DEPARTMENT OF CITY PLANNING

APPEAL RECOMMENDATION REPORT

City Planning Commission

Date: October 27, 2022

Time: After 8:30 a.m. *

Place: Due to concerns over COVID-19, the City Planning Commission meeting will be conducted entirely telephonically by Zoom [https://zoom.us/].

The meeting's telephone number and access code number will be provided no later than 72 hours before the meeting on the meeting agenda published at https://planning.lacity.org/about/commissions-boards-hearings and/or by contacting cpc@lacity.org

Public Hearing: Required
Appeal Status: Not Further Appealable to City Council
Expiration Date: October 27, 2022

Case No.: ZA-2018-7378-ZV-TDR-SPR-1A
CEQA No.: ENV-2018-7379-SCEA
Related Case: VTT-82463-1A
Council No.: 14 – de León
Plan Area: Central City
Specific Plan: None
Certified NC: Downtown Los Angeles

GPLU: Regional Center Commercial
Zone: C2-4D-O

Applicant: Daniel Taban, Frontier Holdings West, LLC
Representative: Tanner Blackman, Irvine & Associates, Inc.

Appellant 1: Supporters Alliance for Environmental Responsibility
Representative 1: Victoria Yundt, Lozeau Drury, LLP

Appellant 2: Kamran Benji, United Broadway, LLC
Representative 2: Matthew Hayden, Hayden Planning

PROJECT LOCATION: 1123-1161 South Main Street; 111 West 12th Street

PROPOSED PROJECT: The original proposed project is the demolition of four existing commercial and retail buildings and surface parking; and construction, use and maintenance of a mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The original proposed building would be 30 stories, or 340 feet above grade, in height including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The original project would provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. The proposed building will have a total of 343,447 square feet of floor area with a 7.03:1 Floor Area Ratio (FAR). Subsequent to the filing of appeal applications, the applicant modified the project to add one new subterranean parking level to the original project to provide 363 parking spaces in lieu of 373 parking spaces originally proposed, which would result in the export of up to 30,000 cubic yards of soil in lieu of 5,434 cubic yards per the original project.

REQUEST: Appeals of the entire Zoning Administrator's Determination of the following:

1. **Found**, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the Senate Bill 375 Sustainable Communities Environmental Assessment dated September 2021, Mitigation Monitoring and Reporting Program under Case No. ENV-2018-7379-SCEA (collectively known as the SCEA), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **found** that the City Council held a hearing on and adopted the SCEA on February 2, 2022 pursuant to PRC Section 21155.2(b)(6); **found** the Project is a "transit priority project" as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact Reports (EIR), including Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Connect SoCal) Program EIR SCH No. 2019011061 and Addendum; **found** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **found** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **found** the SCEA reflects the independent judgment and analysis of the City; **found** the mitigation measures have been made enforceable conditions on the project; and **adopted** the SCEA;

2. **Approved** a Variance from Los Angeles Municipal Code (LAMC) Section 12.21 A.5(c) to permit required residential parking spaces as compact parking stalls;

3. **Approved** a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 Floor Area Ratio (FAR) in lieu of a maximum of 6:1 FAR as otherwise permitted; and

4. **Approved** a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units.

RECOMMENDATION:

1. **Deny** the appeals;

2. **Find**, pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the Senate Bill 375 Sustainable Communities Environmental Assessment (SCEA) dated January 2022, as revised by Addendum dated September 2022, and Mitigation Monitoring and Reporting Program dated September 2022, under Case No. ENV-2018-7379-SCEA, and all comments received, after imposition of all mitigation measures, that there is no substantial evidence that the project will have a significant effect on the environment; **find** that the City Planning Commission held a hearing on October 27, 2022 and adopted the SCEA dated January 2022, as revised by Addendum dated September 2022, and Mitigation Monitoring and Reporting Program dated September 2022 pursuant to PRC Section 21155.2(b)(6); **find** the Project is a "transit priority project" as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact

