

*** RECEPTOR TYPES: GC = GRIDCART
GP = GRIDPOLR
DC = DISCCART
DP = DISCPOLR

*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** Message Summary : AERMOD Model Execution ***

--------- Summary of Total Messages --------

A Total of 0 Fatal Error Message(s)

```
A Total of            2 Warning Message(s)
A Total of         1017 Informational Message(s)

A Total of        43848 Hours Were Processed
A Total of          747 Calm Hours Identified

A Total of          270 Missing Hours Identified (  0.62 Percent)


   ******** FATAL ERROR MESSAGES ********
              ***  NONE  ***


   ********   WARNING MESSAGES   ********
ME W186     393       MEOPEN: THRESH_1MIN 1-min ASOS wind speed threshold used          0.50
ME W187     393       MEOPEN: ADJ_U* Option for Stable Low Winds used in AERMET

   ***********************************
   *** AERMOD Finishes Successfully ***
   ***********************************
```

ATTACHMENT E

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EXHIBIT E (1)

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MEMORANDUM

To:	Pedro Ayala City of Los Angeles Dept. of Transportation	Date:	March 30,2022
From:	Clare M. Look-Jaeger, P.E. CL-Jaeger Francesca S. Bravo FSB Linscott, Law & Greenspan, Engineers	LLG Ref:	1-19-4338-2
Subject:	**2111 South Pacific Avenue Project – Supplemental Transportation Analysis**		

Linscott, Law & Greenspan, Engineers (LLG) has prepared this memorandum to summarize the supplemental transportation analysis conducted for the proposed 2111 South Pacific Avenue project (proposed project). LLG previously prepared the transportation impact study dated September 26, 2019 for a prior project development program. The findings of the transportation impact study report were confirmed based on the City of Los Angeles Department of Transportation (LADOT) assessment letter dated October 21, 2019, prior to the adoption of the City's revised transportation assessment guidelines.

DESCRIPTION OF REDUCED PROJECT

The proposed project site is located at 2111-2139 Pacific Avenue in the San Pedro Community Plan area of the City of Los Angeles (consisting of APN 7462030030-028, -029, -030, -031). The reduced project consists of the construction of a 100-unit apartment complex, including 11 affordable housing dwelling units and 1,800 square feet of retail space (Project). Construction of the proposed Project is planned to begin in year 2021 and be completed by year 2024 (i.e., project build-out year 2024). The modified Project site plan is shown in ***Figure 1***. The project street level plan is shown in ***Figure 2***. A breakdown of the project components and their corresponding sizes are shown below:

Land Use	Prior Project	Modified Project
Apartments	89 DU	89 DU
Affordable Housing	12 DU	11 DU
Retail	1,800 SF	1,800 SF

As shown above, the modified Project has been reduced by one (1) apartment dwelling unit when compared to the prior project analyzed in the traffic study.

The site access and circulation scheme for the Project remains the same as previously analyzed in the transportation study. The proposed site driveway on 21st Street is planned to be located approximately 125 feet west of the Pacific Avenue/21st Street intersection (i.e., as measured approximately from centerline of the intersection to

centerline of the driveway). The two existing driveways along Pacific Avenue will be closed.

A total supply of 84 parking spaces is planned to be provided on-site within two subterranean parking levels per the Density Bonus Parking Option 1 Los Angeles Municipal Code (LAMC) Section 12.22 A.25(d)(1). Of the 84 parking spaces, 80 parking spaces are allocated for residential use and 4 parking spaces for commercial use. In addition, as part of the total parking supply, 16 electric vehicle spaces will be provided and four parking spaces will be equipped with electric chargers. A total of 83 bicycle parking spaces is planned to be provided on-site, including 8 short-term and 75 long-term bicycle spaces.

CONSISTENCY WITH THE CITY'S ADOPTED PLANS AND POLICIES (THRESHOLD T-1)

The City of Los Angeles aims to achieve an accessible and sustainable transportation system that meets the needs of all users. The City's adopted transportation-related plans and policies affirm that streets should be safe and convenient for all users of the transportation system, including pedestrians, bicyclists, motorists, public transit riders, disabled persons, senior citizens, children, and movers of commercial goods. Therefore, the transportation requirements and mitigations for proposed developments should be consistent with the City's transportation goals and policies.

Proposed projects shall be analyzed to identify potential conflicts with adopted City plans and policies and, if there is a conflict, improvements that prioritize access for and improve the comfort of people walking, bicycling, and riding transit in order to provide safe and convenient streets for all users should be identified. Projects should be designed to encourage sustainable travel to help to reduce vehicle miles traveled. This section provides a review of the screening criteria outlined in the City's latest *Transportation Assessment Guidelines*[1] (TAG) to determine if further analysis is required.

Screening Criteria

If the project requires a discretionary action, and the answer is yes to any of the following questions, further analysis is required to assess whether the proposed project would conflict with adopted City plans, programs, ordinances, or policies that establish the transportation planning framework for all travel modes:

- Does the project require a discretionary action that requires the decision-maker to find that the decision substantially conforms to the purpose, intent and provisions of the General Plan?

[1] *Transportation Assessment Guidelines*, Chapter 2, CEQA Analysis of Transportation Impacts, City of Los Angeles Department of Transportation, August 26, 2021.

- Yes, the Project requires a discretionary action.

- Is the project known to directly conflict with a transportation plan, policy, or program adopted to support multimodal transportation options or public safety?
  - No.

- Is the project required to or proposing to make any voluntary modifications to the public right-of-way (i.e., dedications and/or improvements in the right of way, reconfigurations of curb line, etc.)?
  - Yes. Per coordination with the City's Bureau of Engineering (BOE), a 3-foot physical roadway widening is being planned along the 22nd Street frontage. No roadway dedications or widenings (i.e., curb line modifications) are currently proposed or required along Pacific Avenue and 21st Street.

As the answer is yes to at least one of the screening criteria (i.e., the Project requires a discretionary action and roadway widening along 22nd Street), further analysis is required to assess whether the proposed project would conflict with adopted City plans, programs, ordinances, or policies.

Impact Criteria and Methodology

The impact criteria set forth in the City's TAG for conflicts with plans, programs, ordinances, or policies (referred to a Threshold T-1) is defined as follows:

- Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle, and pedestrian facilities?

The threshold test is to assess whether a project would conflict with an adopted program, policy, plan, or ordinance that is adopted to protect the environment. In general, transportation policies or standards adopted to protect the environment are those that support multimodal transportation options and a reduction in VMT. Conversely, a project would not be shown to result in an impact merely based on whether a project would not implement a particular program, plan, policy, or ordinance. Many of these programs must be implemented by the City itself over time, and over a broad area, and it is the intention of this threshold test to ensure that proposed development projects and plans do not preclude the City from implementing adopted programs, plans and policies. This determination may require consultation with LADCP and LADOT.

The methodology for determining project impacts associated with conflicts with plans, programs, ordinances, or policies is defined per the City's TAG as follows:

- A project that generally conforms with, and does not obstruct the City's development policies and standards will generally be considered to be

consistent. The Project Applicant should review the documents and ordinances identified in the TAG (refer to Table 2.1-1 on pages 2-3 and 2-11) for City plans, policies, programs, ordinances and standards relevant to determining project consistency. The list highlights City documents that establish the regulatory framework. Attachment D of TAG contains a Plan Consistency Worksheet which provides a specific list of questions that must be answered in order to help guide whether the project conflicts with City circulation system policies. A 'yes' or 'no' answer to these questions does not determine a conflict. Rather, as indicated in Attachment D of the TAG, the Project Applicant must provide substantiating information to help determine whether the proposed project precludes the City's implementation of any adopted policy and/or program that was adopted to protect the environment. A mere conflict with adopted transportation-related policies, or standards that requires administrative relief or legislative change does not in itself constitute an impact.

- If vacation of a public right-of-way, or relief from a required street dedication is sought as part of a proposed project, an assessment should be made as to whether the right-of-way in question is necessary to serve a long-term mobility need, as defined in the Mobility Plan 2035, transportation specific plan, or other planned improvement in the future.
- The analysis of cumulative impacts may be quantitative or qualitative. Each of the plans, ordinances and policies reviewed to assess potential conflicts with proposed projects should be reviewed to assess cumulative impacts that may result from the proposed project in combination with other development projects in the study area. In addition, the cumulative analysis should also consider known development projects and planned transportation system improvements within the study area as identified in consultation with LADOT.

As noted in Subsection 2.1.4 of the TAG, related projects considered in the cumulative analysis are known development projects located within one-half mile (2,640-foot) radius of the Project site. Please refer to the list of related projects identified in *Table 2* and *Figure 7* of the transportation impact study for the location of the related projects in relation to the proposed Project site.

Review of Project Consistency

This section provides a summary of the consistency review comparing the characteristics of the proposed project and site design features (i.e., including the site access and circulation scheme) with the City's adopted plans and policies. The following paragraphs provide more detail with respect to the documents listed in Table 2.1-1 of the TAG, which are the series of City documents or plans that establish the regulatory framework for development in the City. Each of the documents listed in Table 2.1-1 of the TAG was reviewed for applicability to the Project, and the

relevant transportation-related policies are summarized below, along with the Project's conformance.

Mobility Plan

The Mobility Plan combines "complete street" principles with the following goals and objectives that define the City's mobility priorities:

- Safety First: Design and operate streets in a way that enables safe access for all users, regardless of age, ability, or transportation mode choice.
- World Class Infrastructure: A well-maintained and connected network of streets, paths, bikeways, trails, and more provides Angelenos with the optimum variety of mode choices.
- Access for all Angelenos: A fair and equitable system must be accessible to all and must pay particularly close attention to the most vulnerable users.
- Collaboration, Communication, and Informed Choices: The impact of new technologies on our day-to-day mobility demands will continue to become increasingly important to the future.
- Clean Environments and Healthy Communities: Active transportation modes such as bicycling and walking can significantly improve personal fitness and create new opportunities for social interaction, while lessening impacts on the environment.

The Project is being designed to be consistent with these mobility goals. The site is located along a portion of Pacific Avenue that is designated by the Mobility Plan as a Tier 2 Bicycle Lane in the Bicycle Lane Network, and is also within the designated Pedestrian Enhanced District (PED). The site is also located along a portion of 22nd Street Avenue that is designated by the Mobility Plan as a Tier 1 Neighborhood Enhanced Network (NEN) and is also within the designated PED. The Mobility Plan 2035 Networks in the project study area are shown in ***Figure 3***. The pedestrian and transit facilities provided within the project vicinity are shown in ***Figure 4***. In summary, the Project provides direct pedestrian access to the Project site from sidewalks along Pacific Avenue, 21st Street and 22nd Street. The Project does not propose modifying, removing, or otherwise affecting existing bicycle infrastructure, and the Project driveway is not proposed along streets with existing bicycle facilities. The Project would maintain the designated driveway and roadway width requirements indicated in the Mobility Plan. Pacific Avenue is designated as a Modified Avenue II roadway in the Mobility Plan. This standard requires a 43-foot half right-of-way width, a 28-foot half roadway width, and a 15-foot sidewalk width. Pacific Avenue currently has a 45-foot half right-of-way width, a 28-foot half roadway width, and a 12-foot sidewalk width. As such, a 3-foot expansion of the existing sidewalk would occur as a result of the proposed Project without requiring any roadway widening or dedication. 21st Street along the project frontage is

designated as a Local Street in the Mobility Plan. This standard requires a 30-foot half right-of-way width, an 18-foot half roadway width, and a 12-foot sidewalk width. 21st Street currently consists of a 30-foot half right-of-way width, a 20-foot half roadway width, and a 10-foot sidewalk width. 22nd Street along the project frontage is designated as an Avenue III in the Mobility Plan. This standard requires a 36-foot half right-of-way width, a 23-foot half roadway width, and a 13-foot sidewalk width. 22nd Street currently consists of a 30-foot half right-of-way width, a 20-foot half roadway width, and a 10-foot sidewalk width. As such, a 3-foot roadway widening is being planned along the entire 22nd Street project frontage to bring the 20-foot half roadway width into compliance with the City's 23-foot half roadway standard for Avenue III classification roadways. An expansion to the existing sidewalk would occur as a result of the 3-foot roadway widening.

The Project encourages non-motorized travel through provision of short- and long-term bicycle parking. A total of 83 bicycle parking spaces is planned to be provided on-site, including 8 short-term and 75 long-term bicycle spaces. Any sidewalks, if required/proposed and curb ramps along the Project frontage would be designed in compliance with ADA standards. A total supply of 84 parking spaces is planned to be provided on-site within two subterranean parking levels per the Density Bonus Parking Option 1 LAMC Section 12.22 A.25(d)(1). The Project would provide sufficient off-street parking to accommodate the Project's typical daily parking demand. The Project does not hinder other goals and policies identified in the Mobility Plan. Therefore, the Project is consistent with and would not obstruct the implementation of the Mobility Plan.

Plan for a Healthy Los Angeles

Plan for a Healthy Los Angeles: A Health and Wellness Element of the General Plan (Los Angeles Department of City Planning, March 2015) introduces guidelines for the City to follow to enhance the City's position as a regional leader in health and equity, encourage healthy design and equitable access, and increase awareness of equity and environmental issues.

