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DAY OF HEARING SUBMISSIONS



Department of City Planning

City Hall, 200 N. Spring Street, Room 763, Los Angeles, CA 90012

November 7, 2022

TO: Central Area Planning Commission

FROM: Stephanie Escobar, Planning Assistant

TECHNICAL MODIFICATION TO INCLUDE RESPONSE TO CEQA COMMENTS AS PART OF EXHIBIT C OF THE STAFF REPORT AND TO INCLUDE AN UPDATED LETTER FROM LADOT FOR CASE NO. APCC-2021-10197-ZC; 929-939 East 2ND STREET

The purpose of this technical modification is to incorporate two letters into the Exhibits of the staff recommendation report to be considered at the Central Area Planning Commission meeting of November 8, 2022, related to item No. 5 on the meeting agenda.

The first letter was prepared by the applicant's environmental consultant, DLA Piper, dated November 1, 2022, in response to and to address a public comment letter submitted by the Southwest Regional Council of Carpenters (SWRCC) dated October 17, 2022. The SWRCC's comment letter was attached to the staff report and contained comments in opposition of the project as well as CEQA related comments. The Department of City Planning has reviewed the DLA Piper CEQA response letter and has concluded that the letter provides substantial evidence to support the Addendum to the MND.

The second letter was prepared by the Department of Transportation (LADOT), dated September 12, 2022. The letter prepared by LADOT is regarding the VMT Assessment for the proposed project. The letter concludes that the project will not have significant VMT impacts.

This Technical Modification serves to incorporate the attached letters described above into Exhibit C of the Staff Recommendation Report which contains the project's Environmental clearance documents (an Addendum to a previous approved Mitigated Negative Declaration [MND]).

Neither the addition of the DLA Piper CEQA response letter nor the LADOT letter changes the project as discussed in the Recommendation Report.



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November 1, 2022
VIA EMAIL

Stephanie Escobar,
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**Re: Response to Southwest Carpenters' 10/17/2022 Letter
929 E. 2nd Street Project
Case No. APCC-2021-10197-ZC; VTT-74122-CN-EXT**

Dear Stephanie:

We write to respond to the October 17, 2022 comment letter ("Comment Letter") submitted by attorney Mitchell M. Tsai on behalf of the Southwest Regional Counsel of Carpenters ("Commenter"). The Comment Letter challenges the proposed addendum ("Addendum") prepared under the California Environmental Quality Act ("CEQA") to analyze the potential impacts of proposed modifications to the 929 2nd Street project ("Approved Project"), which was approved by the City in 2017. The proposed modifications would maintain the Approved Project's scale, massing, and building height, but would relocate previously proposed automated parking from the fourth level of the building to the first and basement levels and create additional office space on the fourth level (which would now become two levels, the fourth level and fifth level). The additional level would result in six new levels above the existing building to create an eight-story commercial development and add approximately 21,554 square feet of additional floor area ("Modified Project"). For the reasons that follow, the Comment Letter fails to establish that the Addendum violates the requirements of CEQA.

Comment No. 1:

The Commenter incorporates by reference all comments, objections, entitlements, CEQA review documents, including the Project's prior adopted 2017 Mitigated Negative Declaration ("2017 MND"), and reference documents in Council File No. 17-0808. The Commenter also reserves the right to supplement its comments and to incorporate by reference all comments raising issues regarding "the Environmental Impact Report (EIR) submitted prior to certification of the EIR for the Project."

Response to Comment No. 1:

To the extent the Commenter wishes to challenge or address any alleged deficiencies in the previously adopted 2017 MND adopted by the City for Project in February 2017, any such comment or challenge is invalid under the applicable statute of limitations for challenging CEQA determinations.



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“CEQA provides unusually short statutes of limitations on filing court challenges to the approval of projects under the act.”¹ “Courts have often noted the Legislature’s clear determination that the public interest is not served unless CEQA challenges are promptly filed and diligently prosecuted.”²

Public Resources Code Section 21167 establishes the statutes of limitation for all actions and proceedings alleging violations of CEQA. The proscribed limitations period is 30 days where an NOD is filed, and 180 days where no NOD or a defective NOD is filed.³ The statute of limitations presents a strict, bright line deadline – no legal challenge filed past the statute of limitations can go forward, regardless of the reason behind the lateness of the challenge.⁴ If a legal action challenging an agency’s approval of a CEQA document is not brought within the applicable limitations period, the CEQA approval is conclusively presumed to be valid for all purposes.⁵

The MND here was not the subject of any legal challenge. Thus, the City’s approval of the 2017 MND cannot now be challenged, and the document is conclusively presumed to be valid. Notably, the Addendum here makes the required CEQA finding that, while additional analysis beyond the 2017 MND is required in light of new information analyzed in the Addendum, the requirement for a subsequent MND or EIR is not triggered under the applicable test set out in CEQA Guidelines, Section 15162. This is the correct finding under CEQA and does not reopen the prior, deemed-valid 2017 MND to renewed challenge under well-established CEQA precedent.⁶

¹ CEQA Guidelines, § 15112; *Hensler v. City of Glendale* (1994) 8 Cal.4th 1, 27; see also, e.g., *Travis v. County of Santa Cruz* (2004) 33 Cal.4th 757, 774-775.

² *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 111.

³ Pub. Res. Code, § 21167; *Citizens for a Green San Mateo v. San Mateo Community College Dist.* (2014) 226 Cal.App.4th 1572, 1588.

⁴ See *Alliance for the Protection of the Auburn Community Env’t v. County of Placer* (2013) 215 Cal.App.4th 25, 32.

⁵ Pub. Res. Code, §§ 21080.1; 21167.2.

⁶ See, e.g., *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91, 110 (“Because the statute of limitations has expired for challenging the determinations that were the subject of the May 4, 2005 notice of determination, any challenges under CEQA to later approvals or to changes in the project are limited to the legality of the agency’s decision about whether to require a subsequent or supplemental EIR, or subsequent negative declaration, and the underlying EIR or negative declaration may not be attacked...As the City correctly points out, this limitation applies even if the original MND was invalid or in some way defective.”)



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Comment No. 2

The Commenter asserts that the City should require the Project to be built using local union labor in light of union laborers' training and experience and, the City should also mandate the Project to adopt a local hire provision for workers living within 10 miles of the Project site, which would reduce vehicle trips, reduce greenhouse gas emissions, and provide various economic benefits to workers.

Response to Comment No. 2:

The Comment directly addresses various alleged economic and social benefits of its request that the City mandate that the Project enter into a union project labor agreement and adopt a local hire program. However, CEQA is only concerned with and only requires the evaluation of the environmental impacts of a project; a project's economic and social effects are not treated as effects on the environment under CEQA.⁷ Accordingly, to the extent the Commenter addresses social and economic issues, it does not raise valid CEQA issues; the Addendum is not required to evaluate the social and economic effects of its construction.⁸

To the extent the Commenter asserts that requiring a union project labor agreement would reduce the Project's traffic, air emission, and GHG impacts, notably, no evidence is provided that merely entering into a project labor agreement, standing alone, would provide any such alleged environmental benefits. Instead, it would appear that any such benefits would result from utilizing a local hire program, only. In any event, the City is not required by CEQA to mandate that the Project enter into a union project labor agreement with a local hire provision.

First, measures to address environmental impacts must be feasible.⁹ CEQA does not expand a lead agency's powers.¹⁰ The Comment Letter does not demonstrate that the City has the legal authority to mandate that the Project enter into a project labor agreement with union groups. In the absence of legal

⁷ Pub. Res. Code, § 21100; CEQA Guidelines, §§ 15131(a); 15382.

⁸ See, e.g., *San Franciscans for Reasonable Growth v. City & County of San Francisco* (1989) 209 Cal.App.3d 1502, 1516 (City was under no duty to impose mitigation measures concerning child care because need for child care facilities is not environmental impact); *Maintain Our Desert Env't v. Town of Apple Valley* (2004) 124 Cal.App.4th 430 (Large national retailer need not be identified as end user in EIR's project description because social, economic, and business competition concerns are not relevant under CEQA unless it is shown that they bear directly in EIR's analysis of effects on the physical environment); *Chico Advocates for a Responsible Economy v. City of Chico* (2019) 40 Cal.App.5th 839, 847 (Potential loss of close and convenient shopping is not environmental issue subject to CEQA review).

⁹ To be "feasible," a mitigation measure must be "capable of being accomplished in a successful manner within a reasonable period of time, taking into account" "economic, environmental, legal, social, technological, or other considerations." (Pub. Res. Code, §§ 21081(a)(3), 21061.1; CEQA Guidelines, § 15364.)

¹⁰ *Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.* (1994) 24 Cal.App.4th 826, 842 ("CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.")



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authority to mandate the condition, the suggestion by the Commenter is not legally feasible. On this ground, alone, the City is not obligated to implement the Commenter's suggestion.

In addition, measures to reduce or eliminate environmental impacts are only required to address a project's potential significant impacts,¹¹ and the Commenter does not provide substantial evidence supporting a fair argument that the modifications to the approved Project in the Modified Project analyzed in the Addendum would cause significant traffic, air quality or GHG impacts that the City would be required to reduce through mitigation or other appropriate measures.