Reports (EIR), including Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Connect SoCal) Program EIR SCH No. 2019011061 and Addendum; **find** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA dated January 2022, as revised by Addendum dated September 2022; **find** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, dated January 2022, as revised by Addendum dated September 2022, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **find** the SCEA dated January 2022, as revised by Addendum dated September 2022, reflects the independent judgment and analysis of the City; **find** the mitigation measures have been made enforceable conditions on the project; and **adopt** the SCEA dated January 2022, as revised by Addendum dated September 2022, and Mitigation Monitoring and Reporting Program dated September 2022;

3. **Sustain** the Zoning Administrator's Determination* to approve a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 Floor Area Ratio (FAR) in lieu of a maximum of 6:1 FAR as otherwise permitted; and a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units; and

4. **Adopt** the attached updated Exhibit "A" stamp-dated August 18, 2022 (Exhibit A), Modified Conditions of Approval and Modified Findings.

* Pursuant to LAMC Section 11.5.9, the applicant withdrew the request for a Zone Variance from LAMC Section 12.21 A.5(c) to permit required residential parking spaces as compact parking stalls in a written letter dated August 2, 2022 (Exhibit B).

VINCENT P. BERTONI, AICP
Director of Planning

Jane Choi
Jane J. Choi, AICP
Principal City Planner

Nuri Cho
Nuri Cho
City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Requirements for submission of materials can be found on the Department of City Planning website at https://planning.lacity.org/about/virtual-commission-instructions. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than seven (7) working days prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

TABLE OF CONTENTS

Appellate Decision Body 5

Background.....5

Appeals and Staff Responses 9

Staff Recommendation.....17

Exhibits:

A. Modified Project Plans, Updated Exhibit “A” Dated August 18, 2022

B. Applicant’s Zone Variance Withdrawal Letter

C. ZIMAS, Vicinity and Radius Maps

D. Zoning Administrator’s Determination Letter

E. SAFER Appeal Application and Justification

F. United Broadway, LLC Appeal Application and Justification

G. Applicant Response to CEQA Comment Letters and Appeals

H. Modified Conditions of Approval

I. Modified Findings

Sustainable Communities Environmental Assessment (SCEA) Links:

SCEA Dated September 2021 and Appendices: https://planning.lacity.org/development-services/environmental-review/scea/main-street-tower-project-0

SCEA Dated January 2022 and Appendices: https://planning.lacity.org/development-services/environmental-review/scea/main-street-tower-project-1

Addendum Dated September 2022 and Appendices: https://planning.lacity.org/development-services/environmental-review/scea/main-street-tower-project-1

Mitigation Monitoring and Reporting Program Dated September 2022: https://planning.lacity.org/odocument/69a6eac1-6958-4d6a-9b54-9e0e6ca95d8a/Mitigation_Montoring_Program_September_2022.pdf0

APPEAL REPORT

APPELLATE DECISION BODY

Pursuant to Sections 12.27 I, 14.5.7 A.6 and 16.05 H of the Los Angeles Municipal Code (LAMC), appeals of Zone Variance, Transfer of Development Rights, and Site Plan Review cases are heard by the Area Planning Commission. However, LAMC Section 12.36 C.3(b) (Multiple Approval Ordinance) states that if regulations within Chapter I of the LAMC require any of the approvals of a multiple-approval project to be heard by the City Planning Commission on appeal, the City Planning Commission shall decide all appeals of decisions of the Zoning Administrator as initial decision maker. Given that this project has a related application for a Tentative Tract Map, for which the City Planning Commission is the appellate decision maker, appeals of this ZA case is heard by the City Planning Commission. The appellate decision of the City Planning Commission is further appealable to the City Council as provided in LAMC Section 12.27 O.