The Project will be consistent with the Plan for a Healthy Los Angeles by prioritizing safety and access for all individuals utilizing the Project Site by complying with all ADA requirements and providing clearly distinct pedestrian and vehicular access points. Further, the Project supports healthy lifestyles by providing recreation space, reserved spaces for a carshare program through BlueLA for 100 percent electric vehicles, a bikeshare program with both standard bikes and bikes with cargo containers, designated areas for e-scooters, Metro TAP passes that will be distributed to studio residents for at least the first year of development, and enhancing the pedestrian environment by providing trees and landscaped plazas internal to the site to create a more comfortable environment for pedestrians. Based on the current 22nd Street roadway designation as an Avenue III roadway, a 3-foot physical roadway widening is being planned along the 22nd Street frontage and an expansion to the

existing sidewalk would occur. Based on the current Pacific Avenue roadway designation as a Modified Avenue II roadway, a 3-foot expansion of the existing sidewalk would occur as a result of the proposed Project without requiring any roadway widening or dedication. In addition, the Project is expected to result in increased safety as the existing driveways on Pacific Avenue are planned for removal, resulting in fewer potential conflicts points along this Modified Avenue II roadway. Thus, the Project would be consistent with the goals of Plan for a Healthy Los Angeles.

Land Use Element of the General Plan

The City General Plan's Land Use Element contains 35 Community Plans that establish specific goals and strategies for the various neighborhoods across Los Angeles. The Project site is located in the San Pedro Community Plan, and is designated for Neighborhood Commercial land uses. The property is located in the Harbor Gateway State Enterprise Zone, Los Angeles County Metropolitan Transportation Authority (Metro) Right-of-Way Project Area, and Pacific Corridor Redevelopment Project Area. The site is also located within the San Pedro Community Plan Implementation Overlay (CPIO) District Coastal Commercial A Subarea (Subarea No. 150). The Project is consistent with the circulation standards and criteria of the San Pedro Community Plan as the transportation system adjacent to the Project Site, principally including Pacific Avenue, would adequately serve the traffic generated by the Project without major congestion, as demonstrated by the Project's transportation assessments. Therefore, the Project would be consistent with the Community Plan. It should be noted that consultation with Metro would occur prior to the issuance of any building permit to ensure safe access to, and operations of, transportation services and facilities.

LAMC Section 12.21A.16

LAMC Section 12.21A.16 details the bicycle parking requirements for new developments. A total of 83 bicycle spaces is required for the proposed Project. As described in the Project Description, construction of the proposed Project would include 8 short-term and 75 long-term bicycle spaces for a total of 83 bicycle spaces. The Project's bicycle parking supply would satisfy LAMC requirements.

LAMC Section 12.26.J

LAMC Section 12.26.J is the City's Transportation Demand Management (TDM) Ordinance, which establishes trip reduction requirements for non-residential projects in excess of 25,000 sf. The Project is a residential development and therefore LAMC Section 12.26J would not apply to the Project. The Project would not conflict with the requirements of LAMC Section 12.26.J.

LAMC Section 12.37

LAMC Section 12.37 states that a project must dedicate and improve adjacent streets to half- right-of-way standards consistent with street designations from the Mobility Plan. As noted in the Mobility Plan section above, adjacent to the Project, 21st Street and Pacific Avenue are adequately dedicated and improved, while a 3-foot physical roadway widening is proposed for 22nd Street in compliance with the Mobility Plan. The Project is being designed to also comply with applicable Fire Department requirements as it relates to the internal roadway system. Thus, the Project would be consistent with LAMC Section 12.37.

Vision Zero Action and Corridor Plans

Vision Zero implements projects that are designed to increase safety on the most vulnerable City streets. The City has identified a number of streets as part of the High Injury Network (HIN) where City projects will be targeted. South Pacific Avenue and 22nd Street are identified as part of the HIN in the project vicinity. While the proposed Project is located along roadways (i.e., South Pacific Avenue and 22nd Street) that are included on the City's High Injury Network corridor, no vehicular access is proposed along South Pacific Avenue and 22nd Street. In addition, the existing Project site includes a total of two driveway/curb cuts on South Pacific Avenue between 21st Street and 22nd Street. With the development of the proposed Project, the existing driveways/curb cuts on South Pacific Avenue (a corridor included as part of the City's HIN) will be eliminated. Thus, the potential for future pedestrian/vehicle/bicycle conflicts along this HIN would likely be reduced in the future. Further, the three (3)-foot physical roadway widening planned along the 22nd Street would result in a 3-foot expansion to the existing sidewalk width. This increased width will further support and enhance pedestrian circulation along this corridor as 22nd Street is part of the designated NEN. Moreover, the Project improvements to the pedestrian environment would not preclude future Vision Zero safety improvements by the City, should they be deemed necessary. Thus, the Project does not conflict with Vision Zero.

Streetscape Plans

There are no streetscape plans adjacent to the Project site and, therefore, streetscape plans do not apply to the Project. The Project will comply with any applicable landscaping and street tree requirements of the San Pedro Community Plan.

Citywide Design Guidelines

Citywide Design Guidelines (Los Angeles City Planning Urban Design Studio, October 2019) identifies urban design principles to guide architects and developers in designing high-quality projects that meet the City's functional, aesthetic, and policy objectives and help foster a sense of community. The design guidelines are organized around the following approaches:

- *Pedestrian-first Design*

  Guideline 1: Promote a safe, comfortable, and accessible pedestrian experience for all.

  Guideline 2: Carefully incorporate vehicular access such that it does not degrade the pedestrian experience.

  Guideline 3: Design projects to actively engage with streets and public space and maintain human scale.

The Project would be consistent with the Design Guidelines. Adequate sidewalks will be provided in accordance with the City's Living Streets design considerations. Based on the current 22nd Street street designation as an Avenue III roadway, a 3-foot physical roadway widening is also being planned along the 22nd Street frontage which would result in an expansion to the existing sidewalk. In addition, the Project is expected to result in increased safety as the existing driveways on Pacific Avenue are planned for removal, resulting in fewer potential conflicts points along this Avenue II roadway. Additionally, street trees would be incorporated to provide shade for a more comfortable mobility environment for pedestrians. Therefore, the Project would align with Citywide Design Guidelines to provide a safe, comfortable, and accessible experience for all transportation modes.

As shown above, the proposed Project is consistent with the relevant City plans, policies and programs and does not include any features that would preclude the City from completing and complying with these guiding documents and policy objectives. Further, the Applicant will comply with existing, applicable requirements pursuant to the LAMC.

Review of Cumulative Consistency

This section requires consultation and confirmation with the City of Los Angeles Departments of Planning and Transportation (i.e., with LADCP and LADOT). The above project consistency analysis, supporting data and review of the guiding language contained in the City's TAG demonstrate that no cumulative inconsistency with the City's plans, policies, ordinances and programs will occur. The absence of any project features that would preclude the City from completing and complying with these guiding documents and policy objectives further demonstrates this conclusion.

VMT ANALYSIS (THRESHOLD T-2.1)

On July 30, 2019, the Los Angeles Department of City Planning (LADCP) and LADOT updated the Transportation Section of the City's California Environmental Quality Act (CEQA) Thresholds Guide to comply with and implement Senate Bill 743. On September 27, 2013, Governor Brown signed Senate Bill (SB) 743. Under SB 743, the focus of transportation analysis pursuant to CEQA will shift from driver

delay, or level of service (LOS), to reduction of vehicle miles traveled (VMT), reduction in greenhouse gas emissions, creation of multimodal networks and promotion of mixed-use developments. In December 2018, the California Natural Resources Agency certified and adopted amendments to the CEQA Guidelines implementing SB 743 with a target implementation date of July 1, 2020. City staff presented the CEQA Appendix G environmental checklist update to the City Council, which led to the adoption of new VMT-based significance thresholds and its subsequent incorporation into the City's CEQA Threshold Guide. In the course of this update, LADOT has developed a VMT Calculator tool to estimate project-specific daily household VMT per capita and daily work VMT per employee for land use development projects. This tool is intended to be used for development projects within the City of Los Angeles, and the VMT methodology is tailored to the City of Los Angeles *TAG*.

Screening Criteria

If the project requires discretionary action, and the answer is no to either T-2.1-1 or T-2.1-2 below, further analysis will not be required for CEQA Threshold T-2.1, and a "no impact" determination can be made for that threshold:

- T-2.1-1: Would the land use project generate a net increase of 250 or more daily vehicle trips?

The TAG states that for purposes of screening the daily vehicle trips, a proposed project's daily vehicle trips should be estimated using the City's VMT Calculator tool or the most recent edition of the ITE *Trip Generation Manual*. TDM strategies that are to be applied as mitigation measures should not be considered for the purposes of screening. If existing land uses are present on the project site or there were previously terminated land uses that meet the criteria for trip credits described in the trip generation methodology discussion (refer to Subsection 3.3.4.1 of the TAG), the daily vehicle trips generated by the existing or qualified terminated land uses can be estimated using the VMT Calculator tool and subtracted from the proposed project's daily vehicle trips to determine the net increase in daily vehicle trips.

    - Using the City's VMT Calculator tool, the proposed Project is forecast to generate 530 daily vehicle trips. It should be noted that this estimate conservatively does not account for the existing use on-site - a 1,490 square-foot bar. Therefore, the Project exceeds the screening criteria set forth in T-2.1-1.

- T-2.1-2: Would the project generate a net increase in daily VMT?

The TAG states that for the purpose of screening the VMT, a project's daily VMT should be estimated using the City's VMT Calculator tool or the City's Travel Demand Forecasting (TDF) model. TDM strategies should not be considered for the purpose of screening. If existing land uses are present on the project site or there were previously terminated land uses that meet the criteria for trip credits description

in the trip generation methodology discussion (refer to Subsection 3.3.4.1 of the TAG), the daily VMT generated by the existing or qualified terminated land uses can be estimated using the City VMT Calculator tool and subtracted from the project's daily VMT to determine the net increase in daily VMT.

- Using the City's VMT Calculator tool, the proposed Project is forecast to generate 4,768 daily VMT. As noted previously, this estimate conservatively does not account for the existing use on-site. Therefore, the Project exceeds the screening criteria set forth in T-2.1-2.

Impact Criteria and Methodology

For development projects, the proposed project will have a potential VMT impact if the project meets the following:

- For residential projects, the project would generate household VMT per capita exceeding 15% below the existing average household VMT per capita for the Area Planning Commission (APC) area in which the project is located.
- For office projects, the project would generate work VMT per employee exceeding 15% below the existing average work VMT per employee for the APC in which the project is located.
- For regional serving projects including retail projects, entertainment projects, and/or event centers, the project would result in a net increase in VMT.
- For other land use types, measure VMT impacts for the work trip element using the criteria for office projects above.

The project's estimated household VMT is compared to the average household VMT per capita for the corresponding APC and the project's estimated work VMT is compared to the average work VMT per employee for the corresponding APC. Different VMT significance thresholds have been established for each APC boundary area as the characteristics of each are distinct in terms of land use, density, transit availability, employment, etc. The City of Los Angeles significance thresholds (i.e., provided on a daily household VMT per capita basis and a daily work VMT per employee basis) for each of the seven (7) APC boundary areas are presented in ***Table 1***. As the Project is located in the Harbor APC, the VMT impact criteria (i.e., 15% below APC average) applicable to the proposed project is 9.2 daily household VMT per capita.

Transportation Demand Management Measures

The City's VMT Calculator tool also estimates the effectiveness of potential VMT reduction strategies both as project design features and as mitigation measures in addition to estimating whether a development project exceeds the VMT thresholds. A total of 22 strategies are built into the VMT Calculator, covering several categories including parking, transit, education and encouragement, commute trip reductions,

shared mobility, bicycle infrastructure, and neighborhood enhancements. These strategies address the potential VMT reductions available due to certain types of project site modifications, programming, and operational changes which are collectively known as Transportation Demand Management (TDM) strategies. The effectiveness of each strategy is primarily based on research documented in *Quantifying Greenhouse Gas Mitigation Measures (CAPCOA, 2010)*[2]. The VMT Calculator either utilizes the methodology provided in the CAPCOA document directly or adjusts the methodology to account for local needs and departmental goals. A detailed review of the 22 pre-defined TDM strategies included in the VMT Calculator, including the definitions, benefits, and applicability of each measure, is presented in Attachment G to the City's TAG, *Transportation Demand Management Strategies in LA VMT Calculator*.

Summary of Project VMT Analysis

The daily vehicle trips and VMT expected to be generated by the proposed Project were forecast using the City's VMT Calculator tool. The TDM strategies proposed as part of the project were incorporated into the base assumptions of the VMT calculator as project design features. As indicated in the summary VMT Calculator worksheets, the proposed project is forecast to generate the following:

- The proposed Project is estimated to generate a total of 537 daily vehicle trips.
- The proposed Project is estimated to generate a total of 4,834 daily VMT.
- The estimated household VMT per capita for the proposed Project is 9.3 VMT per capita, which is above the Harbor APC significance threshold of 9.2 VMT per capita. As noted above, for residential projects, the project would have a potential VMT impact if the project would generate household VMT per capita exceeding 15% below the existing average household VMT per capita for the APC area in which the project is located. Thus, the project is expected to result in a significant VMT impact. Therefore, mitigation is necessary as it relates to VMT.
- The work VMT per employee for the proposed Project is not applicable (N/A) since the project commercial component is small scale and local serving and is therefore presumed to be less than significant.

As noted previously, the VMT analysis conservatively does not account for the existing use on-site.

Mitigation Measures

The estimated household VMT per capita for the proposed project is 9.3 VMT per capita, which is above the Harbor APC significance threshold of 9.2 VMT per capita.

[2] *Quantifying Greenhouse Gas Mitigation Measures*, California Air Pollution Control Officers Association (CAPCOA), 2010.