The Commenter also does not provide any evidence or information to demonstrate such measures would actually be effective to address any alleged significant impacts.¹² But even if the measures did address a significant environmental effect, which they do not, the City is under no obligation under CEQA to accept any particular environmental impact mitigation measures suggested by third parties.¹³ Finally, the proposed measure of entering into a project labor agreement is, on its face, not intended to mitigate environmental impacts but to provide direct social and economic benefits to the Commenter, a union labor organization, and on that additional basis the Commenter's requested union labor requirements are not valid mitigation under CEQA.¹⁴

Accordingly, the Commenter's claim that the City is required by CEQA to mandate that the Modified Project implement a union project labor agreement with a local hire program is incorrect and presents no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 3:

The Commenter asserts on both pages 5-8 and 14-17 of the Comment Letter that the City should require the Project to implement various construction site design, worker testing, and planning requirements to address the COVID-19 pandemic. The Commenter also asserts that the City is required to make a "mandatory finding of significance" due to significant impacts from COVID based on a 2020 study.

Response to Comment No. 3

As the approvals at issue and the Addendum only address certain minor modifications to an approved Project, there is no substantial evidence or any attempt by the Commenter to assert that the proposed

¹¹ Pub. Res. Code, §21100(b)(3); CEQA Guidelines, § 15126.4(a)(3).

¹² Pub. Res. Code, §§21061, 21100(b)(3); CEQA Guidelines, §§ 15121(a), 15126.4(a); *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 365; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168 (no evidence that recommendations for reducing greenhouse gas (GHG) emissions would function as enforceable or effective mitigation measures).

¹³ *A Local & Reg'l Monitor (ALARM) v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1809.

¹⁴ CEQA Guidelines, §15370 (Valid mitigation must be designed to avoid significant environmental impacts of projects, and measures to address social or economic benefits are not valid mitigation.)



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modifications in the Modified Project analyzed in the Addendum, themselves, would cause any impacts due to COVID-19.

The “COVID-19 Crisis” is, moreover, not an impact of the Project and, to the extent it may be an issue when the Modified Project is constructed, it is, at most, an existing condition of the environment and not an impact of the Project. CEQA only requires the analysis of the impacts of a proposed project on the environment, not the impacts of the environment on a proposed project.¹⁵ On the particular topic of existing environmental hazards, the California Supreme Court has ruled that agencies subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's construction workers, future users or residents, or surrounding communities.¹⁶

To the extent the Commenter asserts that the Modified Project would cause a significant increase in the transmission of COVID-19, such an assertion is baseless speculation, and speculation is not substantial evidence under CEQA.¹⁷

The Comment Letter also fails to establish that any purported impact caused by the incremental changes to the Approved Project reflected in the Modified Project on the spread of COVID-19 would be significant under any valid threshold adopted by the City under CEQA. Moreover, the generic, alleged study from 2020 cited by the Commenter regarding the spread of COVID on construction sites does not address the incremental changes in the Modified Project and is stale evidence in November 2022 as reflected by, among other things, the Governor of California's declaration of the end to the COVID-19 State of Emergency on October 17, 2022, and the City's declaration of the end to the local state of emergency on October 4, 2022. For the same reasons, the Comment Letter also fails to establish that alleged COVID-19-related impacts from the modifications to the Approved Project in the Modified Project analyzed in the Addendum trigger any of the listed “mandatory findings of significance” under Public Resources Code, Section 21083(b) and CEQA Guidelines, Section 15065(a), which findings must be supported by substantial evidence. The Commenter's claims regarding COVID-19 provide no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

¹⁵ *California Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 377; see also, *See In re Bay-Delta Programmatic Env't'l Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1168 (holding that existing environmental conditions “are part of the baseline conditions rather than program-generated environmental impacts”); *Berkeley Hills Watershed Coalition v. City of Berkeley* (2019) 31 Cal.App.5th 880, 892 (Alleged seismic risk to future project residents is not a CEQA impact).

¹⁶ *California Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.*, *supra*, 62 Cal.4th at 377.

¹⁷ Pub. Res. Code, §§ 21080(e)(2), 21082.2(e); CEQA Guidelines, § 15384(a) (“Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.”)



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Comment No. 4:

On pages 8-14 and 17-19 of the Comment Letter, the Commenter cites various legal standards that purport to apply to CEQA EIRs, MNDs, NDs, and exemptions.

Response to Comment No. 4:

Without admitting to the accuracy of the legal assertions on pages 8-14 of the Comment Letter, such assertions only purport to provide background information on CEQA and do not argue for or demonstrate any flaws in the Addendum. We would only note that the CEQA approval at issue here is an “addendum,” not an EIR, MND, ND or exemption, the legal standards for which are not identified in the Comment Letter but are identified in the Addendum.

Comment No. 5:

The Commenter asserts on pages 19 of the Comment Letter that “the Project may have significant impacts, including on: air quality, greenhouse gas emissions, land use, transportation, historical resources, biological resources, geology/soils, noise, hazards, as well as long-term impacts, cumulative impacts, and adverse impacts on human life.”

Response to Comment No. 5:

This is a preliminary comment stated without any citations to evidence or facts that is further developed and addressed in the following comments and responses. No further response is required.

Comment No. 6:

The Commenter asserts that the City does not have a CEQA case number for the Modified Project and Addendum.

Response to Comment No. 6:

The City’s CEQA Case Number for the Modified Project is ENV-2016-1081-MND-REC1.

Comment No. 7:

The Commenter asserts that the fair argument standard of review under CEQA applies to addendums to MNDs.



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Response to Comment No. 7:

The CEQA standard of review that applies to an agency's decision to prepare an addendum to an MND rather than a subsequent MND or EIR is the "fair argument" standard of review that applies to MNDs, generally. Under the fair argument standard, when substantial evidence in the record supports a fair argument that revisions to a project may have a previously unstudied significant impact that can be mitigated, a subsequent MND would be required; if there is no such substantial evidence, then the addendum would be upheld.¹⁸ Similarly, under the fair argument standard, the preparation an EIR is required when substantial evidence in the record supports a fair argument that the project may have a significant effect on the environment.¹⁹ In the absence of such a finding, the lead agency's decision not to prepare an EIR must be upheld.²⁰ A project opponent has the burden of showing the existence of such substantial evidence.²¹

The Comment Letter does not provide any substantial evidence of a previously unstudied significant impact created by the modifications to the Approved Project in the Modified Project, and therefore it provides no basis to revise the Addendum or conduct any further CEQA review.

Comment No. 8:

The Commenter asserts that analyzing only the changes to the Approved Project proposed in the Modified Project in the Addendum creates a "loophole" in CEQA by avoiding environmental review of the full Modified Project, and that the changes reflected in the Modified Project are not "minor" but significant, insofar as it seeks to further increase the previously approved increase in floor area ratio ("FAR") for the Project. The Commenter also notes that another nearby project was allegedly denied in its request for a similar FAR increase.

Response to Comment No. 8:

The Commenter is incorrect that analyzing the changes to a previously approved project in an addendum is a "loophole" in CEQA that improperly avoids review of the Modified Project. To the contrary, CEQA is clear that, where a prior CEQA analysis has been conducted and is final and unappealable, it is conclusively presumed to be valid for all purposes, regardless of any flaws it may have.²² No legal challenges to the Project's 2017 MND approval were ever filed. Because the time limits to challenge CEQA approvals are short – 30 days where a Notice of Determination is issued and otherwise 180 days –

¹⁸ *Friends of the College of San Mateo Gardens v. San Mateo County Community College District* (2017) 11 Cal. App.5th 596.

¹⁹ *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.

²⁰ *Lucas Valley Homeowners Assn. v. County of Marin* (1991) 233 Cal.App.3d 130, 141-142.

²¹ *Leonoff v. Monterey County Bd. of Supervisors* (1990) 222 Cal.App.3d 1337, 1348-49.

²² *Citizens for a Megaplex-Free Alameda, supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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the 2017 MND is now conclusively presumed to be valid as a matter of law.²³ The same is true of the Project entitlement approvals, which for the Approved Project's legislative and Planning entitlements and VTTM are all subject to 90-day statutes of limitations.²⁴

Far from being improper, when evaluating whether changes to a previously analyzed project would result in new significant environmental impacts, a lead agency must consider *only* the incremental difference between the original project and the project, as modified.²⁵ The agency's review is moreover limited by CEQA only to new effects not previously considered.²⁶ These commonsense rules avoid burdening agencies with multiple duplicative rounds of CEQA review for projects that have already been fully analyzed under CEQA, but are later modified after receiving discretionary entitlement approvals.