BACKGROUND

Project Site

The subject property is a level, irregularly shaped site consisting of eight (8) lots with 48,908 square feet of lot area pre-dedication and 46,874 square feet of lot area post-dedication (Exhibit C). The site is located at the northwest corner of the Main Street and 12th Street intersection with street frontages of approximately 425 feet along the west side of Main Street and approximately 120 feet along the north side of 12th Street. The site abuts a 12-foot alley to the west.

The project site is zoned C2-4D-O and designated for Regional Center Commercial Land Uses by the Central City Community Plan (Exhibit C). The zone does not have any height limitations. Development “D” Limitation in Ordinance No. 164,307, Subarea 2880 limits the maximum Floor Area Ratio (FAR) of the site to 6:1. The project site is located within the Greater Downtown Housing Incentive Area, which allows unlimited density, no setback requirements, and buildable area to be the same as lot area. The site is also located in the Los Angeles State Enterprise Zone, City Center Redevelopment Project Area, and the City of Los Angeles Transit Priority Area. The proposed project is subject to the Downtown Design Guidelines and Downtown Street Standards.

The site is currently developed with four commercial and retail buildings and surface parking. On June 18, 2021, the Department of City Planning, Office of Historic Resources confirmed in an email correspondence that the subject property has not been identified as a historic resource for purposes of CEQA and therefore, a Phase I Historic Resources Assessment Report is not required. The project site does not contain any trees; however, there are eight (8) non-protected street trees along Main Street and one (1) non-protected street tree along 12th Street pursuant to the Tree Report.

Surrounding Properties

Surrounding properties include a mix of commercial, retail, light industrial, office, surface parking and mixed-use buildings that range in height from one to seven stories above grade. Properties to the north and west are zoned C2-4D-SN, designated for Regional Center Commercial Land Uses, and developed with a seven-story mixed-use building, one- to two-story commercial and office buildings and surface parking. Properties to the east, across Main Street, are zoned [T][Q]C2-4D and M2-2D, designated for Regional Center Commercial and Light Manufacturing, and currently developed with one- to two-story commercial and retail buildings. The City recently approved an eight-story mixed-use residential and commercial building on the neighboring properties to the east. Properties to the south, across 12th Street, are zoned C2-4D-O, designated

for Regional Center Commercial and developed with a seven-story mixed-use residential and commercial building.

Original Project

The original proposed project involves the demolition of four existing commercial and retail buildings and surface parking; and construction, use and maintenance of a 343.447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The proposed building will be 30 stories, or 340 feet above grade, in height including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. Eight (8) street trees along Main Street and one (1) street tree along 12th Street will be removed. A total of 5,434 cubic yards of soil will be exported from the project site.

Appeal of Case No. ZA-2018-7378-ZV-TDR-SPR

On February 18, 2022, the Zoning Administrator approved a Zone Variance to permit the required residential parking spaces to be provided as compact parking stalls; a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 FAR; and a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units for the proposed project (Exhibit D). The Zoning Administrator's decision was subsequently appealed by Supporters Alliance for Environmental Responsibility (SAFER) represented by Victoria Yundt of Lozeau Drury, LLP on February 25, 2022 (Exhibit E) and Kamran Benji of United Broadway, LLC represented by Matthew Hayden of Hayden Planning on February 28, 2022 (Exhibit F). The applicant submitted a response to the appeals on June 21, 2022 (Exhibit G).

Related Case No. VTT-82463

On February 18, 2022, the Advisory Agency approved Vesting Tentative Tract No. 82463 for the merger of eight (8) lots into one (1) master ground lot for the construction of a mixed-use development containing 363 dwelling units and 12,500 square feet of commercial and retail space with a maximum floor area of 343,447 square feet and a 7.03:1 Floor Area Ratio (FAR). The Advisory Agency also approved a haul route to export 5,434 cubic yards of earth material from the project site. The Vesting Tentative Tract Map was approved contingent upon the approval of the requested Zone Variance, Transfer of Development Rights and Site Plan Review under Case No. ZA-2018-7378-ZV-TDR-SPR. The Advisory Agency's Determination was subsequently appealed by the same aggrieved parties and representatives as the Zoning Administrator appeal. The appeals will be heard concurrently by the City Planning Commission on October 27, 2022.