The following TDM strategy included in the VMT Calculator has been determined to be applicable as a project mitigation measure:

- Parking: Unbundle Parking

  This strategy "unbundles" the parking costs from the property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property (i.e., separate from rent) cost. The strategy assumes the parking cost is set by the Project applicant and ranges anywhere between $25 and $220 per month, and paid by the vehicle owners/drivers. As noted previously, the proposed Project plans to charge separately for the parking space rather than including it within the monthly rental price of a residential unit. The proposed Project parking cost is expected to total in the range of $25 per month, based on information provided by the Project applicant.

The household VMT per capita for the proposed project would subsequently be reduced to 9.0 household VMT per capita, which is below the Harbor APC significance threshold of 9.2 VMT per capita. Therefore, the TDM measure is expected to reduce the project's VMT to a less than significant level.

Summary of Cumulative VMT Analysis

As stated in the City's TAG document (refer to page 2-12 of the TAG), analyses should consider both short-term and long-term project effects on VMT. Short-term effects are evaluated in the detailed project-level VMT analysis summarized above. Long-term, or cumulative, effects are determined through a consistency check with the Southern California Association of Government's (SCAG's) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The RTP/SCS is the regional plan that demonstrates compliance with air quality conformity requirements and greenhouse gas (GHG) reduction targets. As such, projects that are consistent with this plan in terms of development, location, density, and intensity, are part of the regional solution for meeting air pollution and GHG reduction goals. Projects that are deemed to be consistent would have a less than significant cumulative impact on VMT. Development in a location where the RTP/SCS does not specify any development may indicate a significant impact on transportation. However, as noted in the City's TAG document, for projects that do not demonstrate a project impact by applying an efficiency-based impact threshold (i.e., VMT per capita, VMT per employee, or VMT per service population) in the impact analysis, a less than significant project impact conclusion is sufficient in demonstrating there is no cumulative VMT impact. Projects that fall under the City's efficiency-based impact thresholds are already shown to align with the long-term VMT and GHG reduction goals of SCAG's RTP/SCS. The TAG also notes that projects which do demonstrate VMT impacts through application of efficiency-based thresholds, and which are deemed inconsistent with the RTP/SCS, could contribute toward a significant cumulative impact on VMT.

Based on the above project-related VMT analysis and conclusions (i.e., which conclude that the proposed project falls under the City's efficiency-based impact thresholds and thus are already shown to align with the long-term VMT and GHG reduction goals of SCAG's RTP/SCS), no cumulative VMT impacts are anticipated.

GEOMETRIC DESIGN (THRESHOLD T-3)

As stated in the City's TAG document (refer to page 27 of the TAG), impacts regarding the potential increase of hazards due to a geometric design feature generally relate to the design of access points to and from the project site, and may include safety, operational, or capacity impacts. Impacts can be related to vehicle/vehicle, vehicle/bicycle, or vehicle/pedestrian conflicts as well as to operational delays caused by vehicles slowing and/or queuing to access a project site. These conflicts may be created by the driveway configuration or through the placement of project driveway(s) in areas of inadequate visibility, adjacent to bicycle or pedestrian facilities, or too close to busy or congested intersections. Evaluation of access impacts require details relative to project land use, size, design, location of access points, etc. These impacts are typically evaluated for permanent conditions after project completion, but can also be evaluated for temporary conditions during project construction. Project access can be analyzed in qualitative and/or quantitative terms, and in conjunction with the review of internal site circulation and access to parking areas. All proposed site access points should be evaluated.

Screening Criteria

If the project requires a discretionary action, and the answer is "yes" to either of the following questions, further analysis will be required to assess whether the project would result in impacts due to geometric design hazards or incompatible uses:

- Is the project proposing new driveways, or introducing new vehicle access to the property from the public right-of-way?
  - Yes, a new driveway on 21st Street is proposed for the Project.
- Is the project proposing to, or required to make any voluntary or required, modifications to the public right-of-way (i.e., street dedications, reconfigurations of curb line, etc.)?

  As stated in the City's TAG document (refer to page 28 of the TAG), for the purpose of the screening for projects that are making physical changes to the public right-of-way, determine the street designation and improvement standard for any project frontage along streets classified as an Avenue or Boulevard (as designated in the City's General Plan) using the Mobility Plan 2035, or Navigate LA. If any street fronting the project site is an Avenue or Boulevard and it is determined that additional dedication, or physical modifications to the public right-of-way are proposed or required, the answer to this question is yes. For projects not subject to dedication and improvement

requirements under the Los Angeles Municipal Code, though the project does propose dedications or physical modifications to the public right-of-way, the answer to this question is yes. Based on a review of the proposed Project, the following answer is provided:

- Yes. Per coordination with the City's Bureau of Engineering (BOE), a 3-foot physical roadway widening is being planned along the 22nd Street frontage. No roadway dedications or widenings (i.e., curb line modifications) are currently proposed or required along Pacific Avenue and 21st Street.

As the answer is yes to both of the screening criteria, further analysis of geometric design is required.

Impact Criteria and Methodology

The impact criteria set forth in the City's TAG for substantially increasing hazards due to a geometric design feature or incompatible use (referred to a Threshold T-3) is defined as follows:

- Threshold T-3: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
  - No, the proposed Project would not substantially increase hazards due to a geometric design feature. No sharp curves, incompatible uses, new intersections or roadways are proposed. The Project's impact on roadways and intersections in the area was evaluated in a Transportation Impact Study. As such, the forecast vehicle trips generated by the Project would not increase potentially hazardous conditions on local roadways or intersections.

Preliminary project access plans are to be reviewed in light of commonly-accepted traffic engineering design standards to ascertain whether any deficiencies are apparent in the site access plans which would be considered significant. The determination of significance shall be on a case-by-case basis, considering the following factors:

- The relative amount of pedestrian activity at project access points.
- Design features/physical configurations that affect the visibility of pedestrians and bicyclists to drivers entering and exiting the site, and the visibility of cars to pedestrians and bicyclists.
- The type of bicycle facilities the project driveway(s) crosses and the relative level of utilization.
- The physical conditions of the site and surrounding area, such as curves, slopes, walks, landscaping or other barriers, that could result in vehicle/pedestrian, vehicle/bicycle, or vehicle/vehicle safety hazards.

- The project location, or project-related changes to the public right-of-way, relative to proximity to the High Injury Network or a Safe Routes to School program area.
- Any other conditions, including the approximate location of incompatible uses that would substantially increase a transportation hazard.

For vehicle, bicycle and pedestrian safety impacts, the City's TAG (refer to page 2-21) indicate that a review of all project access points, internal circulation, and parking access from an operational and safety perspective (for example, turning radii, driveway queuing, line of sight for turns into and out of project driveway[s]) should be conducted. Where project driveways would cross pedestrian facilities or bicycle facilities (bike lanes or bike paths), operational and safety issues related to the potential for vehicle/pedestrian and vehicle/bicycle conflicts and the severity of consequences that could result should be considered. In areas with moderate to high levels of pedestrian or bicycle activity, the collection of pedestrian or bicycle count data is required.

As noted above, based on the current 22nd Street roadway designation as an Avenue III roadway, a 3-foot physical roadway widening is being planned along the 22nd Street frontage resulting in an expansion to the existing sidewalk. No roadway widenings (i.e., curb line modifications) are currently proposed on Pacific Avenue and 21st Street. In addition, the Project is expected to result in increased safety as the existing driveways on Pacific Avenue are planned for removal, resulting in fewer potential conflicts points along this Avenue II roadway. Thus, the Project would not substantially increase hazards due to a geometric design feature. No sharp curves, incompatible uses, new intersections or roadways are proposed.

TRANSIT REVIEW

Public bus and rail transit service is provided within the project study area. Public bus transit service in the immediate project study area is currently provided by Metro, LADOT DASH, and the Palos Verdes Peninsula Transit Authority (PVPTA). As noted previously, the project site is also located within the Metro Right-of-Way Project Area. A summary of the existing transit service, including the transit route, destinations and peak hour headways is presented in ***Table 2***. The existing public transit routes in the project site vicinity are illustrated in ***Figure 5***. As summarized in *Table 2*, a total of 5 public transit routes provide service near the project site. In addition, the location of bus stops and amenities (e.g., bus benches, shelters, etc.) in the project study area is displayed in *Figure 4*.

The one-half mile radius originating from the project site is presented in ***Figure 6***. The Pacific Avenue/13th Street intersection is currently served by two or more bus routes with a frequency of service interval of 15 minutes or less during the morning

and afternoon peak commute periods, which qualifies as a major transit stop[3]. As shown in *Figure 6*, the proposed project site is located within a one-half mile distance of the Pacific Avenue/13th Street intersection, and therefore the project site is located within the boundaries of a major transit stop.

SUMMARY

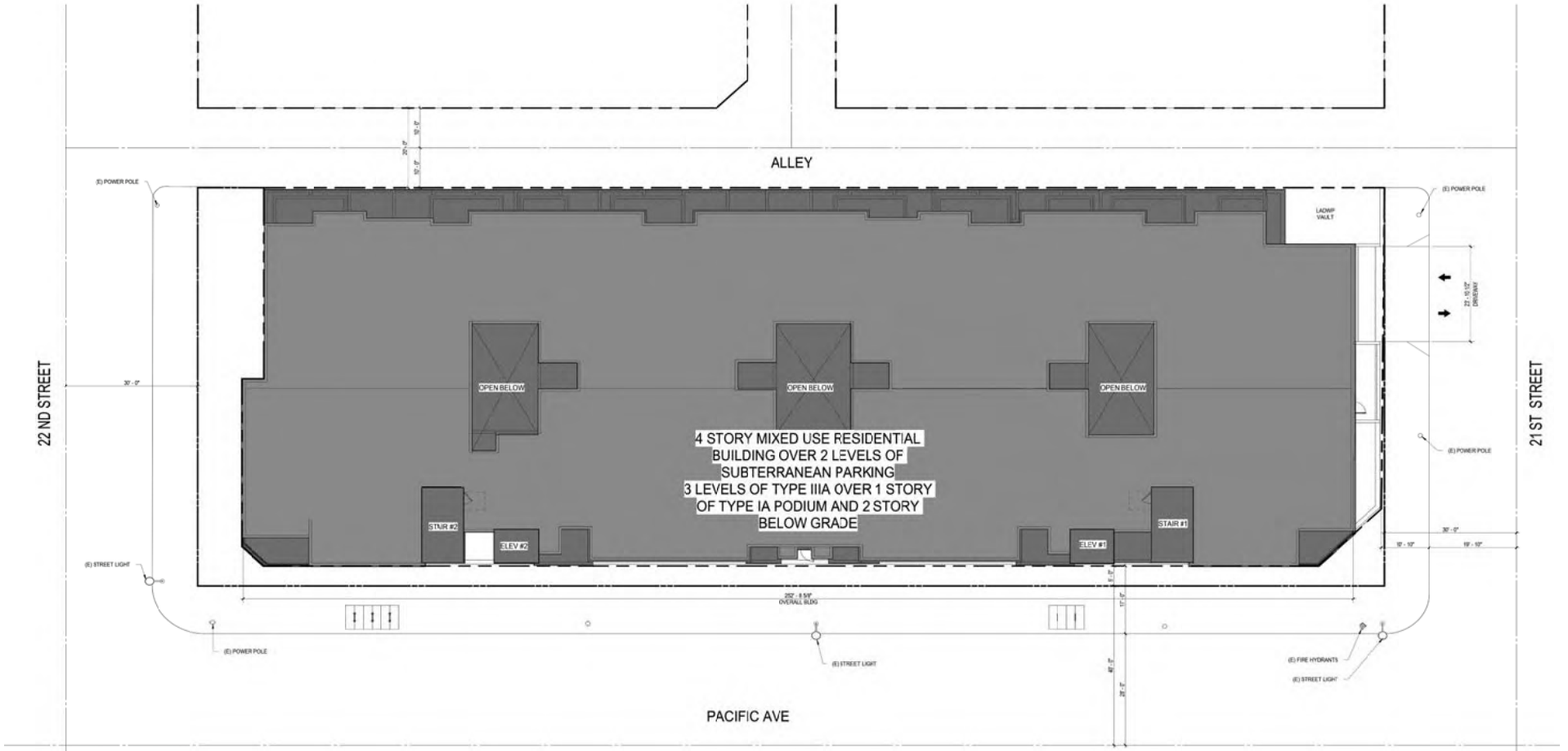
As summarized above, the proposed Project has been found to be consistent with the relevant City plans, policies and programs and does not include any features that would preclude the City from completing and complying with the guiding documents and policy objectives. A physical roadway widening is planned along the 22nd Street project frontage in compliance with the Mobility Plan 2035. The proposed Project would not substantially increase hazards due to a geometric design feature.

The proposed Project is estimated to generate a total of 537 daily vehicle trips and a total of 4,834 daily VMT. The estimated household VMT per capita for the proposed Project is 9.3 VMT per capita, which is above the Harbor APC significance threshold of 9.2 VMT per capita. The work VMT per employee for the proposed Project is not applicable (N/A) since the Project commercial component is presumed to be less than significant. The TDM measure which has been applied to the project is expected to reduce the project's VMT to a less than significant level.

Please feel free to contact us at 626.796.2322 should you have any questions or comments regarding this transportation analysis memorandum.

c: File

[3] Public Resources Code Section 21064.3: ""Major transit stop" means a site containing any of the following: (a) An existing rail or bus rapid transit station. (b) A ferry terminal served by either a bus or rail transit service. (c) The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods."