The preparation of an addendum under CEQA is not a loophole but is explicitly allowed by CEQA where changes are proposed to a project but there is no substantial evidence to support the existence of the conditions under Public Resources Code Section 21166 and CEQA Guidelines Section 15162. Under those standards, the requirement for a subsequent MND or EIR arises only if there is a need to evaluate new or more severe significant environmental impacts that will result from changes in an approved project subject to prior CEQA review.²⁷ The key issue in assessing what additional CEQA review is required to analyze the changes to a previously analyzed project is not the magnitude of the proposed changes; "major" changes to a project are not sufficient to trigger the requirement for a further EIR if they do not result in new significant impacts or a substantial increase in the severity of previously identified significant impacts.²⁸

Thus, neither the Commenter's subjective opinion about the magnitude of changes in the Modified Project, nor an alleged decision on a separate project unrelated to the Modified Project, are relevant here. A subsequent MND or EIR is only required where substantial evidence demonstrates the existence of new or increased significant impacts resulting only from the *changes* proposed to the previously approved and analyzed Approved Project. Because substantial evidence supports the conclusion that the modifications in the Modified Project would not result in any new or increased significant environmental

²³ Pub. Res. Code, § 21167(a).

²⁴ Gov't Code, §§ 65009(c); 66499.37.

²⁵ *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1484.

²⁶ *Temecula Band of Luiseño Mission Indians v. Rancho Cal. Water Dist.* (1996) 43 Cal.App.4th 425, 437.

²⁷ See, e.g., *Melom v. City of Madera* (2010) 183 Cal.App.4th 41 (upholding city's determination that changing site plan for shopping center to reduce size of some retail spaces in order to expand the largest retail space to allow development of supercenter store would not result in any new significant effects that would require revisions to EIR it had previously certified for project); *Fund for Env'tl Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, 1544 (because no new significant impacts would result, subsequent EIR not required despite changes to proposed medical research and laboratory complex calling for 30 percent increase in building space, increased parking, redesign of location of proposed buildings, additional grading, additional impermeable surfaces, and new water provider).

²⁸ *City of Lomita v. City of Torrance* (1983) 148 Cal.App.3d 1062, 1069; see, Pub. Res. Code, §21166(a); CEQA Guidelines, §15162(a)(1).



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impacts – and no contrary substantial evidence is put forward in the Comment Letter or otherwise exists in the record – the preparation of the Addendum is proper under CEQA.

Comment No. 9:

The Commenter asserts that the City's 2020 written extension of the Project's prior, 2017 VTTM approval is improper because it submitted a Public Records Act request to the City and did not receive an application for the extension from the Applicant, and an applicant is allegedly required to obtain a VTTM extension.

Response to Comment No. 9:

The City's 2017 approval of the Project's VTTM is final and unappealable and is therefore not subject to legal challenge at this time. To the extent the Commenter would challenge the City's 2020 extension of the VTTM, that decision is also well past any applicable statute of limitations and is not the subject of the current Modified Project approvals. This Comment is not relevant to the legal validity of the Addendum and provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 10:

The Commenter alleges the following facts: (1) the Project had a prior grading permit denied in 2018, (2) received corrections on a building permit application in 2019 that were allegedly not addressed, and (3) building permits for the Approved Project were not issued. The Commenter asserts that these alleged facts constitute substantial evidence supporting a fair argument that the Project is infeasible or that it may have significant environmental impacts.

Response to Comment No. 10:

This Comment relies entirely on speculation, which is not substantial evidence under CEQA.²⁹ The Comment Letter provides no information regarding why the building permits for the Approved Project were not pulled and provides no explanation whatsoever as to how this issue could possibly be relevant to the validity of the Addendum, which analyzes the potential impacts of the incremental changes to the Approved Project in the Modified Project. Thus, the Comment Letter provides only speculation about irrelevant subject matter. And to the extent it attempts to challenge the prior 2017 MND and Approved Project approvals, the 2017 MND and the Approved Project approvals are final, unappealable, and are no longer subject to valid challenge.³⁰

²⁹ Pub. Res. Code, §§ 21080(e)(2), 21082.2(e); CEQA Guidelines, § 15384(a).

³⁰ Pub. Res. Code, §§ 21080.1; 21167.2.



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Comment No. 11:

The Commenter alleges that the Modified Project's environmental application provides inconsistent statements regarding whether the project has been modified.

Response to Comment No. 11:

The Modified Project's environmental application, as quoted by the Commenter, and, more importantly, the Addendum, correctly and accurately describe and analyze the scope of changes to the Approved Project in the Modified Project. The Commenter does not argue otherwise. Alleged inconsistent statements in a Project application taken out of context are not relevant under CEQA to address whether the Addendum accurately describes and analyzes the incremental changes to the Approved Project reflected in the Modified Project. Because the Addendum correctly describes and analyzes the proposed changes in the Modified Project, it complies with CEQA's requirements for an accurate, stable and finite project description. Allegedly inconsistent information in a separate project entitlement application that is not a part of the Addendum is not relevant under CEQA to the adequacy of the Addendum.

Comment No. 12:

The Commenter argues that the modifications as analyzed in the Addendum violate CEQA's piecemealing rule because they do not assess the full scope of the Modified Project but only the "incremental" changes to the Modified Project, and that reviewing only the changes to the Approved Project reflected in the Modified Project improperly "alter" the CEQA baseline by not measuring impacts against the baseline environmental conditions as they existed in 2016 when the Approved Project's application was originally filed.

Response to Comment No. 12:

The Commenter misstates the requirements of CEQA. First, the Comment misapprehends the piecemealing rule, which prohibits breaking a larger project into smaller pieces in a manner that obscures environmental review of the project as a whole.³¹

Here, no piecemealing occurred. The *entire* Approved Project was analyzed in the 2017 MND. That approval is now final, unchallengeable and presumed valid.³² Subsequently, modifications were proposed to the Approved Project reflected in the Modified Project. Under CEQA's subsequent review rules, as stated above in Response to Comment Nos. 1 and 8, when evaluating whether changes to a previously analyzed project would result in new significant environmental impacts, the agency must consider *only*

³¹ See *Aptos Council v. County of Santa Cruz* (2017) 10 Cal.App.5th 266; *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1358.

³² Pub. Res. Code, §§ 21080.1; 21167.2.



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the incremental difference between the original project and the project, as modified,³³ and the agency's review is limited to new effects not previously considered.³⁴ The Addendum's analysis of the changes reflected in the Modified Project is thus not piecemealing, it is rather mandated by CEQA under the circumstances here. Under CEQA, the City is not obligated to re-do the analysis in the 2017 MND, which is final and deemed valid as a matter of law.³⁵

Additionally, CEQA's subsequent review rules regarding analysis of the changes to a project that is modified following a full, final, and unappealable CEQA review does not implicate the baseline question presented by the Commenter, which relates to the existing conditions described in an EIR.³⁶ Under the circumstances of the Modified Project, as stated, only the incremental changes to the previously analyzed Approved Project must be analyzed in subsequent CEQA review. Again, the Commenter's contrary belief that the City must re-analyze all impacts and issues already analyzed in the 2017 MND from an alleged "baseline" of 2016 conditions in the Addendum is inconsistent with the requirements of CEQA. No revisions to the Addendum are required and no further CEQA analysis is warranted.

Comment No. 13.

The Commenter asserts in pages 29 through 34 of the Comment Letter that, though an intent to piecemeal is not required to find a piecemealing violation under CEQA, following the issuance of entitlements in 2017, Approved Project building and corporate records purportedly indicate that the applicant sought to seek approvals for a much larger project than was analyzed and approved in 2017, proving that it intended to piecemeal environmental review.

Response to Comment No. 13:

The Commenter's argument is entirely based on speculation and entirely on an out-of-context misreading of selectively quoted excerpts of permit applications for the Approved Project. Notably, the Approved Project was a 7-story building, one level of which was a two-story-plus height automated parking structure (giving the Approved Project an 8-story building height, which height is not increased by the Modified Project). Regardless, the Comment Letter's baseless allegations of intentional piecemealing are not relevant to whether the Addendum analyzes the Modified Project in accordance with the requirements of CEQA. The Comment Letter provides no basis to revise to the Addendum or prepare any additional CEQA analysis for the Modified Project.

³³ *Benton*, *supra*, 226 Cal.App.3d at 1484.

³⁴ *Temecula Band of Luiseño Mission Indians*, *supra*, 43 Cal.App.4th at 437.

³⁵ Pub. Res. Code, §§ 21080.1; 21167.2.

³⁶ CEQA Guidelines, § 15125; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316, 336.



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Comment No. 14:

The Commenter asserts that the Project would have significant land use impacts and is inconsistent with the Central City North Community Plan because the 2017 zone change, as analyzed in the 2017 MND, altered the Project Site's former industrial zoning to a commercial zoning designation.

Response to Comment No. 14:

As conceded in the Comment Letter, the change of the Project Site's zoning from an a commercial manufacturing designation (CM-1-RIO) to a commercial designation ((T)(Q)C2-2-RIO) occurred in 2017 as part of the Approved Project's approvals.³⁷ And as stated in Response to Comment Nos. 1 and 8, the 2017 MND's analysis of this change of zoning and its land use impacts are conclusively presumed to be valid for all purposes and cannot now be validly challenged.³⁸ The Comment Letter does not put forth substantial evidence or even make the claim that the modifications to the entitlements for the Modified Project would cause a significant land use impact, the relevant inquiry here. As the Comment does not address the Modified Project or the Addendum, no further response is required.