Modified Project

On August 2, 2022, subsequent to the filing of appeals, the applicant modified the project to add a new subterranean parking level and provide 363 parking spaces in lieu of 373 parking spaces originally proposed (Exhibit A). As modified, the project will be able to provide standard width parking stalls for the residential use and no longer needs the Zone Variance approval to allow residential parking spaces to be compact. The new subterranean parking level would add a second driveway entrance from the alley and require the export of up to 30,000 cubic yards of soil in lieu of 5,434 cubic yards as proposed in the original project. Construction activities associated with the modified project would occur over a duration of 36 months, which is six months longer than the construction schedule anticipated for the original project. All other aspects of the project, including but not limited to density, height, floor area, open space, commercial square footage

and amenities, would remain the same as the original project approved in the VTT-82463 and ZA-2018-7378-ZV-TDR-SPR cases. No changes to the approved Vesting Tentative Tract Map No. 82463, stamp-dated February 25, 2020, are proposed. An Addendum to the SCEA was prepared in September 2022, analyzing the environmental issue areas that would be potentially affected by the construction changes. Details are provided in the "Sustainable Communities Environmental Assessment" Section below.

Withdrawal of the Zone Variance Request

On August 2, 2022, the applicant submitted a letter withdrawing the Zone Variance, as the modified project will accommodate standard width parking stalls for the residential use and therefore no longer needs relief from the parking design standards through a Zone Variance (Exhibit B). Pursuant to LAMC Section 11.5.9, an applicant may withdraw their application at any time before the initial decision-maker or appellate body on appeal makes a final decision on the application for discretionary entitlements, including a Zone Variance. The withdrawal of the application must be in writing and does not require the decision-maker to concur. The withdrawal of the application shall be permanent and any associated authorization shall be void.

Sustainable Communities Environmental Assessment[1]

The City of Los Angeles (City), as the Lead Agency, prepared Sustainable Communities Environmental Assessment (SCEA) dated September 2021 and a Mitigation Monitoring and Reporting Program (MMRP) under Case No. ENV-2018-7379-SCEA for the proposed project. The Initial Study identified significant impacts related to Noise and included mitigation measures to reduce impacts to less-than-significant levels.

The SCEA and the MMRP were published for public comments for 30 days between September 30, 2021 to November 1, 2021. The Department of City Planning received the following written comments for the SCEA:

- Adams Broadwell Joseph & Cardozo (representing the Coalition for Responsible Equitable Economic Development ("CREED LA"), October 8, 2021
- Marta Stanton (representing the Goldman Family Trust), October 8, 2021
- Kinsinger Environmental Consulting (representing United Broadway LLC), October 29, 2021
- Mitchell M. Tsai (representing the Southwest Regional Council of Carpenters ("Southwest Carpenters" or "SWRCC"), November 1, 2021
- Lozeau Drury, LLP (representing Supporters Alliance for Environmental Responsibility ("SAFER"), November 1, 2021
- Mitchell M. Tsai (representing the Southwest Regional Council of Carpenters ("Southwest Carpenters" or "SWRCC"), November 30, 2021
- Gaines & Stacey, (representing United Broadway, LLC), December 7, 2021
- Kisinger Environmental Consulting (representing United Broadway, LLC), December 7, 2021
- Lozeau Drury, LLP (representing SAFER), December 7, 2021

On November 11, 2021 and December 8, 2021, the Department received Responses to Comments from the environmental consultant, Parker Environmental Consultants, for the project, clarifying and/or responding to the issues raised in the comment letters (Exhibit G). After reviewing all letters submitted for the SCEA, the Department concluded that the comments do not raise any

[1] All SCEA documents for the project are provided in the links listed in Table of Contents.

new CEQA issues nor require any change to the conclusion identified in the SCEA. The comment letters do not provide substantial evidence that further review under CEQA is required, or that the project may have a significant environmental impact. As such, the whole of the record supports the conclusion that the project would result in impacts below a level of significance with mitigation measures, as analyzed in the SCEA.