MAP SOURCE: THE KETTER GROUP

Figure 1
Site Plan

2111 South Pacific Avenue Project

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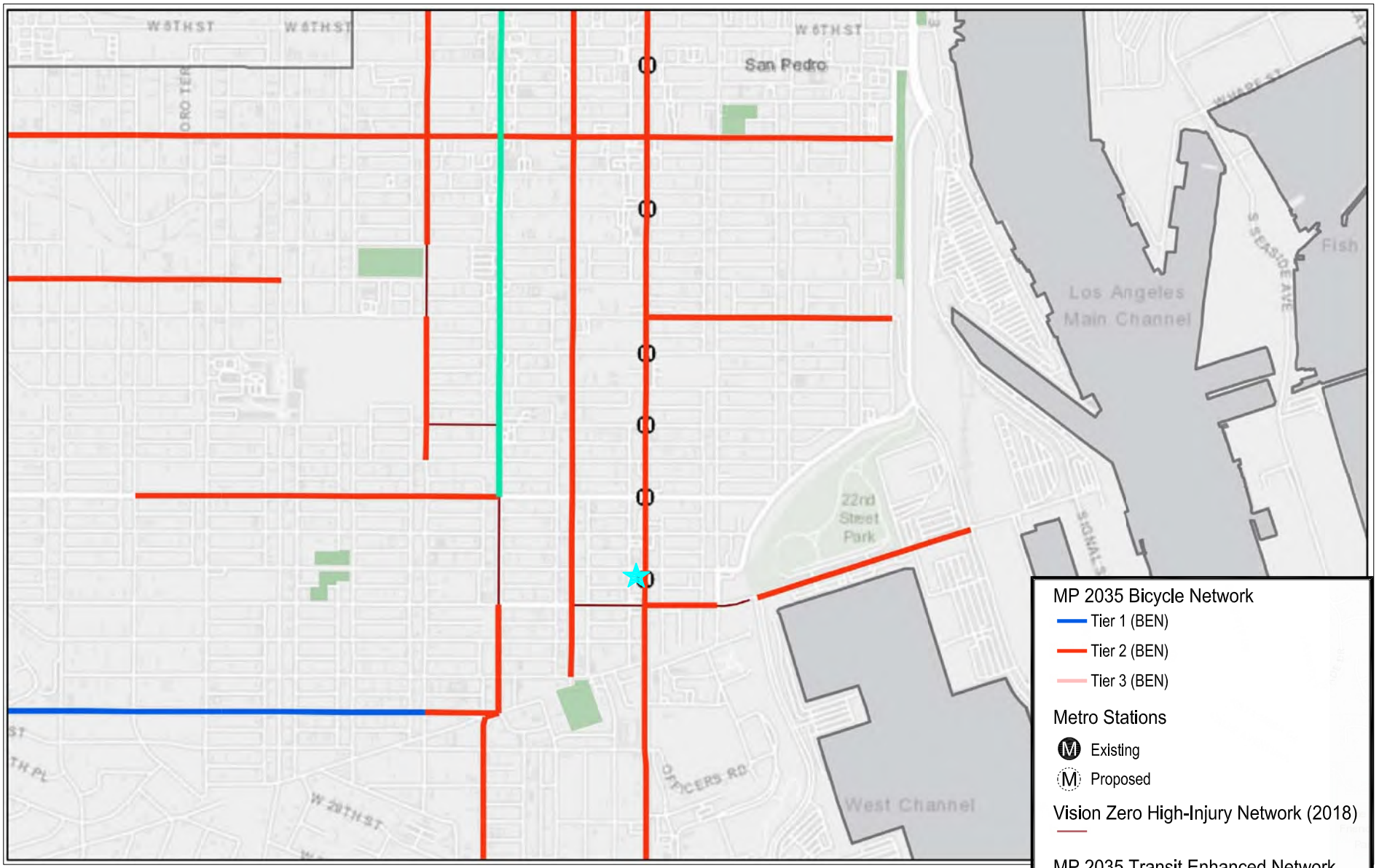
MAP SOURCE: THE KETTER GROUP

Figure 2
Street Level Plan

2111 South Pacific Avenue Project



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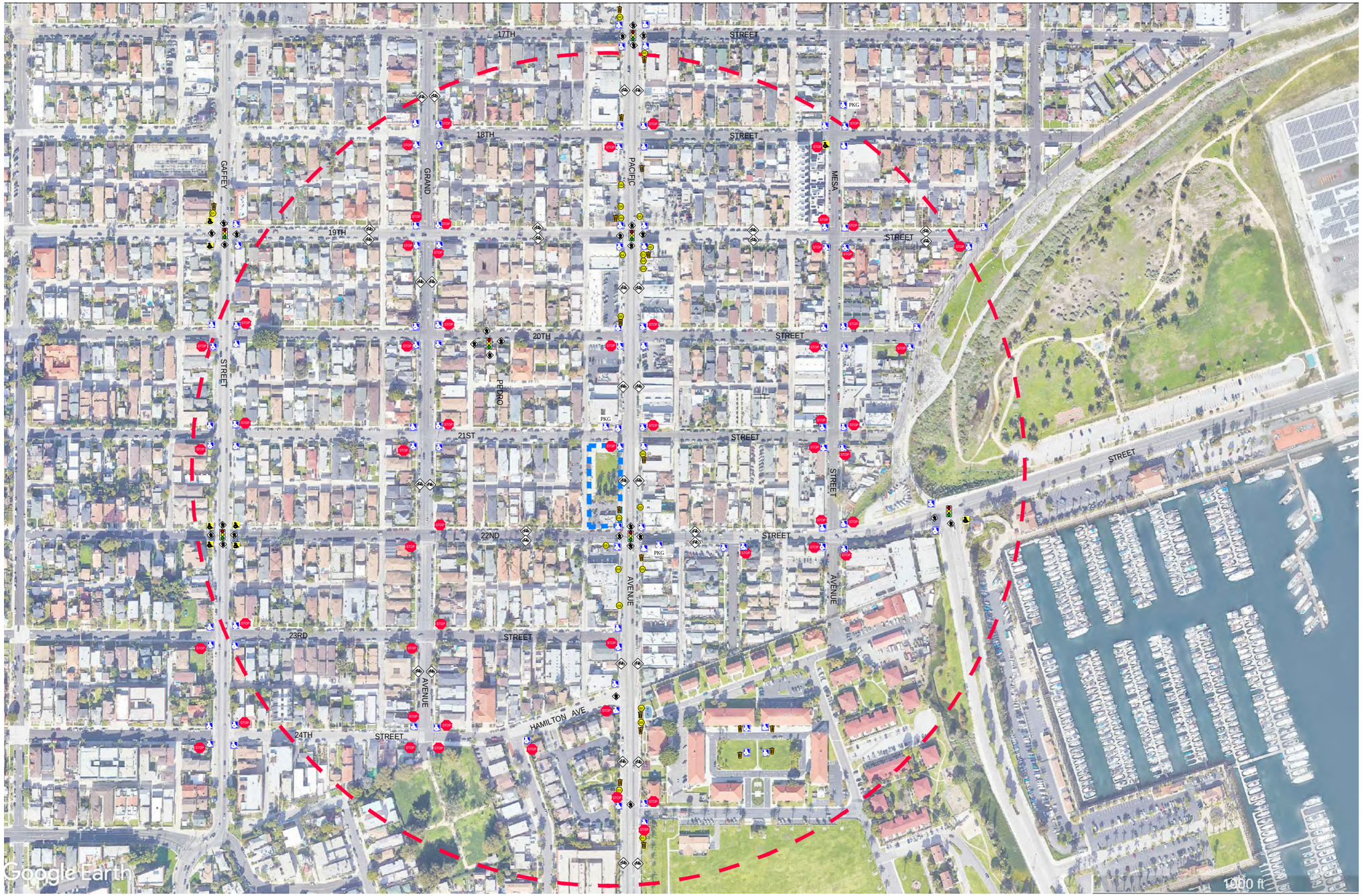
LINSCOTT LAW & GREENSPAN engineers

Project Site

Figure 3
Mobility Plan 2035 Networks

2111 South Pacific Avenue Project



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NO SCALE

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- SITE
- SIGNAL
- STOP SIGN
- ADA
- ADA YELLOW TRUNCATED DOME
- TRASH
- CROSSWALK
- CROSSWALK YELLOW
- BIKE RACK
- BUS STOP
- BUS STOP WITH BUS BENCH
- BUS STOP WITH BUS BENCH & SHELTER
- BIKE ROUTE/LANE
- MAIL BOX

Figure 4

Existing Nearby Pedestrian & Transit Facilities

2111 South Pacific Avenue Project

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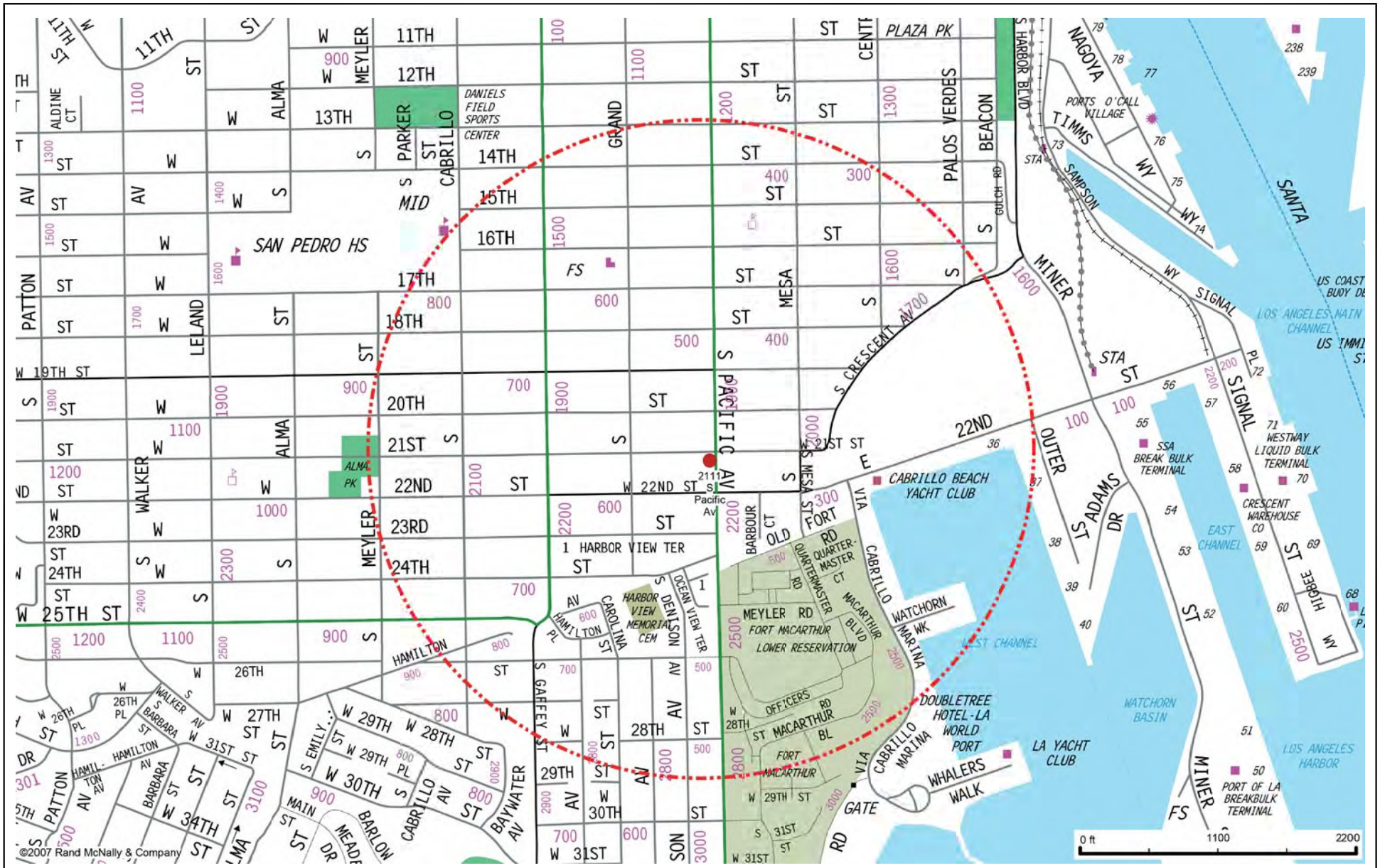
MAP SOURCE: METROPOLITAN TRANSPORTATION AUTHORITY WEBSITE, NOVEMBER 2021

★ Project Site

LINSCOTT LAW & GREENSPAN engineers

Figure 5
Existing Transit Routes

2111 South Pacific Avenue Project



MAP SOURCE: RAND MCNALLY & COMPANY

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LINSCOTT LAW & GREENSPAN engineers

Figure 6
0.50 Mile Radius Map

Table 1
CITY OF LOS ANGELES VMT IMPACT CRITERIA [1]

AREA PLANNING COMMISSION	15 PERCENT (15%) BELOW APC CRITERIA [2]	
	DAILY HOUSEHOLD VMT PER CAPITA	DAILY WORK VMT PER EMPLOYEE
Central	6.0	7.6
East Los Angeles	7.2	12.7
Harbor	9.2	12.3
North Valley	9.2	15.0
South Los Angeles	6.0	11.6
South Valley	9.4	11.6
West Los Angeles	7.4	11.1

[1] Source: City of Los Angeles Transportation Assessment Guidelines, July 2020.

[2] The development project will have a potential impact if the project meets the following:
- For residential projects, the project would generate household VMT per capita exceeding 15% below the existing average household VMT per capita for the APC area in which the project (refer to above [source: Table 2.2-1 of the guidelines]).
- For office projects, the project would generate work VMT per employee exceeding 15% below the existing average work VMT per employee for the APC in which the project is located (refer to above [source: Table 2.2-1 of the guidelines]).
- For retail projects, the project would result in a net increase in VMT.
- For other land use types, measure VMT impacts for the work trip element using the criteria for office project above (source: Table 2.2-1 of the guidelines).