Comment No. 15:

The Commenter asserts that the Modified Project would have a significant impact on biological resources because the currently vacant onsite building may have become habitat for protected bird or bat species, which records demonstrate have been identified in the general vicinity of the Project Site. These factors provide a fair argument that the Modified Project would cause a significant impact on protected bird and bat species. Further, the Commenter claims that mitigation measures MM-BIO-1a and MM-BIO-1b in the 2017 MND are insufficient insofar as they only protect nesting bird species and therefore would not mitigate alleged impacts on bat species. The Commenter also claims that MM-BIO-1b is vague and unenforceable.

Response to Comment No. 15:

The Addendum addresses the facts that the Modified Project would be developed on the same Project Site and include a similar scale of redevelopment (additional floor area occurs within the same proposed building footprint), the Modified Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to biological resources, and thus, with the implementation of the mitigation measures included in the 2017 MND, no subsequent MND or EIR is required. Thus, the modifications in the Modified Project do not alter the prior analysis for the Approved

³⁷ Comment Letter, at p. 36, n. 26.

³⁸ *Citizens for a Megaplex-Free Alameda*, *supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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Project with respect to biological resources. This conclusion is supported by substantial evidence in the Addendum.

The Commenter's assertions that the Project Site *may* have become habitat for special status bird and bat species since 2017 because the existing onsite building is vacant is presented without data or evidence and is based only on speculation. As noted, speculation is not substantial evidence under CEQA.³⁹ In addition, the Commenter's challenges to the 2017 MND and its adopted mitigation measures are untimely and cannot now be raised.⁴⁰ The Comment Letter does not provide any basis for revisions to the Addendum or for additional CEQA review for the Modified Project.

Comment No. 16:

The Commenter asserts that there is a fair argument that the Modified Project would cause significant new geology and soils impacts than discussed or mitigated in the 2017 MND because: (1) the Approved Project allegedly did not obtain grading and building permits, (2) moving the parking from above-grade in the Approved Project to below grade in the Modified Project was not studied in the MND; (3) that the 2017 MND's MM-GEO-1 mitigation measure is insufficient; and (4) that the 2017 MND erroneously concluded no cumulative geological and soils impacts would result from the Approved Project when the City previously allegedly denied a nearby development that had two mitigation measures for geology and soils.

Response to Comment No. 16:

The Addendum determines that, because the Modified Project would be developed on the same Project Site, include a similar scale of redevelopment within a highly urbanized environment, and be subject to the same mitigation measures and the same or more recent regulations with respect to building and other technical code requirements, the Modified Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to geology and soils, and thus, with the implementation of the mitigation measures included in the 2017 MND, no subsequent MND or EIR is required. Contrary to the assertion in the Comment, this analysis includes consideration of 21,554 square feet of additional floor area, the relocation of the proposed parking, and other changes contemplated in the Modified Project, including recognition that the volume of excavation and earthwork for the Modified Project will not be increased from what was analyzed for the Approved Project in the 2017 MND.

The Comment Letter speculates that grading and building permits for the Approved Project were not ultimately obtained due to alleged significant environmental impacts without providing any evidence in

³⁹ Pub. Res. Code, § 21080(e)(2); CEQA Guidelines, § 15384(a).

⁴⁰ *Citizens for a Megaplex-Free Alameda*, *supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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support of the allegation. The Comment Letter provides similar baseless speculation about the alleged denial of a nearby separate project. Such speculation is not substantial evidence under CEQA.⁴¹ Similarly, the Comment Letter's assertion that, because a different project with two geology and soils mitigation measures was allegedly denied, the Approved Project's one geology and soils mitigation measure must be insufficient is also entirely speculative, is provided with no relevant evidence or analysis and does not present enough information to assess the validity of either projects' mitigation measures in light of the unique circumstances of the respective projects. Additionally, the Commenter's various claims challenging to the 2017 MND and its adopted mitigation measures are untimely and cannot now validly be raised.⁴²

The Commenter fails to provide substantial evidence demonstrating that modifications to the Approved Project proposed by the Modified Project would create any new significant impacts not previously analyzed or cause an increase in the severity of a previously identified significant impact with respect to geology and soils. The Comment Letter provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 17:

The Commenter asserts that the existence of certain former oil wells near the Project Site and its location in a methane zone could result in significant geology and soils and hazards impacts warranting the preparation of a supplemental MND or EIR. The Commenter also cites City ordinances relating to new construction in methane zones and near oil wells.

Response to Comment No. 17:

The Addendum fully discloses that the Project Site is located within a designated methane zone, and that oil wells have been identified near the Project Site, but not on the Project Site, itself. Because the Modified Project would be developed on the same Project Site, include a similar scale of redevelopment within a highly urbanized environment, and be subject to the same City methane and oil well regulations, the Modified Project would not result in a new significant impact or substantial increase in the severity of previously identified impacts with respect to methane and oil wells, and no subsequent MND or EIR is required. The Modified Project includes no modifications that implicate these topics.

The subjects of methane and oil wells were identified and analyzed for the Approved Project in the 2017 MND, as conceded in the Comment Letter. As noted repeatedly above, the 2017 MND is well beyond the statute of limitations and cannot now be validly challenged by the Commenter.⁴³ In addition, existing methane in the environment and offsite historic oil wells are not impacts of the Modified Project but

⁴¹ Pub. Res. Code, § 21080(e)(2); CEQA Guidelines, § 15384(a).

⁴² Pub. Res. Code, §§ 21080.1; 21167.2.

⁴³ *Citizens for a Megaplex-Free Alameda, supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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existing environmental conditions, and CEQA only requires the analysis of the impacts of a proposed project on the environment, not the impacts of the environment on a proposed project.⁴⁴ Thus, the mere existence of methane and oil wells does not create a significant environmental impact. Nor does stating that the Modified Project would bring people to the Project Site in the absence of facts and analysis that would indicate that, despite regulatory compliance requirements, impacts would be significant. The Comment Letter provides no such facts and analysis – it merely makes the unsupported assertion that the existence of methane below the ground's surface and nearby oil wells would cause significant impacts. Such baseless assertions are not substantial evidence under CEQA.

In addition, the existence of the Project Site as being within a methane zone and nearby oil wells are not a “change in circumstances” or “new information” that would warrant additional environmental analysis under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 for the Modified Project in a subsequent MND or EIR. These issues were known in 2017, were fully analyzed in the MND, and the modifications to the Approved Project in the Modified Project do not alter this analysis.⁴⁵ The Comment Letter also provides no basis to assert that these existing environmental conditions would otherwise result in the incremental changes in the Modified Project causing any new, previously unidentified significant impacts. Rather, the Comment Letter merely speculates that such impacts may result based on information that existed and was analyzed for the Approved Project in 2017. The Comment Letter thus fails to provide substantial evidence in support of its claims and provides no basis to amend the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 18:

The Commenter asserts that the Modified Project may result in significant hazards impacts based on alleged historic uses on the Project Site, including an alleged use as a lumber yard and an unspecified use by alleged former Project Site owner Standard Oil. It asserts significant hazard impacts for the Modified Project are also demonstrated by the facts that a neighboring project had additional mitigation measures the Approved Project did not have, and based on post-2017 revisions to industry standards for Phase I environmental site assessments.

Response to Comment No. 18:

The Addendum determines that, because the Modified Project would be developed on the same Project Site, include a similar scale of redevelopment within a highly urbanized environment, add additional floor area within the same proposed building footprint, not increase soil disturbance or excavation, and be subject to the same or more stringent hazardous materials regulations, as well as being subject to previously adopted mitigation measures, the incremental changes to the Modified Project would not result

⁴⁴ *California Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.*, *supra*, 62 Cal.4th at 377.

⁴⁵ See *Citizens for Responsible Equitable Env't'l Dev.*, *supra*, 196 Cal.App.4th at 532.



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in any new significant impacts or substantial increase in the severity of previously identified impacts with respect to hazards. Thus, with the implementation of the mitigation measures included in the 2017 MND, no subsequent MND or EIR is required. The Addendum analysis also identifies the Project Site's former use as a lumber yard and the prior purchase of mineral rights on the Project Site by Standard Oil. These historic uses of Project Site were also identified and analyzed for the Approved Project in the 2017 MND.