On January 18, 2022, Parker Environmental Consultants submitted a letter to the City requesting the following language to be added to Regulatory Compliance Measure RCM-BIO-2 to specify the criteria for a "qualified biologist."

> *"[F]or the purposes of carrying out the Project's biological regulatory compliance measures a "qualified biologist" must at minimum meet the Los Angeles County Department of Regional Planning's minimum qualifications for a Tier 2 biological consultant and will at the time that the biologist performs Project activities be listed as a Certified Biological Consultant by the Los Angeles County Department of Regional Planning."*

In accordance with Section 15073.5(c)(4) of the State CEQA Guidelines, recirculation is not required for circumstances where new information merely clarifies, amplifies, or makes insignificant modifications to the [negative declaration]. As such, the change to RCM-BIO-2 did not require the recirculation of the SCEA. The SCEA was updated in January 2022 to reflect the clarifying language for RCM-BIO-2.

On February 2, 2022, the City Council adopted the updated SCEA dated January 2022 and MMRP pursuant to Public Resources Code (PRC) Section 21155.2.

Subsequently, the applicant modified the proposed project on August 2, 2022. The modification includes the addition of a new subterranean parking garage to provide 363 parking spaces in lieu of 373 spaces originally proposed, addition of a new driveway access from the alley, and a change in the amount of export from 5,434 cubic yards to 30,000 cubic yards (Exhibit G). This modification eliminates the need for a Zone Variance approval to provide compact design spaces in lieu of standard parking spaces.

An Addendum dated September 2022 has been prepared to address revisions to the SCEA, providing additional supplemental analyses on modifications to the original project. The Addendum updated the number of total vehicle parking spaces from 373 to 363 in RCM-TRAFFIC-1. The MMRP has been updated to reflect this change and is dated September 2022. The Addendum also includes a revised air quality analysis to address the increase in soil export and an additional health risk assessment (HRA) analysis, although not required by CEQA.

The Addendum identified that the only environmental issue areas in the SCEA that would be potentially affected by the project modifications include: Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation and Tribal Cultural Resources. The Addendum concluded that the changes proposed under the modified project would not result in any new significant impacts nor would they substantially increase the severity of previously identified significant impacts. The revisions to the SCEA do not result in new, avoidable significant effect that requires mitigation measures or project revisions to be added to reduce the effect to insignificance. For these reasons, the changes proposed under the modified project do not warrant the preparation of a recirculated SCEA pursuant to CEQA Guidelines Section 15073.5. As such, staff recommends the City Planning Commission to adopt the SCEA dated January 2022, as revised by Addendum dated September 2022, and Mitigation Monitoring and Reporting Program dated September 2022.

Modified Conditions of Approval and Findings

The Conditions of Approval and Findings in the Zoning Administrator's Determination Letter dated February 18, 2022 have been modified to reflect the changes in the project description, including the number of automobile parking spaces from 373 to 363, amount of export from 5,434 cubic yards to 30,000 cubic yards, and withdrawal of the Zone Variance. Exhibit "A" has been updated to project plans stamp dated August 18, 2022. Exhibit "B" has been updated to the Mitigation and Monitoring Reporting Program dated September 2022. Staff recommends the City Planning Commission to adopt updated Exhibit "A" dated August 18, 2022, Modified Conditions of Approval and Modified Findings, attached herein in Exhibits A, H and I.

THE APPEAL/STAFF RESPONSES

Entire appeal applications and justifications are attached to this report in Exhibits E and F. The following are excerpts of the appeal points and staff responses to the appeal.