Table 2
EXISTING TRANSIT ROUTES [1]

ROUTE	DESTINATIONS	ROADWAY(S) NEAR SITE	NO. OF BUSES DURING PEAK HOUR		
			DIR	AM	PM
DASH San Pedro	San Pedro	Gaffey Street, 19th Street, 15th Street	NB SB	3 3	3 3
Metro 205	San Pedro to Willowbrook via Lomita, Harbor City, Los Angeles, Torrance, Harbor Gateway, Carson and Compton	Gaffey Street, 13th Street, Grand Avenue Pacific Avenue	NB SB	2 2	2 2
Metro 246	San Pedro to Los Angeles via Wilmington and Carson	Pacific Avenue, 13th Street, 15th Street, 17th Street, 19th Street, 21st Street, 22nd Street, Hamilton Avenue, Meyler Road, 26th Street, 28th Street, Gaffey Street	NB SB	2 2	2 2
Metro Silver Line	El Monte to San Pedro via Downtown Los Angeles, Los Angeles and Harbor Gateway	Pacific Avenue, 15th Street, 17th Street 19th Street, 22nd Street	NB SB	3 3	3 3
PVPTA 225	Palos Verdes Estates to San Pedro via Rancho Palos Verdes, Rolling Hills and Rolling Hills Estates	Pacific Avenue, 7th Street	NB SB	1 0	0 1
			Total	**21**	**21**

[1] Sources: City of Los Angeles Department of Transportation (DASH), Los Angeles County Metropolitan Transportation Authority (Metro), and Palos Verdes Peninsula Transit Authority (PVPTA) websites, November 2021.

CITY OF LOS ANGELES VMT CALCULATOR Version 1.3

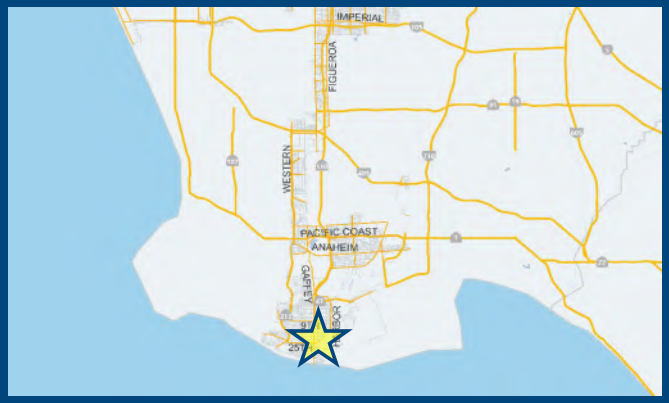
Project Screening Criteria: Is this project required to conduct a vehicle miles traveled analysis?

Project Information

Project: 2111 South Pacific Avenue

Scenario:

Address: 2111 S PACIFIC AVE, 90731



Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

○ Yes ○ No

Existing Land Use

Land Use Type	Value	Unit
Housing | Single Family		DU

☐ Click here to add a single custom land use type (will be included in the above list)

Proposed Project Land Use

Land Use Type	Value	Unit
Retail | General Retail	1.8	ksf
Housing | Multi-Family	89	DU
Retail | General Retail	1.8	ksf
Housing | Affordable Housing - Family	11	DU

☐ Click here to add a single custom land use type (will be included in the above list)

Project Screening Summary

Existing Land Use	Proposed Project
0 Daily Vehicle Trips	537 Daily Vehicle Trips
0 Daily VMT	4,834 Daily VMT

Tier 1 Screening Criteria

Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. ☐

Tier 2 Screening Criteria

The net increase in daily trips < 250 trips	537 Net Daily Trips
The net increase in daily VMT ≤ 0	4,834 Net Daily VMT
The proposed project consists of only retail land uses ≤ 50,000 square feet total.	1.800 ksf

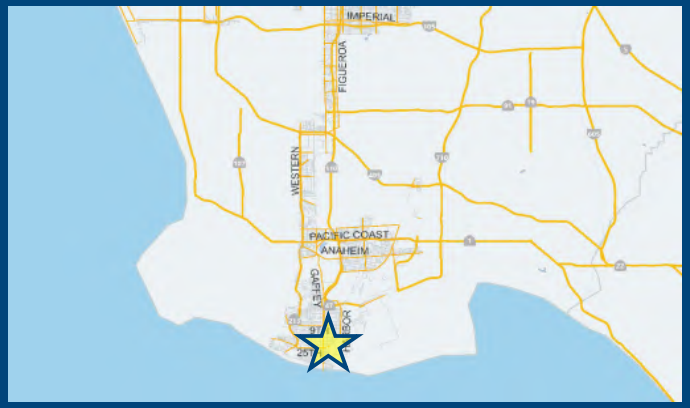
The proposed project is required to perform VMT analysis.

Measuring the Miles

CITY OF LOS ANGELES VMT CALCULATOR Version 1.3

Project Information

Project: 2111 South Pacific Avenue
Scenario:
Address: 2111 S PACIFIC AVE, 90731



Proposed Project Land Use Type	Value	Unit
Housing | Multi-Family	89	DU
Retail | General Retail	1.8	ksf
Housing | Affordable Housing - Family	11	DU

TDM Strategies

Select each section to show individual strategies
Use ☑ to denote if the TDM strategy is part of the proposed project or is a mitigation strategy

	Proposed Project	With Mitigation
Max Home Based TDM Achieved?	**No**	**No**
Max Work Based TDM Achieved?	**No**	**No**

- **A** Parking
- **B** Transit
- **C** Education & Encouragement
- **D** Commute Trip Reductions
- **E** Shared Mobility
- **F** Bicycle Infrastructure

Implement/Improve On-street Bicycle Facility
☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy

Include Bike Parking Per LAMC
☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy

Include Secure Bike Parking and Showers
☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy

- **G** Neighborhood Enhancement

Analysis Results

Proposed Project	With Mitigation
537 Daily Vehicle Trips	**530** Daily Vehicle Trips
4,834 Daily VMT	**4,768** Daily VMT
9.3 Household VMT per Capita	**9.0** Household VMT per Capita
N/A Work VMT per Employee	**N/A** Work VMT per Employee

Significant VMT Impact?

Household: Yes Threshold = 9.2 15% Below APC	**Household: No** Threshold = 9.2 15% Below APC
Work: N/A Threshold = 12.3 15% Below APC	**Work: N/A** Threshold = 12.3 15% Below APC

Measuring the Miles

3/30/2022

CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

Project Information			
Land Use Type		**Value**	**Units**
Housing	*Single Family*	*0*	*DU*
	Multi Family	89	DU
	Townhouse	*0*	*DU*
	Hotel	*0*	*Rooms*
	Motel	*0*	*Rooms*
Affordable Housing	Family	11	DU
	Senior	*0*	*DU*
	Special Needs	*0*	*DU*
	Permanent Supportive	*0*	*DU*
Retail	General Retail	1.800	ksf
	Furniture Store	*0.000*	*ksf*
	Pharmacy/Drugstore	*0.000*	*ksf*
	Supermarket	*0.000*	*ksf*
	Bank	*0.000*	*ksf*
	Health Club	*0.000*	*ksf*
	High-Turnover Sit-Down Restaurant	*0.000*	*ksf*
	Fast-Food Restaurant	*0.000*	*ksf*
	Quality Restaurant	*0.000*	*ksf*
	Auto Repair	*0.000*	*ksf*
	Home Improvement	*0.000*	*ksf*
	Free-Standing Discount	*0.000*	*ksf*
	Movie Theater	*0*	*Seats*
Office	*General Office*	*0.000*	*ksf*
	Medical Office	*0.000*	*ksf*
Industrial	*Light Industrial*	*0.000*	*ksf*
	Manufacturing	*0.000*	*ksf*
	Warehousing/Self-Storage	*0.000*	*ksf*
School	*University*	*0*	*Students*
	High School	*0*	*Students*
	Middle School	*0*	*Students*
	Elementary	*0*	*Students*
	Private School (K-12)	*0*	*Students*
Other		*0*	*Trips*

CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

Analysis Results			
Total Employees: 4 Total Population: 235			
Proposed Project		***With Mitigation***	
537	**Daily Vehicle Trips**	**530**	**Daily Vehicle Trips**
4,834	**Daily VMT**	**4,768**	**Daily VMT**
9.3	**Household VMT per Capita**	**9**	**Household VMT per Capita**
N/A	**Work VMT per Employee**	**N/A**	**Work VMT per Employee**

Significant VMT Impact?			
APC: Harbor			
Impact Threshold: 15% Below APC Average Household = 9.2 Work = 12.3			
Proposed Project		***With Mitigation***	
VMT Threshold	**Impact**	**VMT Threshold**	**Impact**
Household > 9.2 Work > 12.3	Yes N/A	Household > 9.2 Work > 12.3	No N/A

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

TDM Strategy Inputs

Strategy Type		Description	Proposed Project	Mitigations
Parking	*Reduce parking supply*	*City code parking provision (spaces)*	*0*	*0*
		Actual parking provision (spaces)	*0*	*0*
	Unbundle parking	Monthly cost for parking ($)	*$0*	$25
	Parking cash-out	*Employees eligible (%)*	*0%*	*0%*
	Price workplace parking	*Daily parking charge ($)*	*$0.00*	*$0.00*
		Employees subject to priced parking (%)	*0%*	*0%*
	Residential area parking permits	*Cost of annual permit ($)*	*$0*	*$0*

(cont. on following page)

TDM Strategy Inputs, Cont.

Strategy Type		Description	Proposed Project	Mitigations
Transit	*Reduce transit headways*	*Reduction in headways (increase in frequency) (%)*	*0%*	*0%*
		Existing transit mode share (as a percent of total daily trips) (%)	*0%*	*0%*
		Lines within project site improved (<50%, >=50%)	*0*	*0*
	Implement neighborhood shuttle	*Degree of implementation (low, medium, high)*	*0*	*0*
		Employees and residents eligible (%)	*0%*	*0%*
	Transit subsidies	*Employees and residents eligible (%)*	*0%*	*0%*
		Amount of transit subsidy per passenger (daily equivalent) ($)	*$0.00*	*$0.00*
Education & Encouragement	*Voluntary travel behavior change program*	*Employees and residents participating (%)*	*0%*	*0%*
	Promotions and marketing	*Employees and residents participating (%)*	*0%*	*0%*

(cont. on following page)

TDM Strategy Inputs, Cont.

Strategy Type		Description	Proposed Project	Mitigations
Commute Trip Reductions	*Required commute trip reduction program*	*Employees participating (%)*	*0%*	*0%*
	Alternative Work Schedules and Telecommute	*Employees participating (%)*	*0%*	*0%*
		Type of program	*0*	*0*
	Employer sponsored vanpool or shuttle	*Degree of implementation (low, medium, high)*	*0*	*0*
		Employees eligible (%)	*0%*	*0%*
		Employer size (small, medium, large)	*0*	*0*
	Ride-share program	*Employees eligible (%)*	*0%*	*0%*
Shared Mobility	*Car share*	*Car share project setting (Urban, Suburban, All Other)*	*0*	*0*
	Bike share	*Within 600 feet of existing bike share station - OR- implementing new bike share station (Yes/No)*	*0*	*0*
	School carpool program	*Level of implementation (Low, Medium, High)*	*0*	*0*

(cont. on following page)

TDM Strategy Inputs, Cont.

Strategy Type		Description	Proposed Project	Mitigations
Bicycle Infrastructure	*Implement/Improve on-street bicycle facility*	*Provide bicycle facility along site (Yes/No)*	*0*	*0*
	Include Bike parking per LAMC	*Meets City Bike Parking Code (Yes/No)*	*0*	*0*
	Include secure bike parking and showers	*Includes indoor bike parking/lockers, showers, & repair station (Yes/No)*	*0*	*0*
Neighborhood Enhancement	*Traffic calming improvements*	*Streets with traffic calming improvements (%)*	*0%*	*0%*
		Intersections with traffic calming improvements (%)	*0%*	*0%*
	Pedestrian network improvements	*Included (within project and connecting off-site/within project only)*	*0*	*0*

CITY OF LOS ANGELES VMT CALCULATOR

Report 3: TDM Outputs

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

TDM Adjustments by Trip Purpose & Strategy

Place type: Suburban Center

		Home Based Work Production		*Home Based Work Attraction*		*Home Based Other Production*		*Home Based Other Attraction*		*Non-Home Based Other Production*		*Non-Home Based Other Attraction*		*Source*
		Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	
Parking	Reduce parking supply	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	TDM Strategy Appendix, Parking sections 1 - 5
	Unbundle parking	*0%*	3%	*0%*	*0%*	*0%*	3%	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Parking cash-out	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Price workplace parking	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Residential area parking permits	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	
Transit	Reduce transit headways	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	TDM Strategy Appendix, Transit sections 1 - 3
	Implement neighborhood shuttle	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Transit subsidies	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
Education & Encouragement	Voluntary travel behavior change program	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	TDM Strategy Appendix, Education & Encouragement sections 1 - 2
	Promotions and marketing	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
Commute Trip Reductions	Required commute trip reduction program	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	TDM Strategy Appendix, Commute Trip Reductions sections 1 - 4
	Alternative Work Schedules and Telecommute Program	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Employer sponsored vanpool or shuttle	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
	Ride-share program	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*	
Shared Mobility	Car-share	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	TDM Strategy Appendix, Shared Mobility sections 1 - 3
	Bike share	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	*0.00%*	
	School carpool program	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	

CITY OF LOS ANGELES VMT CALCULATOR

Report 3: TDM Outputs

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

TDM Adjustments by Trip Purpose & Strategy, Cont.