Again, the 2017 MND is well beyond the statute of limitations and cannot now be validly challenged by the Commenter, and thus Commenter's criticisms of the 2017 MND are not legally valid and do not address any flaws in the Addendum under CEQA.⁴⁶ In addition, existing hazard conditions are not impacts of the Modified Project but existing environmental conditions, and CEQA only requires the analysis of the impacts of a proposed project on the environment, not the impacts of the environment on a proposed project.⁴⁷ Thus, existing hazards from historic uses are not impacts of the Project. Moreover, the prior historical uses of the Project Site are not "new information" that would warrant additional environmental analysis for the Modified Project in a subsequent MND or EIR under Public Resources Code Section 21166 and CEQA Guidelines Section 15162.⁴⁸

The Comment Letter also speculates about mitigation measures adopted for a neighboring project that was allegedly denied, which were allegedly more robust than the mitigation adopted for the Modified Project. However, no information about that project is provided in the Comment Letter such that a fruitful comparison could be made to the Modified Project. Notably, like the Approved Project, the Modified Project is a commercial development that adaptively reuses an existing onsite building and has very little excavation and soil disturbance; it is not new ground-up construction with residential uses and significant grading, excavation and soil disturbance that may warrant additional mitigation measures if hazard conditions were potentially present. In addition, another project including allegedly superior mitigation is not relevant to the adequacy of mitigation under CEQA, where mitigation is adequate if it reduces significant impacts to less than significant levels.⁴⁹ In any event, the Comment Letter cannot now challenge the mitigation adopted in the 2017 MND, and it fails to carry its burden to show that, despite the hazards mitigation adopted into the Modified Project, the incremental changes in the Modified Project would produce an additional, or increase the severity of a previously identified, significant impact.

With respect to minor alleged revisions to industry guidelines for preparing Phase I environmental site assessments, under CEQA, new legal enactments such as the adoption of regulations or guidelines do not constitute "new information" as the term is used in CEQA under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 unless the underlying facts they relate to are new

⁴⁶ *Citizens for a Megaplex-Free Alameda*, *supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.

⁴⁷ *California Bldg. Indus. Ass'n v. Bay Area Air Quality Mgmt. Dist.*, *supra*, 62 Cal.4th at 377.

⁴⁸ See *Citizens for Responsible Equitable Env'tl Dev.*, *supra*, 196 Cal.App.4th at 532; *Sierra Club v. Gilroy City Council*, *supra*, 222 Cal.App.3d at 45.

⁴⁹ Pub. Res. Code, § 21002; CEQA Guidelines, §§15126.4, 15370.



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information.⁵⁰ Here, the subject matter is not new legal or regulatory standards but minor revisions to industry standards for the preparation of Phase I environmental site assessments. However, these enactments merely revise the existing standards for Phase I investigations, which deal with the well-known and documented issue of investigations of onsite subsurface hazardous material contamination from historic uses. This issue was fully analyzed in the 2017 MND and, as set forth in the Addendum, none of the changes in the Modified Project addresses or alters the grading plans for the Project, and there is no new information to suggest the soil conditions on the Project Site have changed since 2017. Under these facts, revised standards do not qualify as “new information” that would warrant additional environmental analysis under Public Resources Code Section 21166 and CEQA Guidelines Section 15162. For its part, the Comment Letter makes no effort to demonstrate the manner in which the alleged changes in Phase I standards would alter the outcome of the analysis in the Addendum, as compared to the analysis in the 2017 MND; the Comment Letter merely speculates that a revised analysis under the purported new Phase I standards *may* indicate a new, previously unidentified significant impact. But the Commenter presents no facts, data or analysis that would suggest such an outcome would occur, and thus fails to support its arguments with substantial evidence. Thus, with respect to hazards, the Comment Letter provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 19:

The Commenter asserts that significant project-level and cumulative traffic impacts may result from the Modified Project because: (1) commenters on the 2017 MND’s traffic analysis stated that it underestimated impacts; (2) the Modified Project would include the addition of new floor area and more intensive uses; (3) the Addendum improperly only analyzes the incremental difference between the Approved Project and the Modified Project; (4) the Modified Project may have significant cumulative traffic impacts based on alleged new related projects; and (5) the 2017 MND’s traffic studies are no longer valid because they rely on older information.

Response to Comment No. 19:

Since the 2017 MND was adopted, the state and City have modified the standards for assessing development projects’ transportation impacts. Utilizing the City Department of Transportation’s current revised methodology based on Vehicle Miles Travelled (“VMT”), the Addendum concludes all relevant project level and cumulative impacts of the Project would be less than significant. This analysis is not

⁵⁰ *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320 (Adoption of of new guidelines for evaluation of GHG emissions was not significant new information requiring further CEQA review because information about the potential effects of GHG emissions was known and could have been addressed in connection with the certification of the original EIR); *Fort Mojave Indian Tribe v. Department of Health Servs* (1995) 38 Cal.App.4th 1574, 1605 (New regulation designating critical habitat for an endangered species was not significant new information requiring further CEQA review because the issue of impacts to the species had been addressed in the original EIR.)



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addressed by the Comment Letter, and demonstrates, standing alone, that none of the conditions requiring a subsequent MND or EIR are triggered for the Modified Project under Public Resources Code Section 21166 and CEQA Guidelines Section 15162. In response, the Comment Letter fails to put forward substantial evidence that a new or increased significant impact would occur based on the incremental changes in the Modified Project, it simply speculates that, because the Modified Project has additional floor area and allegedly more intensive uses, it would automatically result in new significant traffic impacts. Such speculation is, again, not substantial evidence.⁵¹

The Comment Letter's specific claims challenging the 2017 MND's transportation analysis are untimely and invalid as that document is final, unappealable, and deemed valid.⁵² Additionally, with respect to the Comment Letter's claims regarding alleged cumulative impacts, under CEQA, merely identifying alleged related projects is insufficient to constitute substantial evidence of a significant cumulative impact – valid information and analysis demonstrating that cumulative impacts of a project and related projects together would be significant in light of adopted thresholds is required to show a significant impact.⁵³ The Comment Letter provides no such evidence, merely providing information regarding the alleged existence of related projects, and nothing more, which under CEQA is insufficient to demonstrate a significant cumulative impact.⁵⁴ Accordingly, no substantial evidence of transportation-related project level or cumulative impacts is provided, and the Comment Letter provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 20:

The Commenter asserts that the Modified Project may result in new, previously unidentified significant impacts with respect to air quality because: (1) the alleged increase in traffic may cause significant air quality impacts; (2) alleged increased hazard risks from soil contamination may cause air quality violations; (3) the 2017 MND allegedly includes vague and inadequate air quality mitigation; (4) the Modified Project would result in significant air quality impacts because it would allegedly adhere to the 2017 and not the 2019 Los Angeles and California Green Building Code.

Response to Comment No. 20:

The Addendum analyzes the Modified Project's potential to cause new or increased significant impacts as compared to the Approved Project, taking into account, among other relevant factors, the additional square footage and related increase in traffic generation that would occur under the Modified Project. Based on this analysis, which includes consideration of Project compliance with applicable regulatory

⁵¹ Pub. Res. Code, §§ 21080(e)(2), 21082.2(e); CEQA Guidelines, § 15384(a).

⁵² *Citizens for a Megaplex-Free Alameda*, *supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.

⁵³ *Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 701-702; *Hines v. California Coastal Comm'n* (2010) 186 Cal.App.4th 830, 857.

⁵⁴ *Id.*



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requirements and the mitigation measures adopted by the 2017 MND, the Addendum concludes the Modified Project would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts with respect to air quality, and no subsequent MND or EIR is required.

In response, the Comment Letter merely speculates that significant air quality impacts would result from increased traffic generation caused by the Modified Project, providing no data or analysis in support of its allegations. Such speculation is not substantial evidence.⁵⁵ With respect to hazardous materials, as addressed above, the Commenter has not provided any evidence, much less substantial evidence, that significant new or increased impacts from hazardous materials would occur as a result of the incremental changes proposed by the Modified Project. Unproven allegations of significant hazardous materials impacts do not support similarly unproven allegations of significant air quality impacts. Again, the Comment Letter does not rely on facts, data or analysis but only speculation to support its arguments. With respect to the air quality mitigation measure adopted by the 2017 MND – MM-AIR-1 – the mitigation measure adopted into the 2017 MND cannot now be challenged as that document is final and deemed valid.⁵⁶ Moreover, the Commenter offers no evidence, data or analysis to suggest that MM-AIR-1 is rendered inadequate by the modifications in the Modified Project, or that, despite the implementation of this mitigation, the Modified Project would result in a new or increased significant environmental impact on air quality.

The Commenter's baffling argument that alleged adherence to 2017 rather than 2019 building codes would cause the Modified Project to have a new or increased significant air quality impact misses the mark for a number of reasons. First, the 2017 MND assumes compliance with applicable building codes in effect at the time and concludes, based on substantial evidence, that less than significant air quality impacts would result, with the incorporation of mitigation. The analysis thus demonstrates that adherence to 2017 codes would not necessarily produce a significant air quality impact. The Commenter offers no contrary evidence that shows that a project that would adhere to 2017 building code standards today would automatically produce significant air quality impacts by mere virtue of not following current code requirements. Moreover, merely listing off information on post-2017 code updates as the Commenter does not constitute substantial evidence that the Modified Project would cause a new or increased significant air quality impact, even if the Modified Project did adhere to 2017 codes. The Commenter's argument regarding 2017 code compliance is thus, like its other arguments, rooted in baseless speculation and provided without relevant facts or analysis. Finally, the Commenter also speculates that the Modified Project would follow the 2017 rather than the most recent building code in the first place, and that speculation is incorrect. Following the issuance of entitlements for the Modified Project, a new building permit application would be required under City code, which would be required adhere to technical code requirements in effect at the time the application is accepted by the City and fees are paid

⁵⁵ Pub. Res. Code, §§ 21080(e)(2), 21082.2(e); CEQA Guidelines, § 15384(a).