APPELLANT NO. 1

Appellant No. 1: Supporters Alliance for Environmental Responsibility (SAFER)
Representative: Victoria Yundt of Lozeau Drury, LLP

SAFER Appeal Point 1

The SCEA is not adequate under CEQA because it fails to require all feasible mitigation measures from the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) and 2020-2045 RTP/SCS.

Staff Response to SAFER Appeal Point 1

The appellant contends that despite CEQA's clear directive that all feasible mitigation measures from prior EIRs must be applied to a project to qualify for a SCEA, multiple feasible mitigation measures from the 2016-2020 RTP/SCS Program EIR (PEIR) and the 2020-2045 RTP/SCS PEIR are not being applied to the proposed project. In particular, the appellant asserts that mitigation measures related to air quality, including 2016-2040 RTP/SCS PEIR's Mitigation Measure, MM-AIR-2(b) and the 2020-2045 RTP/SCS PEIR's MM-AQ-1, were not adopted. The appellant asserts that the proposed project is not in compliance with the SCEA requirements, because it would not use Tier 4 construction equipment as required by PEIR Mitigation Measures.

SCEA dated January 2022, as revised by Addendum dated September 2022, was prepared based on the 2020-2045 RTP/SCS (also known as Connect SoCal) PEIR and Addendum. On September 3, 2020, the Southern California Association of Governments (SCAG) Regional Council approved and adopted Connect SoCal and its PEIR and Addendum. On October 30, 2020, the California Air Resources Board (CARB) accepted SCAG's determination that, if implemented, Connect SoCal would meet the required 2035 greenhouse gas reduction targets. With this determination, the City uses Connect SoCal as the basis for consistency analysis and incorporation of mitigation measures in the PEIR and Addendum for a SCEA or SCPE. The previous 2016-2040 RTP/SCS no longer applies.

PRC Section 21151.2 requires that a Transit Priority Project incorporate all feasible mitigation measures, performance standards or criteria from prior applicable EIRs, including the Connect SoCal PEIR and Addendum. The Connect SoCal PEIR and Addendum does not include project level mitigation measures that are required of the proposed project. However, SCAG does provide a list of mitigation measures that SCAG determined a lead agency can and should consider, as

applicable and feasible, where the lead agency has identified that a project has the potential for significant effects. The City has complied with PRC Section 21151.2 by reviewing all of the suggested mitigation measures in the Connect SoCal PEIR and Addendum and considering them for imposition on the proposed project. No mitigation measures were imposed if the proposed project was found to be in substantial compliance with the mitigation measure as proposed or if the Connect SoCal PEIR and Addendum mitigation measure was found to be irrelevant to the project. If the proposed project was not found to be in substantial compliance or the mitigation measure was found relevant, the City considered whether to use the Connect SoCal PEIR and Addendum mitigation measure or on equally effective City mitigation measure.

As described in Chapter 4 of the SCEA, the project's SCEA did not incorporate Connect SoCal Mitigation Measures MM-AQ-1, because it was determined that the project would not have significant air quality impacts. Pursuant to CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be significant. As the Connect SoCal Mitigation Measures for air quality are not required for the project, it is not required to use Tier 4 construction equipment as referenced in MM-AQ-1.

Furthermore, SCAG's Revised Mitigation Monitoring and Reporting Program for the Final Connect SoCAl PEIR states that "Many lead agencies have existing regulations, policies, and/or standard conditions of approval that address potential impacts. Nothing in the Program EIR is intended to supersede existing regulations and policies of individual jurisdictions. […] [M]itigation measures to be implemented by local jurisdictions are subject to a lead agency's independent discretion as to whether measures are applicable to projects in their respective jurisdictions. Lead agencies may use, amend, or not use measures identified in this Program EIR as appropriate to address project-specific conditions." The proposed project would comply with various air quality regulatory compliance measures that make the proposed project in substantial conformance with the mitigation measures in the 2020-2045 RTP/SCS PEIR and Addendum. The regulatory compliance measures include:

RCM-AQ-1 **Site Clearing, Grading and Construction Activities.**
Compliance with provisions of the SCAQMD District Rule 403. The project shall comply with all applicable standards of the Southern California Air Quality Management District, including the following provisions of District Rule 403:

- All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
- The construction area shall be kept sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
- All clearing, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
- All dirt/soil loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- All dirt/soil materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
- General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- Trucks having no current hauling activity shall not idle but be turned off.