Place type: Suburban Center

		Home Based Work Production		*Home Based Work Attraction*		*Home Based Other Production*		*Home Based Other Attraction*		*Non-Home Based Other Production*		*Non-Home Based Other Attraction*		*Source*
		Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	
Bicycle Infrastructure	Implement/ Improve on-street bicycle facility	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	TDM Strategy Appendix, Bicycle Infrastructure sections 1 - 3
	Include Bike parking per LAMC	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	
	Include secure bike parking and showers	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	
Neighborhood Enhancement	Traffic calming improvements	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	TDM Strategy Appendix, Neighborhood Enhancement sections 1 - 2
	Pedestrian network improvements	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	*0.0%*	

Final Combined & Maximum TDM Effect

	Home Based Work Production		*Home Based Work Attraction*		*Home Based Other Production*		*Home Based Other Attraction*		*Non-Home Based Other Production*		*Non-Home Based Other Attraction*	
	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated
COMBINED TOTAL	*0%*	*3%*	*0%*	*0%*	*0%*	*3%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*
MAX. TDM EFFECT	*0%*	*3%*	*0%*	*0%*	*0%*	*3%*	*0%*	*0%*	*0%*	*0%*	*0%*	*0%*

= Minimum (X%, 1-[(1-A)*(1-B)…])

where X%=

PLACE TYPE MAX:	*urban*	*75%*
	compact infill	*40%*
	suburban center	*20%*
	suburban	*15%*

Note: (1-[(1-A)*(1-B)…]) reflects the dampened combined effectiveness of TDM Strategies (e.g., A, B,...). See the TDM Strategy Appendix (*Transportation Assessment Guidelines Attachment G)* for further discussion of dampening.

CITY OF LOS ANGELES VMT CALCULATOR

Report 4: MXD Methodology

Date: March 30, 2022
Project Name: 2111 South Pacific Avenue
Project Scenario:
Project Address: 2111 S PACIFIC AVE, 90731

Version 1.3

MXD Methodology - Project Without TDM

	Unadjusted Trips	MXD Adjustment	MXD Trips	Average Trip Length	Unadjusted VMT	MXD VMT
Home Based Work Production	89	-16.9%	74	12.4	1,104	918
Home Based Other Production	247	-30.0%	173	7.3	1,803	1,263
Non-Home Based Other Production	132	-2.3%	129	9.3	1,228	1,200
Home-Based Work Attraction	5	-80.0%	1	15.2	76	15
Home-Based Other Attraction	156	-25.0%	117	8.1	1,264	948
Non-Home Based Other Attraction	45	-4.4%	43	11.4	513	490

MXD Methodology with TDM Measures

	Proposed Project			*Project with Mitigation Measures*		
	TDM Adjustment	Project Trips	Project VMT	TDM Adjustment	Mitigated Trips	Mitigated VMT
Home Based Work Production	0.0%	74	918	-3.0%	72	890
Home Based Other Production	0.0%	173	1,263	-3.0%	168	1,225
Non-Home Based Other Production	0.0%	129	1,200	0.0%	129	1,200
Home-Based Work Attraction	0.0%	1	15	0.0%	1	15
Home-Based Other Attraction	0.0%	117	948	0.0%	117	948
Non-Home Based Other Attraction	0.0%	43	490	0.0%	43	490

MXD VMT Methodology Per Capita & Per Employee

Total Population: 235
Total Employees: 4
APC: Harbor

	Proposed Project	*Project with Mitigation Measures*
Total Home Based Production VMT	**2,181**	**2,115**
Total Home Based Work Attraction VMT	**15**	**15**
Total Home Based VMT Per Capita	**9.3**	**9.0**
Total Work Based VMT Per Employee	**N/A**	**N/A**

EXHIBIT E (2)

FORM GEN. 160A (Rev. 1/82)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

2111 South Pacific Avenue
DOT Case No. HRB19-108206 (48366)

Date: June 16, 2022

To: Susan Jimenez, Administrative Clerk
Department of City Planning

Robert Sanchez (Jun 16, 2022 16:19 PDT)

From: Robert Sanchez, Transportation Engineer
Department of Transportation

Subject: **UPDATED TRANSPORTATION IMPACT ASSESSMENT FOR THE PROPOSED MIXED USE PROJECT AT 2111-2139 SOUTH PACIFIC AVENUE (CPC-2019-4884-CU-DB-SPR)**

On October 21, 2019, the Department of Transportation (DOT) issued a traffic assessment letter to the Department of City Planning for the mixed-use project at 2111 South Pacific Avenue. The assessment was based on a transportation analysis report prepared by Linscott, Law & Greenspan Engineers (LL&G), dated September 16, 2019. However, pursuant to Senate Bill (SB) 743 and changes to Section 15064.3 of the State's California Environmental Quality Act (CEQA) Guidelines, the City of Los Angeles adopted vehicle miles traveled (VMT) as the criteria by which to determine transportation impacts under CEQA. Therefore, in response to this action the applicant has submitted a supplemental VMT analysis for the proposed project. Please replace the previous DOT assessment letter dated October 21, 2019, in its entirety, with this letter which addresses the totality of the transportation analysis. The previous assessment letter is attached for you reference.

The DOT has reviewed the supplemental transportation analysis prepared by LL&G, dated December 16, 2021 with a subsequent revision dated March 30, 2022, for the proposed mixed use project located at 2111-2139 South Pacific. In compliance with SB 743 and the CEQA, a VMT analysis is required to identify the project's ability to promote the reduction of green-house gas emissions, access to diverse land uses, and the development of multi-modal networks. The significance of a project's impact in this regard is measured against the VMT thresholds established in DOT's Transportation Assessment Guidelines (TAG), as described below.

DISCUSSION AND FINDINGS

A. Project Description

The updated project would construct a mixed use development consisting of a 100-unit apartment complex, including 11 affordable housing dwelling units and 1,800 square feet of retail space. This represents a reduction of 1 affordable housing dwelling unit when compared to the original project. The Project would include an overall total of 84 vehicle parking spaces (80 parking spaces are allocated for residential use and 4 parking spaces for commercial use) within two subterranean parking garage levels in compliance with the Los Angeles Municipal Code (LAMC). Vehicular access to the Project will be provided via one new full access driveway on 21st street. A copy of the site plan is provided as **Attachment A**. Full buildout of the project is anticipated to be completed by the year 2024.

B. CEQA Screening Threshold

Prior to accounting for trip reductions resulting from the application of Transportation Demand Management (TDM) Strategies, a trip generation analysis was conducted to determine if the project would exceed 250 daily vehicle trips screening threshold. Using the City of Los Angeles VMT Calculator tool, which draws upon trip rate estimates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition as well as applying trip generation adjustments when applicable, based on sociodemographic data and the built environment factors of the project's surroundings, it was determined that the project **does** exceed the net 250 daily vehicle trips threshold. The VMT calculator version 1.3 was the latest VMT calculator available at the time the October 21, 2020 analysis was submitted and accepted by DOT. A copy of the VMT calculator screening page, with the corresponding net daily trips estimate, is provided as **Attachment B** to this report.

C. Transportation Impacts

On July 30, 2019, pursuant to SB 743 and the changes to Section 15064.3 of the State's CEQA Guidelines, the City of Los Angeles adopted VMT as a criteria in determining transportation impacts under CEQA. The new DOT TAG provides instructions on preparing transportation assessments for land use proposals and defines the significant impact thresholds.

The DOT VMT Calculator tool measures project impact in terms of Household VMT per Capita, and Work VMT per Employee. DOT identified distinct thresholds for significant VMT impacts for each of the seven Area Planning Commission (APC) areas in the City. For the Harbor APC area, in which the project is located, the following thresholds have been established:

- Household VMT per Capita: 9.2
- Work VMT per Employee: 12.3

As cited in the Supplemental VMT Analysis report, prepared by LL&G, the project is projected to have a less than significant/not applicable Daily Work VMT per employee impact for the retail component since the project's retail portion is less than the 50,000 square feet threshold. The Daily Household VMT per capita is projected to be 9.3 which is greater than the Harbor APC significance threshold of 9.2 Daily Household VMT per capita. Taking into consideration the provision of the Unbundled Parking TDM mitigation measure being proposed by the project, the estimated Daily Household VMT per Capita is reduced to 9.0, which is below the Harbor APC significance threshold of 9.2 Daily Household VMT per Capita. Therefore, it is concluded that implementation of the Project as proposed would not result in a significant Household and Work VMT impact. A copy of the VMT Calculator summary reports is provided as **Attachment C** to this report.

D. Access and Circulation

During the preparation of the new CEQA guidelines, the State's Office of Planning and Research stressed that lead agencies can continue to apply traditional operational analysis requirements to inform land use decisions provided that such analyses were outside of the CEQA process. The authority for requiring non-CEQA transportation analysis and requiring improvements to address potential circulation deficiencies, lies in the City of Los Angeles' Site Plan Review authority as established in Section 16.05 of the Los Angeles Municipal Code (LAMC). Therefore, DOT continues to require and review a project's site access, circulation,

and operational plan to determine if any access enhancements, transit amenities, intersection improvements, traffic signal upgrades, neighborhood traffic calming, or other improvements are needed.
However, since the project previously conducted a transportation analysis in 2019, DOT will not require a new non-CEQA analysis and will accept the findings of the previous study which did not disclose a significant level of impact at any of the study intersection analyzed. A copy of the previous assessment letter is provided for your reference as **Attachment D** to this report. All previous project requirements are incorporated in this memo.

PROJECT REQUIREMENTS

A. Mitigation Measures (Non-CEQA Analysis)
In the transportation analysis dated September 16, 2019 by LL&G, the analysis included a review of current and potential future operational deficiencies that may result from the project. Based on DOT's traffic impact criteria, the proposed project is **not** expected to impose a significant level of impact at any of the four study intersections. Therefore, the applicant should not be required to implement any mitigation measures.

B. Mitigation Measures (CEQA Analysis)
Consistent with City policies on sustainability and smart growth, and with DOT's trip reduction and multi-modal transportation goals, the project's mitigation program first focuses on developing a trip reduction program and on solutions that promote other modes of travel. To off-set the expected significant impact identified in the project's VMT analysis, DOT recommends that the applicant be required to implement the following Transportation Demand Management (TDM) strategy as mitigation:

Parking – Unbundled Parking
This strategy "unbundles" the parking costs from the property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property (i.e., separate from rent) cost. The strategy assumes the parking cost is set by the Project applicant and ranges anywhere between $25 and $220 per month, and paid by the vehicle owners/drivers. The proposed Project plans to charge separately for the parking space rather than including it within the monthly rental price of a residential unit. The proposed Project parking cost is expected to total in the range of $25 per month, based on information provided by the Project applicant.

C. Additional Requirements and Considerations
To comply with transportation and mobility goals and provisions of adopted City plans and ordinances, the applicant should be required to implement the following:

1. Parking Requirements
The project is proposing to provide an overall total of 84 vehicle parking spaces (80 parking spaces for residential use and 4 parking spaces for commercial use) to accommodate the Density Bonus Parking Option 1 of the LAMC parking requirements. Also, as part of the total parking supply, 16 electric vehicle spaces will be provided and four parking spaces will be equipped with electric chargers.
In addition, the project will be providing 83 bicycle parking spaces (8 short-term and 75 long-term) in compliance with the LAMC requirements. The parking for vehicles and

bicycles will be provided onsite. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for this project.

2. Highway Dedication and Street Widening Requirements
In order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. 22nd Street along the project frontage is designated as an Avenue III in the Mobility Plan. This standard requires a 23-foot half roadway width, and a 13-foot sidewalk width within a 36-foot half right-of-way width. 22nd Street currently consists of a 20-foot half roadway width, and a 10-foot sidewalk width within a 30-foot half right-of-way width. As such, the Project is proposing a 3-foot roadway widening along the entire 22nd Street project frontage to bring the 20-foot half roadway width into compliance with the City's 23-foot half roadway standard for Avenue III classification roadways. An expansion to the existing sidewalk would occur as a result of the 3-foot roadway widening.
The applicant shall consult the Bureau of Engineering (BOE) for any highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the BOE. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and BOE.

3. Project Access and Circulation
The proposed site plan is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those require separate review and approval and should be coordinated with DOT's West LA/Coastal Development Review Section (7166 W Manchester Ave, @ 213-485-1062). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. All new driveways should be Case 2 driveways and any security gates should be a minimum 20 feet from the property line. All truck loading and unloading should take place on site with no vehicles backing into the project from public streets via any of the project driveways.