⁵⁶ *Citizens for a Megaplex-Free Alameda*, *supra*, 149 Cal.App.4th at 110.



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under Los Angeles Municipal Code Section 12.26-A.3. The Comment Letter provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project.

Comment No. 21:

The Commenter argues that the Project would have a significant impact on cultural or historic resources because it proposes renovation work and the construction of six floors of new building area over the existing onsite “Challenge Butter Creamery” building, identified by the City’s SurveyLA historic resource survey as a potential contributor to a historic industrial district. Such work proposed by the Modified Project includes its parking design revisions and additional commercial floor area.

Response Comment No. 21:

The listing of the Challenge Butter Creamery in SurveyLA is identified and fully analyzed in the 2017 MND. The Addendum notes that the revisions to the Approved Project in the Modified Project do not alter the prior analysis with respect to the Challenge Butter Creamery building, which will be restored by the Modified Project in the same manner as the Approved Project, in accordance with the same project design feature and mitigation measure as the Approved Project – PDF-CULT-1 and MM-CULT-1. Under PDF-CULT-1, implemented into the Modified Project, the Modified Project would restore the exterior features of the Challenge Butter Creamery in accordance with applicable standards under the Secretary of Interior’s historic resource treatment regulations under 36 C.F.R., Part 61. Under MM-CULT-1, a full Historic American Buildings Survey (HABS) Level III report will be prepared for the Challenge Butter Creamery building before construction of the Modified Project commences.

The 2017 MND concluded that, with these measures incorporated, impacts on the Challenge Butter Creamery building would be less than significant, a conclusion that is final, unappealable, and cannot now be challenged under CEQA.⁵⁷ As also analyzed in the Addendum, the Modified Project would not alter the size and scale of the Approved Project relative to the Challenge Butter Creamery building. The potential impacts of the Approved Project on the Challenge Butter Creamery building were thus fully analyzed in the 2017 MND and, as supported by substantial evidence in the Addendum, none of the changes in the Modified Project alter that analysis. In response, the Commenter offers only speculation, no analysis, and no substantial evidence that the modifications in the Modified Project would alter the deemed-valid conclusion of the 2017 MND – it asserts without evidence or analysis of any kind that the internal reconfiguration of a building with the same size and scale will have a significant impact on the Challenge Butter Creamery building. These baseless arguments are not supported by any substantial evidence – the Commenter only presents a conclusory argument without any facts or analysis. And, yet again, the Comment Letter’s repeated challenges to the 2017 MND are untimely and invalid. The Comment Letter

⁵⁷ *Citizens for a Megaplex-Free Alameda, supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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does not provide any basis for amending the Addendum or preparing any other further CEQA analysis with respect to historic resources.

Comment No. 22:

The Comment Letter states that, “for all the reasons specified above,” the Modified Project would cause significant cumulative impacts.

Response to Comment No. 22.

The Comment provides only a conclusory argument provided without evidence or information and is thus not substantial evidence and provides no basis to revise the Addendum or prepare any additional CEQA analysis for the Modified Project. No further response is required.

Comment No. 23:

The Comment Letter states that there is a fair argument that the Modified Project may have significant impacts in light of allegedly deferred mitigation measures and reliance on regulatory compliance measures, including improperly deferred mitigation measures and regulatory compliance measures with respect to methane, geotechnical issues, and a biology study.

Response to Comment No. 23:

First, as with most of its other arguments, the Comment Letter here attacks the 2017 MND, which, as noted multiple times above, is final and is not now subject to valid legal challenge.⁵⁸ The Comment Letter does not identify or address any revised or amended mitigation measures, project design features, or regulatory compliance measures identified in the Addendum for the Modified Project. To the contrary, as explained above, the issues the Comment Letter raises relating to methane, geotechnical and biological issues are all issues that were fully analyzed in the 2017 MND, which the Addendum concludes, based on substantial evidence, that would not be altered by the Modified Project in a manner that would trigger subsequent review under Public Resources Code Section 21166 and CEQA Guidelines Section 15162. In response, the Comment Letter provides nothing but speculation, argument, and invalid collateral attacks on the 2017 MND. Such claims do not constitute substantial evidence of any valid flaw with Addendum and provide no basis for the Modified Project to conduct additional CEQA analysis.

Conclusion

The Comment Letter fails to demonstrate any flaw in the Addendum under CEQA and fails to provide any basis to require the City to prepare any further CEQA analysis for the Modified Project. We are happy to

⁵⁸ *Citizens for a Megaplex-Free Alameda, supra*, 149 Cal.App.4th at 110; Pub. Res. Code, §§ 21080.1; 21167.2.



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further discuss the Comment Letter and this letter response at any time, and we thank you for your time and attention.

Best regards,

A handwritten signature in blue ink, appearing to be 'AB' followed by a stylized flourish.

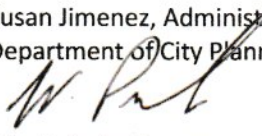
Andrew Brady

cc. Renata Ooms (renata.ooms@lacity.org)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

929 E 2nd St
DOT Case No. CEN22-54174

Date: September 12, 2022

To: Susan Jimenez, Administrative Clerk
Department of City Planning


From: Wes Pringle, Transportation Engineer
Department of Transportation

Subject: **UPDATED VMT ASSESSMENT FOR THE PROPOSED MIXED-USE PROJECT AT 929 EAST 2ND STREET (CPC-2018-6402-CPU)**

On June 2, 2016, the Los Angeles Department of Transportation (LADOT) issued a traffic assessment report to the Department of City Planning regarding the proposed private club and commercial mixed-use project located at 929 East 2nd Street in which 10 signalized intersections were evaluated. Based on this evaluation, it was concluded that none of the studied intersections would be significantly impacted. However, subsequent to the release of the report, pursuant to the Senate Bill (SB 743) and the recent changes to the 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 submitted a VMT analysis for the proposed project on August 26, 2022, in addition to the analysis submitted in May 2016. Therefore, please replace the previous June 2, 2016 LADOT assessment, in its entirety, with this report which addresses the totality of the transportation analysis.

The Los Angeles Department of Transportation (LADOT) has reviewed the transportation assessment prepared by KOA Corporation, dated August 26, 2022, for the proposed mixed-use project located at 929 East 2nd Street within the Central City North Community Plan area, the Central Area Planning Commission (APC), and a Transit Oriented Community (TOC) Tier 3. In compliance with Senate Bill (SB) 743 and the California Environmental Quality Act (CEQA), a vehicle miles traveled (VMT) analysis is required to identify the project's ability to promote the reduction of green-house gas emissions, the 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 LADOT's Transportation Assessment Guidelines (TAG), as described below.

DISCUSSION AND FINDINGS

A. Project Description

The project proposes to demolish and replace the existing two-story building with an eight-story mixed-use development on the northwest corner of 2nd Street and Vignes Street. The development will provide 90,612 square feet of office space, 20,135 square feet of restaurant space, artist and studio space (each measuring 7,296 square feet), 28,688 square feet of event space, a 188 seat screening room, a total of 61 (42 long-term and 19 short-term) bicycle parking

spaces, and 270 vehicle parking spaces in one subterranean parking level and one at-grade parking level. The development will be accessed via a full-access driveway along 2nd Street, two one-way driveways along Vignes Street, and an alley bordering the project site to the north as illustrated in **Attachment A**. The one-way driveways along Vignes Street will also provide ingress and egress for an on-site drop-off and pick-up area. The project proposes that all on-site parking operations be attended by a valet service operating from the drop-off and pick-up area. All passenger loading is expected to occur on site. The project is expected to be completed by 2025.

B. Freeway Safety Analysis

Per the Interim Guidance for Freeway Safety Analysis memorandum issued by LADOT on May 1, 2020 to address Caltrans safety concerns on freeways, the study addresses the project's effects on vehicle queuing on freeway off-ramps. Such an evaluation measures the project's potential to lengthen a forecasted off-ramp queue and create speed differentials between vehicles exiting the freeway off-ramps and vehicles operating on the freeway mainline. The evaluation identified the number of project trips expected to be added to nearby freeway off-ramps serving the project site. It was determined that project traffic at any freeway off-ramp will not exceed 25 peak hour trips. Therefore, a freeway ramp analysis is not required.

C. 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 the net 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.

Additionally, the analysis included further discussion of the transportation impact thresholds:

- T-1 Conflicting with plans, programs, ordinances, or policies
- T-2.1 Causing substantial vehicle miles traveled
- T-3 Substantially increasing hazards due to a geometric design feature or incompatible use.

The assessment determined that the project would **not** have a significant transportation impact under Thresholds T-1 and T-3. A project's impacts per Threshold T-2.1 is determined by using the VMT calculator and is discussed further below. A copy of the VMT Calculator summary report is provided as **Attachment B** to this report.