RCM-AQ-2 The Project shall comply with South Coast Air Quality Management District Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil, which

sets requirements to control the emission of VOC from excavating, grading, handling and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition.

RCM-AQ-3 The Project shall comply with South Coast Air Quality Management District Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities, which specify work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of asbestos-containing materials (ACM).

RCM-AQ-4 In accordance with Sections 2485 in Title 13 of the California Code of Regulations, the idling of all diesel fueled commercial vehicles (weighing over 10,000 pounds) during construction shall be limited to five minutes at any location.

RCM-AQ-5 In accordance with Section 93115 in Title 17 of the California Code of Regulations, operation of any stationary, diesel-fueled, compression-ignition engines shall meet specified fuel and fuel additive requirements and emission standards.

RCM-AQ-6 The Project shall comply with South Coast Air Quality Management District Rule 1113 limiting the volatile organic compound content of architectural coatings.

RCM-AQ-7 The Project shall comply with South Coast Air Quality Management District Rule 1108 limiting the volatile organic compound content from cutback asphalt.

RCM-AQ-8 The Project shall install odor-reducing equipment in accordance with South Coast Air Quality Management District Rule 1138.

RCM-AQ-9 New on-site facility nitrogen oxide emissions shall be minimized through the use of emission control measures (e.g., use of best available control technology for new combustion sources such as boilers and water heaters) as required by South Coast Air Quality Management District Regulation XIII, New Source Review.

The appellant has not provided substantial evidence to support their allegations that the SCEA is not adequate under CEQA because it fails to require all feasible mitigation measures from the 2016-2040 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) and 2020-2045 RTP/SCS. Therefore, the Zoning Administrator did not err or abuse its discretion in approving ZA-2018-7378-ZV-TDR-SPR.

SAFER Appeal Point 2:

The SCEA failed to discuss or mitigate the Project's significant indoor air quality impacts. The SCEA fails to discuss, disclose, analyze and mitigate the significant health risks posed by the project from formaldehyde, a toxic air contaminant (TAC).

Staff Response to SAFER Appeal Point 2

The appellant has not provided any substantial evidence to support their claim that the proposed project will be constructed with building materials with significant amounts of formaldehyde. The appellant asserts that the proposed project will exceed South Coast Air Quality Management District's (SCAQMD) significance threshold of 10 in one million for cancer risk from TACs. However, this significance threshold is intended to be used to evaluate the increase in cancer risk above ambient air quality conditions (outdoor air). Therefore, the application of this threshold on indoor air quality is not appropriate.

Furthermore, there is no requirement from the California Air Resources Board (CARB), SCAQMD or California Office of Environmental Health Hazard Assessment (OEHHA) to evaluate indoor formaldehyde emissions from building materials and practices nor have those agencies provided guidance on how to evaluate such emissions or thresholds of significance.