4. Worksite Traffic Control Requirements
DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to http://ladot.lacity.org/what-we-do/plan-review to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible. The plans can be submitted to:

https://ladot.lacity.org/businesses/temporary-traffic-control-plans

5. Development Review Fees
Section 19.15 of the LAMC identifies specific fees for traffic study review, condition

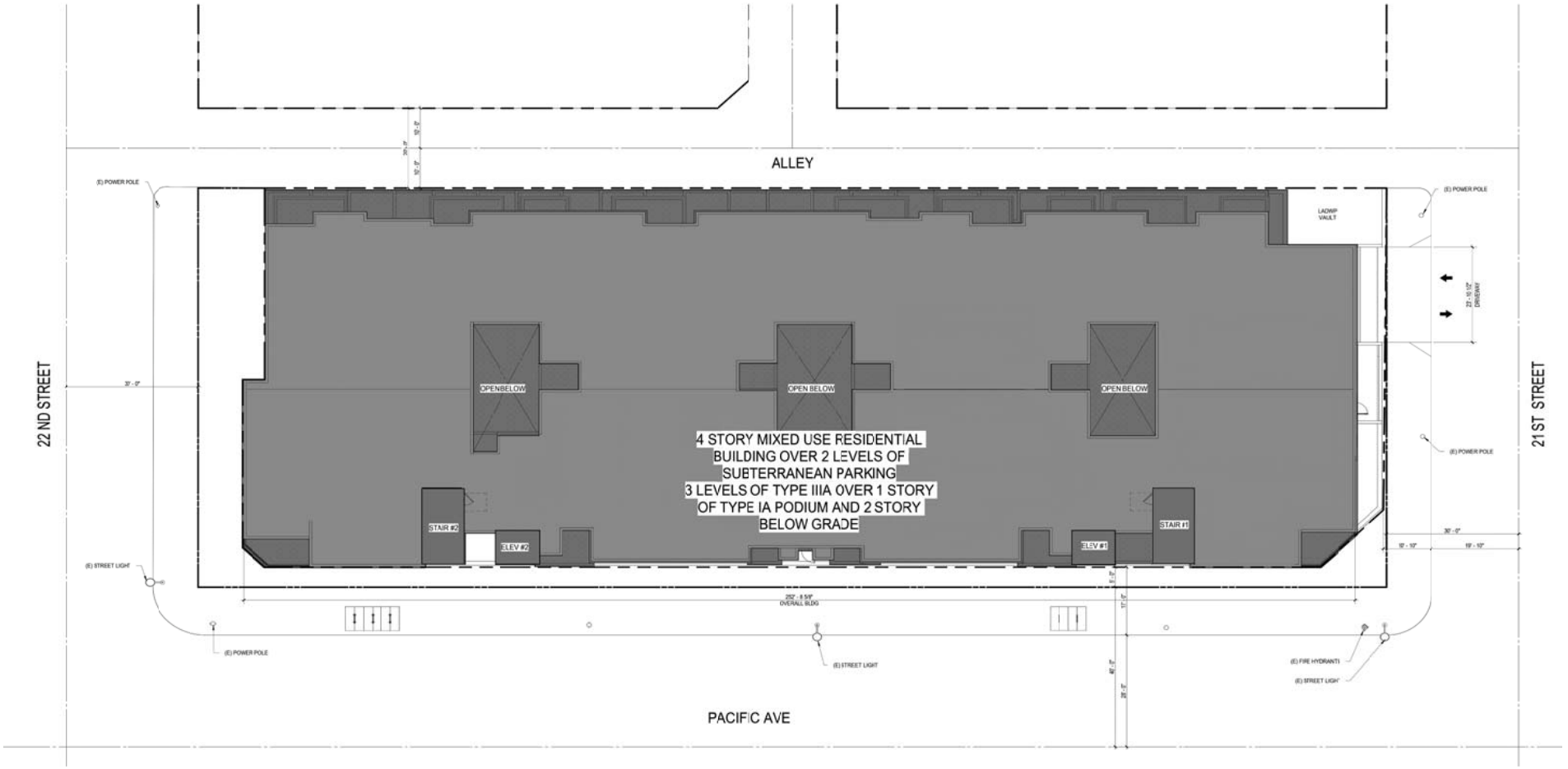
clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact me or Pedro Ayala at (213) 485-1062.

RS:pa

Attachments

c: Gabriela Medina, Jacob Haik, Fifteenth Council District
Connie Chauv, DCP
Roy Kim, Quan Tran, DOT
Crystal Lee, BOE
Francesca Bravo, Linscott, Law, Greenspan, Engineers



o:\job_file\4338-2\dwg\fig-1.dwg 10/28/2021 12:09:34 rodriquez

MAP SOURCE: THE KETTER GROUP

Figure 1
Site Plan

2111 S. Pacific Ave.: 100-DU (incl 11-DU Afford) Apt & 1,800 sf Retail (HRB10-108206)

Attachment "B"

CITY OF LOS ANGELES VMT CALCULATOR Version 1.3

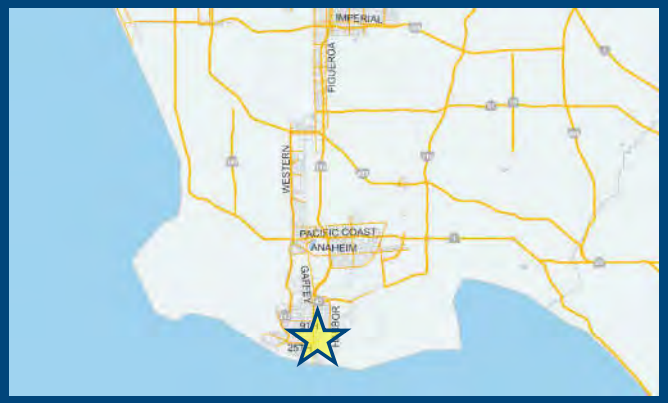
Project Screening Criteria: Is this project required to conduct a vehicle miles traveled analysis?

Project Information

Project: 2111 South Pacific Avenue

Scenario:

Address: 2111 S PACIFIC AVE, 90731



Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

○ Yes ○ No

Existing Land Use

Land Use Type	Value	Unit
Housing | Single Family		DU

☐ Click here to add a single custom land use type (will be included in the above list)

Proposed Project Land Use

Land Use Type	Value	Unit
Retail | General Retail	1.8	ksf
Housing | Multi-Family	89	DU
Retail | General Retail	1.8	ksf
Housing | Affordable Housing - Family	11	DU

☐ Click here to add a single custom land use type (will be included in the above list)

Project Screening Summary

Existing Land Use	Proposed Project
0 Daily Vehicle Trips	537 Daily Vehicle Trips
0 Daily VMT	4,834 Daily VMT

Tier 1 Screening Criteria

Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. ☐

Tier 2 Screening Criteria

The net increase in daily trips < 250 trips	537 Net Daily Trips
The net increase in daily VMT ≤ 0	4,834 Net Daily VMT
The proposed project consists of only retail land uses ≤ 50,000 square feet total.	1.800 ksf

The proposed project is required to perform VMT analysis.

Measuring the Miles

3/30/2022

2111 S. Pacific Ave.: 100-DU (incl 11-DU Afford) Apt & 1,800 sf Retail (HRB10-108206)

Attachment "C"

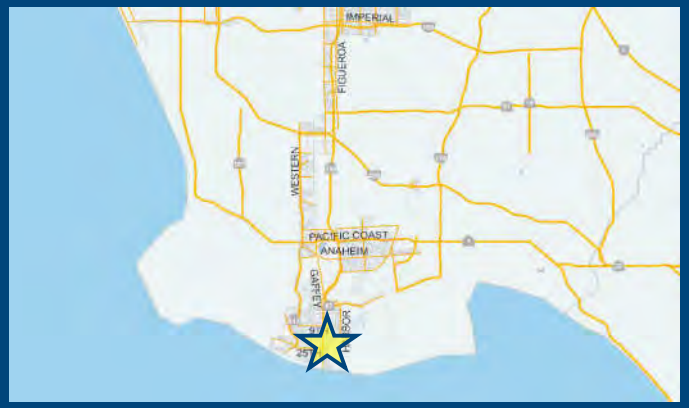
CITY OF LOS ANGELES VMT CALCULATOR Version 1.3

Project Information

Project: 2111 South Pacific Avenue

Scenario:

Address: 2111 S PACIFIC AVE, 90731



Proposed Project Land Use Type	Value	Unit
Housing | Multi-Family	89	DU
Retail | General Retail	1.8	ksf
Housing | Affordable Housing - Family	11	DU

TDM Strategies

Select each section to show individual strategies
Use ☑ to denote if the TDM strategy is part of the proposed project or is a mitigation strategy

	Proposed Project	With Mitigation
Max Home Based TDM Achieved?	No	No
Max Work Based TDM Achieved?	No	No

- A Parking
- B Transit
- C Education & Encouragement
- D Commute Trip Reductions
- E Shared Mobility
- F Bicycle Infrastructure
  - Implement/Improve On-street Bicycle Facility — ☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy
  - Include Bike Parking Per LAMC — ☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy
  - Include Secure Bike Parking and Showers — ☐ Proposed Prj ☐ Mitigation — Select Proposed Prj or Mitigation to include this strategy
- G Neighborhood Enhancement

Analysis Results

Proposed Project	With Mitigation
537 Daily Vehicle Trips	530 Daily Vehicle Trips
4,834 Daily VMT	4,768 Daily VMT
9.3 Household VMT per Capita	9.0 Household VMT per Capita
N/A Work VMT per Employee	N/A Work VMT per Employee

Significant VMT Impact?

Proposed Project	With Mitigation
Household: Yes Threshold = 9.2 15% Below APC	**Household: No** Threshold = 9.2 15% Below APC
Work: N/A Threshold = 12.3 15% Below APC	**Work: N/A** Threshold = 12.3 15% Below APC

Measuring the Miles

3/30/2022

Attachment "D" (5-page assessment letter)

2111 S. Pacific Ave.: 100-DU (incl 11-DU Afford) Apt & 1,800 sf Retail (HRB10-108206)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL MEMORANDUM

2111 South Pacific Avenue
DOT Case No. HRB19-108206

DATE: October 21, 2019

TO: Luciralia Ibarra, Senior City Planner,
Department of City Planning

FROM: Hamed Sandoghdar, Transportation Engineer
Department of Transportation

SUBJECT: **TRAFFIC IMPACT ASSESSMENT FOR THE PROPOSED RESIDENTIAL/RETAL PROJECT LOCATED AT 2111 SOUTH PACIFIC**

The Department of Transportation (DOT) has completed the traffic assessment of the proposed residential/retail project located at 2111 South Pacific Avenue. The project is generally bounded by 21st Street to the north, South Pacific Avenue to the east, 22nd Street to the south and an alley to the west. This traffic assessment is based on the traffic impact analysis report prepared by Linscott, Law & Greenspan Engineers, dated September 26, 2019. Based on DOT's traffic impact criteria, the study included the detailed analysis of four (4) signalized intersections. After a review of the pertinent data, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development.

PROJECT DESCRIPTION

The proposed project is for the development of a residential housing complex consisting of 101 units apartment complex, which include 12 very low income units, plus 1,800 square feet of retail space. The existing site is currently occupied by 1,490 square feet restaurant/bar plus a surface parking lot. Access for the project is proposed via a single driveway on 21st Street. The project proposes to provide a total of 67 parking spaces plus 8 bicycle parking. The project is anticipated to be completed by the year 2022.

DISCUSSION AND FINDINGS

Trip Generation

The proposed project is estimated to generate a net increase of 432 daily trips, a net increase of 40 A.M. peak hour trips, and a net increase of 33 P.M. peak hour trips. The trip generation rates are based upon formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition, 2017. A copy of the project study trip generation table (Table 3) is provided as **Attachment "A"** to this report.

Traffic Impacts

Based on DOT's traffic impact criteria[1], the proposed project is not expected to impose a significant level of impact at any of the four (4) study intersections. A copy of the project study intersections capacity

[1] Per the DOT Traffic Study Policies and Procedures, a significant impact is identified as an increase in the Critical Movement Analysis (CMA) value, due to project related traffic, of 0.01 or more when the final ("with project") Level of Service (LOS) is LOS E or F; an increase of 0.020 or more when the final LOS is LOS D; or an increase of 0.040 or more when the final LOS is LOS C.

and level-of-service (LOS) analysis summary tables (Tables 5) is provided as **Attachment "B"** to this report.

Congestion Management Program (CMP)

In accordance with the state-mandated Congestion Management Program (CMP), an increase in the freeway volume by 150 vehicles per hour during the A.M. or P.M. peak hours in any direction requires further analysis. A substantial change in freeway segments is defined as an increase or decrease of 2% in the demand capacity ratio when at LOS F. For purposes of CMP intersections, an increase of 50 vehicles or more during the A.M. or P.M. peak hour requires further analysis. Since the project is generating less than 50 trips during both A.M. and P.M. peak, no further analysis is needed.

PROJECT REQUIREMENTS

In response to the findings of the traffic study, DOT recommends that the following project requirements be adopted as conditions of project approval.

A. Highway Dedication and Physical Street Improvements

All un-improved sidewalk area adjacent to the project site shall be improved by the project. The applicant should check with the Bureau of Engineering's (BOE) Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project. These requirements must be guaranteed before issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed prior to issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering.

B. Parking Requirements

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

C. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.

D. Site Access and Internal Circulation

This determination does not include approval of the driveways, internal circulation and parking scheme. Adverse traffic impacts could occur due to access and circulation issues. The applicant is advised to consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety. In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation

requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. New driveways should be dimension per the Department of Public Works Case 2 design standard with respective 30-foot and 16-foot widths for two-way and one-way operations.

E. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT to permit issuance activities was adopted by the Los Angeles City Council in 2009. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact me at the DOT West L.A. Planning Office at (213) 485-1062.