D. Transportation Impacts

On July 30, 2019, pursuant to SB 743 and the recent changes to Section 15064.03 of the State's CEQA Guidelines, the City of Los Angeles adopted VMT as criteria in determining transportation impacts under CEQA. The new LADOT TAG provide instructions on preparing transportation assessments for land use proposals and defines the significant impact thresholds.

The LADOT VMT Calculator tool measures project impact in terms of Household VMT per Capita, and Work VMT per Employee. LADOT identified distinct thresholds for significant VMT impacts for each of the seven APC areas in the City. For the Central APC area, in which the project is located, the following thresholds have been established:

- Household VMT per Capita: 6.0
- Work VMT per Employee: 7.6

As cited in the VMT Analysis report, prepared by KOA Corporation, the project proposes to incorporate the TDM strategies of reduced parking supply by providing 270 of the Code-required 364 parking spaces and include bike parking per Los Angeles Municipal Code (LAMC) as project design features. With the application of these TDM measures, the proposed project is projected to have no Household VMT and a Work VMT per employee of 7.0. Therefore, it is concluded that implementation of the Project would result in no significant VMT impact. A copy of the VMT Calculator summary report is provided as **Attachment B**.

E. Access and Circulation

During 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 LAMC. Therefore, LADOT 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. In accordance with this authority, the project has completed a circulation analysis using a "level of service" screening methodology that indicates that the trips generated by the proposed development will not likely result in adverse circulation conditions at several locations. Access to the project will be provided along 2nd Street, Vignes Street, and an alley bordering the project site to the north. LADOT has reviewed this analysis and determined that it adequately discloses operational concerns. A copy of the circulation analysis table that summarizes these potential deficiencies is provided as **Attachment C** to this report.

PROJECT REQUIREMENTS

Non-CEQA-Related 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 would provide parking for 270 vehicles and 61 bicycles onsite. The applicant should check with the Departments of Building and Safety and City Planning on the number of parking spaces required for this project within a TOC Tier 3

2. Highway Dedication and Street Widening Requirements

Per the Mobility Element of the General Plan, **2nd Street and Vignes Street**, both classified as Collector, would each require a 20-foot half-width roadway within a 33-foot half-width right-of-way. The applicant should check with the Bureau of Engineering's Land Development Group to determine if there are any other applicable highway dedication, street widening and/or sidewalk requirements for this project.

3. Project Access and Circulation

The conceptual site plan for the project (see **Attachment A**) is acceptable to LADOT. The project would be accessed via a full-access driveway along 2nd Street, two one-way driveways along Vignes Street, and an alley bordering the project site to the north would provide direct access to on-site parking spaces directly off the alley. The driveway along 2nd Street would provide Access for the subterranean parking level and the driveways along Vignes Street would provide access for the at-grade parking level and the drop-off and pick-up area. All passenger loading is expected to occur on site in the drop-off and pick-up area. Review of this study does not constitute approval of the dimensions for any new proposed driveway. Review and approval of the driveway should be coordinated with LADOT's Citywide Planning Coordination Section (201 North Figueroa Street, 5th Floor, Room 550, at 213-482-7024). In order to minimize and prevent last minute building design changes, the applicant should contact LADOT for driveway width and internal circulation requirements prior to the commencement of building or parking layout design. The applicant should check with City Planning regarding the project's driveway placement and design.

4. Worksite Traffic Control Requirements

LADOT recommends that a construction work site traffic control plan be submitted to LADOT'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/businesses/temporary-traffic-control-plans> 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. LADOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible.

5. TDM Ordinance Requirements

The TDM Ordinance (LAMC 12.26 J) is currently being updated. The updated ordinance, which is currently progressing through the City's approval process, will:

- Expand the reach and application of TDM strategies to more land uses and neighborhoods,
- Rely on a broader range of strategies that can be updated to keep pace with technology, and
- Provide flexibility for developments and communities to choose strategies that work best for their neighborhood context.

Although not yet adopted, LADOT recommends that the applicant be subject to the terms of the proposed TDM Ordinance update which is expected to be completed prior to the anticipated construction of this project, if approved.

6. 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 Jimmy Vivar of my staff at (213) 972-4993.

Attachments

K:\Letters\2022\CEN22-54174_929 2nd St_vmt update_ltr.docx

c: Emma Howard/Nate Hayward, Council District 14
Hokchi Chiu, Central District, BOE
Kaylinn Pell, Central District, DOT
Taimour Tanavoli, Case Management Office, DOT
Ryan Kelly, KOA Corporation

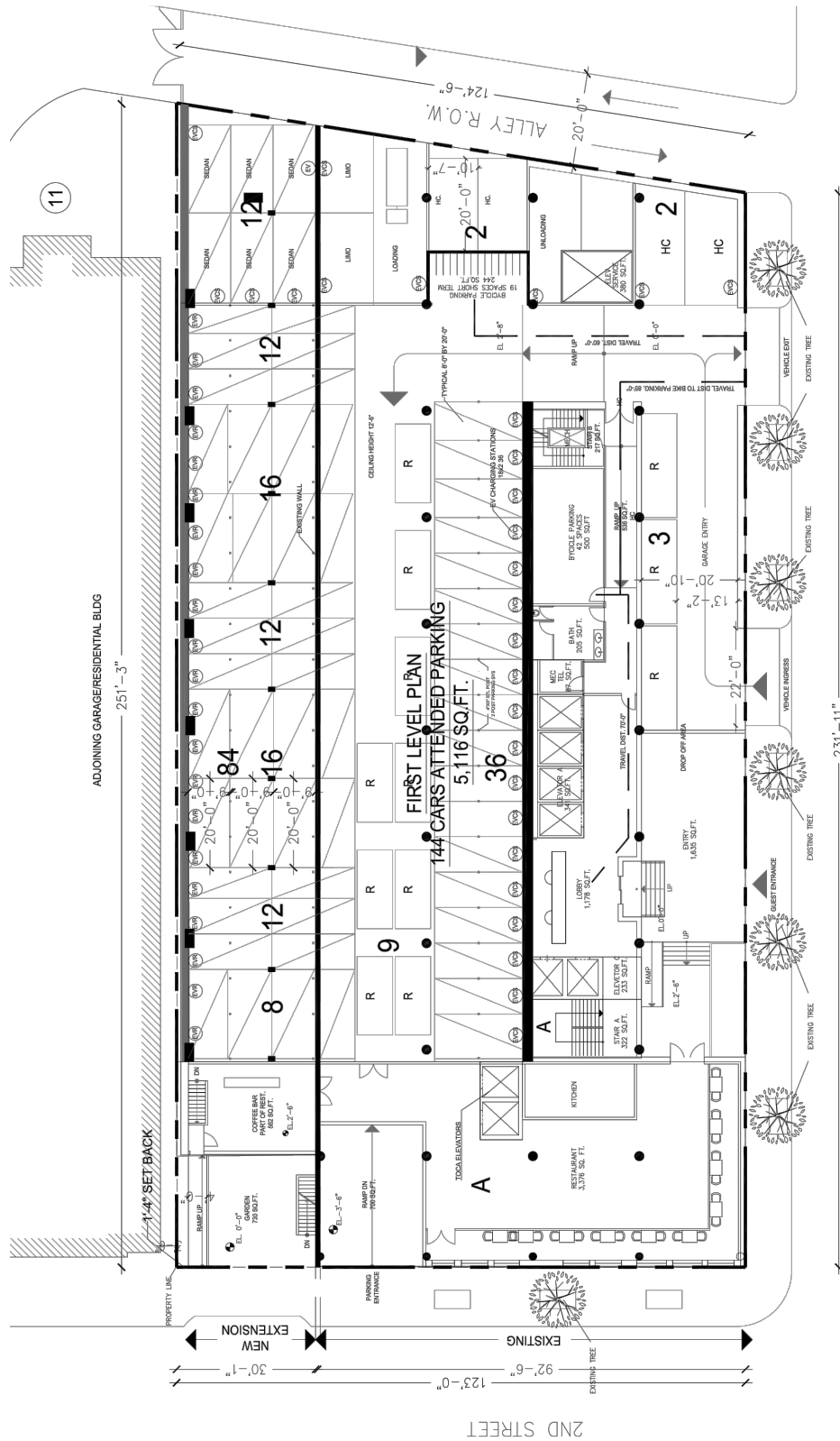


FIGURE 2



D & VIGNES

ID STREET: 139 S VIGNES STREET
SELES, CA 90012
3-004-007, 5163-004-011
INT: 929 E4, LLC

TOTAL PARKING BASEMENT + FIRST FLOOR 270 VEHICLES
TOTAL ELECTRICAL CHARGING STATIONS: 40
TOTAL BICYCLE PARKING: 50 SPACES



D LEVEL PLAN (28,874 SQ. FT. GROSS - 5,116 SQ. FT. ZONING AREA)

6/29/2022

CONCEPTUAL MODIFIED PROJECT SITE PLAN
(GROUND LEVEL)



300 Corporate Pointe, Suite 470
Culver City, California 90230
PH (310) 473 6508 F (310) 444 9771
www.koacorp.com

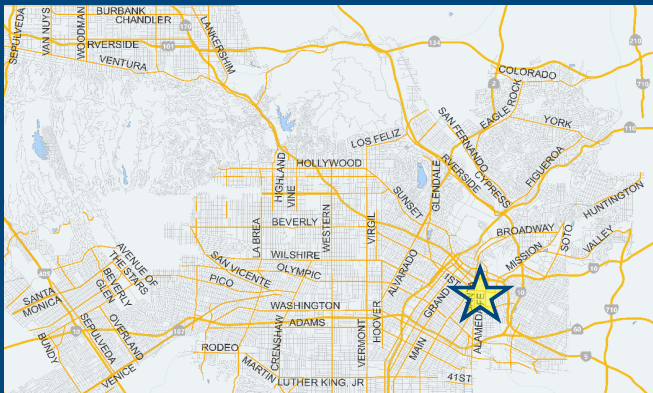
CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



Project Screening Criteria: Is this project required to conduct a vehicle miles traveled analysis?

Project Information

Project: 929 E Second Street Project
Scenario: With Project
Address: 929 E 2ND ST, 90012



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
Office General Office		ksf
Retail High-Turnover Sit-Down Restaurant	20.135	ksf
Retail Quality Restaurant	28.688	ksf
Retail Movie Theater	188	Seats
Office General Office	105.204	ksf

[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	4,557 Daily Vehicle Trips
0 Daily VMT	30,125 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 4,557
Net Daily Trips

The net increase in daily VMT ≤ 0 30,125
Net Daily VMT

The proposed project consists of only retail land uses ≤ 50,000 square feet total. 236,823
ksf

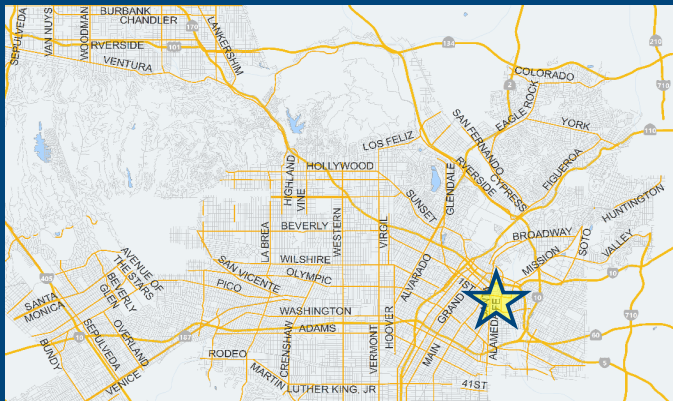
The proposed project is required to perform VMT analysis.

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Project Information

Project: 929 E Second Street Project
 Scenario: With Project
 Address: 929 E 2ND ST, 90012



Proposed Project Land Use Type	Value	Unit
Retail High-Turnover Sit-Down Restaurant	20.135	
Retail Quality Restaurant	28.688	
Retail Movie Theater	188	
Office General Office	105.20	

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

Max Home Based TDM Achieved? **No** Proposed Project
 Max Work Based TDM Achieved? **No** With Mitigation

A **Parking**

Reduce Parking Supply city code parking provision for the project site
☒ Proposed Prj ☐ Mitigation actual parking provision for the project site

Unbundle Parking monthly parking cost (dollar) for the project site
☐ Proposed Prj ☐ Mitigation

Parking Cash-Out percent of employees eligible
☐ Proposed Prj ☐ Mitigation

Price Workplace Parking daily parking charge (dollar)
☐ Proposed Prj ☐ Mitigation percent of employees subject to priced parking

Residential Area Parking cost (dollar) of annual permit
☐ Proposed Prj ☐ Mitigation

- B** Transit
- C** Education & Encouragement
- D** Commute Trip Reductions
- E** Shared Mobility
- F** Bicycle Infrastructure
- G** Neighborhood Enhancement

Analysis Results

Proposed Project	With Mitigation
3,963 Daily Vehicle Trips	3,963 Daily Vehicle Trips
26,195 Daily VMT	26,195 Daily VMT
0.0 Household VMT per Capita	0.0 Household VMT per Capita
7.0 Work VMT per Employee	7.0 Work VMT per Employee

Significant VMT Impact?	
Household: No Threshold = 6.0 15% Below APC	Household: No Threshold = 6.0 15% Below APC
Work: No Threshold = 7.6 15% Below APC	Work: No Threshold = 7.6 15% Below APC



CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

Project Information			
Land Use Type		Value	Units
Housing	Single Family	0	DU
	Multi Family	0	DU
	Townhouse	0	DU
	Hotel	0	Rooms
	Motel	0	Rooms
Affordable Housing	Family	0	DU
	Senior	0	DU
	Special Needs	0	DU
	Permanent Supportive	0	DU
Retail	General Retail	0.000	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	20.135	ksf
	Fast-Food Restaurant	0.000	ksf
	Quality Restaurant	28.688	ksf
	Auto Repair	0.000	ksf
	Home Improvement	0.000	ksf
	Free-Standing Discount	0.000	ksf
	Movie Theater	188	Seats
Office	General Office	105.204	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

Project and Analysis Overview

1 of 2

CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

Analysis Results			
Total Employees: 620			
Total Population: 0			
Proposed Project		With Mitigation	
3,963	Daily Vehicle Trips	3,963	Daily Vehicle Trips
26,195	Daily VMT	26,195	Daily VMT
0	Household VMT per Capita	0	Household VMT per Capita
7	Work VMT per Employee	7	Work VMT per Employee
Significant VMT Impact?			
APC: Central			
Impact Threshold: 15% Below APC Average			
Household = 6.0			
Work = 7.6			
Proposed Project		With Mitigation	
VMT Threshold	Impact	VMT Threshold	Impact
Household > 6.0	No	Household > 6.0	No
Work > 7.6	No	Work > 7.6	No

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

TDM Strategy Inputs				
Strategy Type		Description	Proposed Project	Mitigations
Parking	Reduce parking supply	City code parking provision (spaces)	364	364
		Actual parking provision (spaces)	270	270
	Unbundle parking	Monthly cost for parking (\$)	\$0	\$0
	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)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

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)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

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)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



Version 1.3

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)	Yes	Yes
	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: August 17, 2022
 Project Name: 929 E Second Street Project
 Project Scenario: With Project
 Project Address: 929 E 2ND ST, 90012



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	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	TDM Strategy Appendix, Parking sections 1 - 5
	Unbundle parking	0%	0%	0%	0%	0%	0%	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: August 17, 2022
 Project Name: 929 E Second Street Project
 Project Scenario: With Project
 Project Address: 929 E 2ND ST, 90012



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	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	0.6%	
	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		13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%
MAX. TDM EFFECT		13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%	13%

$$= \text{Minimum}(X\%, 1 - [(1-A) * (1-B) \dots])$$

where X%=

PLACE	urban	75%
TYPE	compact infill	40%
MAX:	suburban center	20%
	suburban	15%

Note: $(1 - [(1-A) * (1-B) \dots])$ 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: August 17, 2022

Project Name: 929 E Second Street Project

Project Scenario: With Project

Project Address: 929 E 2ND ST, 90012



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	0	0.0%	0	6.2	0	0
Home Based Other Production	0	0.0%	0	4.6	0	0
Non-Home Based Other Production	1,281	-7.2%	1,189	7.3	9,351	8,680
Home-Based Work Attraction	899	-25.9%	666	7.5	6,743	4,995
Home-Based Other Attraction	2,972	-49.1%	1,513	6.0	17,832	9,078
Non-Home Based Other Attraction	1,281	-7.2%	1,189	6.2	7,942	7,372

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	-13.0%	0	0	-13.0%	0	0
Home Based Other Production	-13.0%	0	0	-13.0%	0	0
Non-Home Based Other Production	-13.0%	1,034	7,548	-13.0%	1,034	7,548
Home-Based Work Attraction	-13.0%	579	4,343	-13.0%	579	4,343
Home-Based Other Attraction	-13.0%	1,316	7,894	-13.0%	1,316	7,894
Non-Home Based Other Attraction	-13.0%	1,034	6,410	-13.0%	1,034	6,410

MXD VMT Methodology Per Capita & Per Employee

Total Population: 0

Total Employees: 620

APC: Central

	Proposed Project	Project with Mitigation Measures
Total Home Based Production VMT	0	0
Total Home Based Work Attraction VMT	4,343	4,343
Total Home Based VMT Per Capita	0.0	0.0
Total Work Based VMT Per Employee	7.0	7.0



**Table 10: Future (2025) Traffic Conditions
Intersection Delay Summary**

No.	Intersection	Peak Hour	Approach	Without Modified Project		With Modified Project		
				Delay ¹	LOS ²	Delay ¹	LOS ²	Change ³
1	Alameda Street & 2nd Street	AM	Overall	11.3	B	13.0	B	1.7
		PM	Overall	17.1	B	21.6	C	4.5
2	Vignes Street & 1st Street	AM	Overall	21.8	C	23.3	C	1.5
		PM	Overall	73.2	E	70.1	E	-3.1

Note:

¹ Delay in seconds ² LOS = Level of Service ³ Change in delay reported in seconds