HS:pa

Attachments

cc: Jacob Haik, Fifteenth Council District
Crystal Killian, DOT
David Weintraub, DCP
Jim Burman, BOE
Francesca Bravo, Linscott, Law, Greenspan, Engineers

Table 3
PROJECT TRIP GENERATION [1]

LAND USE	SIZE	DAILY TRIP ENDS [2] VOLUMES	AM PEAK HOUR VOLUMES [2] IN	AM PEAK HOUR VOLUMES [2] OUT	AM PEAK HOUR VOLUMES [2] TOTAL	PM PEAK HOUR VOLUMES [2] IN	PM PEAK HOUR VOLUMES [2] OUT	PM PEAK HOUR VOLUMES [2] TOTAL
Proposed Use								
Apartments [3]	89 DU	485	8	24	32	24	15	39
Affordable Housing [4]	12 DU	49	2	4	6	2	2	4
Retail [5]	1,800 GLSF	68	1	1	2	3	4	7
Subtotal Proposed Use		**602**	**11**	**29**	**40**	**29**	**21**	**50**
Existing Use								
Bar [6]	(1,490) GSF	(170)	Nom.	Nom.	Nom.	(11)	(6)	(17)
Subtotal Existing Uses		**(170)**	**0**	**0**	**0**	**(11)**	**(6)**	**(17)**
NET INCREASE		**432**	**11**	**29**	**40**	**18**	**15**	**33**

[1] Source: Transportation Impact Study Guidelines, City of Los Angeles Department of Transportation (LADOT), December 2016 and ITE "Trip Generation Manual", 10th Edition, 2017.

[2] Trips are one-way traffic movements, entering or leaving.

[3] ITE Land Use Code 221 (Multifamily Housing Mid-Rise [General Urban/Suburban]) trip generation average rates.
- Daily Trip Rate: 5.44 trips/dwelling unit; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.36 trips/dwelling units; 26% inbound/74% outbound
- PM Peak Hour Trip Rate: 0.44 trips/dwelling units; 61% inbound/39% outbound

[4] LADOT trip generation average rates for affordable housing type Family Housing.
- Daily Trip Rate: 4.08 trips/dwelling unit; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.50 trips/dwelling unit; 40% inbound/60% outbound
- PM Peak Hour Trip Rate: 0.34 trips/dwelling unit; 55% inbound/45% outbound

[5] ITE Land Use Code 820 (Shopping Center) trip generation average rates.
- Daily Trip Rate: 37.75 trips/1,000 SF of floor area; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.94 trips/1,000 SF of floor area; 62% inbound/38% outbound
- PM Peak Hour Trip Rate: 3.81 trips/1,000 SF of floor area; 48% inbound/52% outbound

[6] ITE Land Use Code 925 (Drinking Place [General Urban/Suburban]) trip generation average rates.
- Daily Trip Rates not provided. PM peak hour volume was estimated to represent 10% of the daily totals.
- PM Peak Hour Trip Rate: 11.36 trips/1,000 SF of floor area; 66% inbound/34% outbound

Table 5
SUMMARY OF VOLUME TO CAPACITY RATIOS
AND LEVELS OF SERVICE
WEEKDAY AM AND PM PEAK HOURS

NO.	INTERSECTION	PEAK HOUR	[1] YEAR 2019 EXISTING V/C	LOS	[2] YEAR 2019 EXISTING WITH PROJECT V/C	LOS	CHANGE V/C [(2)-(1)]	SIGNIF. IMPACT [a]	[3] YEAR 2022 FUTURE W/O PROJECT V/C	LOS	[4] YEAR 2022 FUTURE WITH PROJECT V/C	LOS	CHANGE V/C [(4)-(3)]	SIGNIF. IMPACT [a]
1	Gaffey Street / 19th Street	AM	0.633	B	0.641	B	0.008	No	0.662	B	0.670	B	0.008	No
		PM	0.497	A	0.501	A	0.004	No	0.543	A	0.547	A	0.004	No
2	Gaffey Street / 22nd Street	AM	0.645	B	0.645	B	0.000	No	0.709	C	0.709	C	0.000	No
		PM	0.547	A	0.547	A	0.000	No	0.613	B	0.613	B	0.000	No
3	Pacific Avenue / 19th Street	AM	0.283	A	0.291	A	0.008	No	0.298	A	0.306	A	0.008	No
		PM	0.293	A	0.297	A	0.004	No	0.313	A	0.317	A	0.004	No
4	Pacific Avenue / 22nd Street	AM	0.396	A	0.397	A	0.001	No	0.448	A	0.449	A	0.001	No
		PM	0.409	A	0.410	A	0.001	No	0.461	A	0.462	A	0.001	No

[a] According to LADOT's "Transportation Impact Study Guidelines," December 2016, a transportation impact on an intersection shall be deemed significant in accordance with the following table:

Final v/c	LOS	Project Related Increase in v/c
>0.701 - 0.800	C	equal to or greater than 0.040
>0.801 - 0.900	D	equal to or greater than 0.020
>0.901	E/F	equal to or greater than 0.010

EXHIBIT F

MEMORANDUM

To:	Jonathan Lonner Burns & Bouchard, Inc.	Date:	March 31, 2022
From:	Clare M. Look-Jaeger, P.E. Francesca S. Bravo Linscott, Law & Greenspan, Engineers	LLG Ref:	1-19-4338-2
Subject:	2111 South Pacific Avenue Residential Project – Responses to Comments		

LINSCOTT LAW & GREENSPAN engineers

Engineers & Planners
Traffic
Transportation
Parking

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Pursuant to our coordination, Linscott, Law & Greenspan, & Engineers (LLG) has prepared the below responses to traffic and transportation comments included with the appeal (dated October 20, 2021) associated with the 2111 South Pacific Avenue Residential Project. For reference, attached to this memorandum is a copy of the Infrastructure Group, Inc. comment letter (dated September 6, 2021) that was included as part of that filing.

Response to Comment 1

The commenter is correct that the City is utilizing the Class 32 Infill exemption as the CEQA clearance for the Project. However, the commenter is incorrect that the use of density bonus incentives and waivers make the Project ineligible for a Class 32 exemption. See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347–50 (Court held that, due to the application of the Density Bonus Law waivers, the general plan and zoning regulations in question were not "applicable" to the site, and, therefore, the project still met the criterion for a Class 32 categorical exemption).

Response to Comment 2

The Project applicant intends to comply with the City's parking standards. The detailed architectural and parking plans will be submitted to the City of Los Angeles Department of Building & Safety (LADBS) for final determination/approval prior to issuance of any building permits for the project. As such, the number of parking spaces, standard and accessible spaces, tandem spaces, and the depth and width of all parking spaces (including compact spaces), will be shown and fully dimensioned on the parking plans and require DBS review and approval.

Response to Comment 3

The commenter is correct that the Project's residential parking will be unbundled, which refers to the separation or "unbundling" of the parking space costs from the property/rent costs. Per the City of Los Angeles Ordinance 179681, LAMC Section 12.22.25(d), requires parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space.

Response to Comment 4

The commenter claims the Project's tandem spaces are not permitted by the LAMC. However, the State Density Bonus Law parking standards supersede LAMC parking requirements. In addition to permitting reduced parking ratios, the State Density Bonus Law expressly provides that "a development may provide onsite parking through 'tandem' parking or uncovered parking..." (Gov't Code Section 65915(p)(5).) Accordingly, per State law, the tandem parking spaces provided in the Project are allowed and all count towards satisfying the legally required number of parking stalls notwithstanding LAMC requirements.

Response to Comment 5

The detailed architectural and parking plans will be submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project. The Project will provide four (4) electric vehicle (EV) installed charging stations and 16 EV capable parking spaces. The locations of the EV charging stations and EV capable parking spaces will be provided in the detailed architectural and parking plans that will be submitted to LADBS for final determination/approval; exact locations are not required to be identified at this time.

Response to Comment 6

Refer to Response to Comment 3 for a discussion of unbundled parking proposed for the Project. The Project applicant intends to comply with the City's parking standards as superseded by the State Density Bonus Law as applicable. Refer to Response to Comment 4 for a discussion of tandem parking proposed for the Project. Per State law, the tandem parking spaces provided in the Project are allowed and all count towards satisfying the legally required number of parking stalls notwithstanding LAMC requirements. The tandem parking stalls will be managed by Project owners with the use of attendants. In addition, the Project supports alternative modes of transportation by providing bicycle parking stalls, participating in a car share program and rideshare services (such as Lyft, Uber, etc.), and a commitment to provide bus passes during initial leasing of the project.

The detailed architectural and parking plans will be submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project. As such, the number of parking spaces, standard and accessible spaces, tandem spaces, and the depth and width of all parking spaces (including compact spaces), will be shown and fully dimensioned on the parking plans and require DBS review and approval.

Response to Comment 7

The commenter is correct that the Project Applicant opted for the Density Bonus Parking Option 1 per the City of Los Angeles Ordinance 179681. Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedroom, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5

space per unit containing 4 or more bedrooms. As the Project will provide 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, the number of parking spaces required for the Project is 121 residential parking spaces. However, as discussed further below, the Project Applicant requested an off-menu incentive to allow 80 residential parking spaces in lieu of the 121 residential parking spaces that would otherwise be required under the Density Bonus Parking Option 1.

Response to Comment 8

Per the City of Los Angeles Ordinance 179681, a Housing Development Project that qualifies for a Density Bonus shall be granted the number of incentives according to the percentage of restricted Very Low-Income units in addition to the Density Bonus parking options. Based on the table outlined in LAMC Section 12.22.25(e)1, a housing development project with 15% or more units restricted for Very Low-Income households are entitled to three (3) Incentives. One off-menu incentive that the Project Applicant requested is a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces that would otherwise be required under the Density Bonus Parking Option 1.

A total of 83 bicycle parking spaces is planned to be provided on-site, including 8 short-term and 75 long-term bicycle spaces in compliance with LAMC Section 12.21 A.16. As noted above, the Project Applicant is not using the Bicycle Parking Ordinance to reduce residential parking.

Response to Comment 9

Refer to Response to Comment 8 for a full discussion of the application of the Density Bonus Program for the Project.

Response to Comment 10

Refer to Response to Comment 8 for a full discussion of the application of the Density Bonus Program for the Project. As demonstrated above, the Project is not "double-dipping" on the parking reduction; the parking provided complies with what is allowed under the State Density Bonus Law.

Response to Comment 11

The Project Applicant proposes a loading space within the subterranean parking garage that is accessed from the driveway from 21st Street. Although the Project Applicant requested a Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6 to be provided in the alley, the Project is being designed to provide a loading space within the subterranean parking garage that meets all dimensional requirements of the LAMC. The proposed loading space is proposed to be located on the upper parking level, which would be accessible and available for both the residential and commercial uses. Refer also to Response to Comment 2 regarding the detailed architectural and parking plans which will be

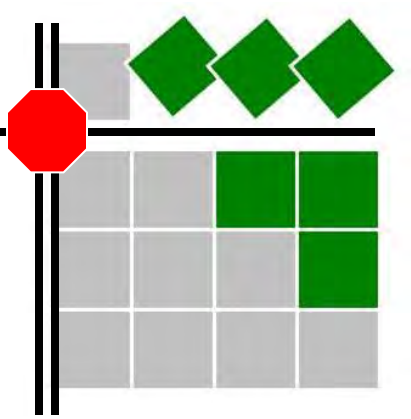
submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project.

Please feel free to call us at (626) 796-2322 if you have any questions regarding the above responses to the comments.

exhibit 3

INFRASTRUCTURE GROUP, INC.

2672 N. Vista Crest Road
Orange, CA 92867
(714) 749-6386



September 6, 2021

City of Los Angeles
Department of City Planning
Los Angeles, CA 90012

Subject: 2111 - 2039 South Pacific Avenue Residential Project
Case Number: CPC-2019-4884-CU—DB-SPR

The City is using CEQA Guidelines § 15332 (Class 32 Categorical Exemption) for infill housing. In order to utilize this exemption, "the project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations."
That is not the case. A waiver for building height is being granted, in addition to the other three incentives as provided in the density bonus law. Therefore, the building in not consistent with zoning regulations, absent a waiver. This makes it ineligible for a Class 32 exemption. 1

PARKING

2 The number of parking spaces and configuration of the spaces fails to conform to the municipal code. Namely, the number of accessible stalls, and the width of the compact stalls. The parking structure stalls are "unbundled", meaning that the stalls for use on a fee basis and are not associated with any specific unit. Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code. Tandem spaces are only allowed when "At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible". And "At least one standard stall per dwelling unit shall be provided". This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore tandem spaces should not be permitted. The applicable zoning code is below. The applicable pages from the LA Building and Safety informational bulletin are attached. 3 4

Informational Bulletin-LA Building and Safety Department

E. TANDEM PARKING STALLS

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A "Covenant and Agreement to Provide Parking Attendant" will be required.

2. Tandem stalls are permitted in private parking garages and private parking areas provided:

a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.

b. At least one standard stall per dwelling unit shall be provided.

3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).

4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

4

The site plan also fails to identify the location of the required 4 EV charging stalls & 26 EV capable stalls. The only identified EV stall is also reserved for the car share program.

5

The use of unbundled parking and tandem parking leads to an absurd result. 21 of the parking spaces are essentially unusable as they are behind another unbundled space.

6

7 The report states the applicant is opting for the **Density Bonus Parking Option 1**, which requires parking to be set by a dwelling unit basis. This equates to a total of 121 parking spaces. However, they further state they will also be using the **Bicycle Parking Ordinance, LAMC Section 12.21.A.4**, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 109 spaces. The applicant is proposing 84 spaces.

8

LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: **applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below.**"

9

The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 109 required parking spaces cannot be reduced thus making the 84 proposed parking spaces not enough for the housing development.

10

Loading Space

LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project is required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant instead proposes a loading space in the subterranean parking garage which further reduces the number available to the residents. The applicant has stated, without substantiation, that up to 2 dwelling units may be lost to comply with the code. This is an absurd argument. Compliance with any code requirements will result is less dwelling units. 11

Infrastructure Group Inc.
A California Corporation

Denis Bilodeau

Denis Bilodeau, PE