CARB does recognize that formaldehyde is identified as a toxic air contaminant based on public exposure and its potential to cause cancer per their website (https://ww2.arb.ca.gov/resources/fact-sheets/formaldehyde). CARB approved a regulation called the Composite Wood Products Airborne Toxic Control Measure on April 26, 2007 to reduce formaldehyde emissions from composite wood products that are sold, supplied, used or manufactured for sale in California. The regulation requires that hardwood plywood, particleboard, and medium density fiberboard and new finished goods that contain composite wood products meet stringent formaldehyde emission standards and be labeled as such. The regulation applies to all composite wood manufacturers, importers, fabricators, distributors, and retails selling in the state and requires that: 1) composite wood materials are produced in a mill that is third party certified; 2) efforts taken to ensure materials are compliance are documented; and 3) all products are labeled for compliance. Furthermore, CARB undertakes significant enforcement efforts, such as emissions testing and extensive audits of the compliance precautions taken, to protect California consumers from toxic formaldehyde emissions according their website (https://ww2.arb.ca.gov/news/carbs-enforcement-protects-california-consumers-toxic-formaldehyde-emissions). Furthermore, California Green Building Standards Code (CALGreen) contains formaldehyde emission limits. For example, CALGreen requires the use of composite wood products be made with either CARB approved no-added formaldehyde resins or ultra-low emitting formaldehyde resins, and documentation must be provided that verifies that finish materials are certified to meet the pollutant emission limits. As such, while formaldehyde is toxic, it is also a heavily regulated pollutant, and the proposed project is subject to all regulatory compliance measures that will reduce potential significant impacts from formaldehyde to less-than-significant levels. Therefore, the Zoning Administrator did not err or abuse its discretion in approving ZA-2018-7378-ZV-TDR-SPR.

SAFER Appeal Point 3

The SCEA cannot be relied upon to determine the significance of the Project's air quality impacts, because the SCEA's air model underestimated the Project's emissions.

Staff Response to SAFER Appeal Point 3

The appellant, SAFER, contends that the values in the California Emissions Estimator Model (CalEEMod), which is used to generate a project's construction and operational emissions, were inconsistent with information provided in the SCEA, which results in an underestimation of the project's air quality emissions. Specifically, they state that the CalEEMod overestimated Building Construction and Architectural Coating Phase Lengths, unsubstantiated reduction to gas fireplaces, acres of grading value, worker trip numbers, underestimated operational vehicle trip rates, and shows incorrect application of an Area-Related Operational Mitigation Measure. As a result, the project's construction and operational emissions are underestimated and cannot be relied upon to determine the significance of the project's air quality impacts.

The CalEEMod User's Guide expressly calls for use of project-specific data when available, as they are more accurate than the default values in the CalEEMod which are based on general data collected from a wide range of projects across California. As such, default values for the Building Construction and Architectural Coating Phase Lengths and grading were modified to fit the specific description and construction schedule for the proposed project. The default value was

modified to remove emissions from gas fireplaces, because the project units will not have fireplaces. The worker trip numbers and vehicle trip rates were modified to reflect the analysis and conclusion of the Transportation Impact Assessment prepared for the project and the Department of Transportation's review and approval of the Assessment, as shown in Appendices J.1 and J.2 of the SCEA, dated January 2022. Lastly, the term "Mitigation" in CalEEMod is used in a different context than "Mitigation Measures" in CEQA. The "Mitigation" referenced in CalEEMod are regulatory compliance measures that the project must comply with and project design features that are incorporated into the project, both of which reduce impacts related to air quality. The CalEEMod output did not improperly apply "Mitigation Measures" to the project to reduce or avoid a potentially significant impact identified in the CEQA analysis. Therefore, the Zoning Administrator did not err or abuse its discretion in approving ZA-2018-7378-ZV-TDR-SPR.

SAFER Appeal Point 4

The SCEA inadequately analyzed the Project's impact on human health from emissions of diesel particulate matter. The health risks from construction and operation of the Project exceed SCAQMD's significance threshold.

Staff Response to SAFER Appeal Point 4

The appellant contends that the City should prepare a health risk assessment (HRA) based on OEHHA's 2015 Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments (Guidance Manual) to determine the health risks from project construction and operation due to diesel particulate matter.

The Guidance Manual states that "the intent in developing this Guidance Manual is to provide HRA procedures for use in the Air Toxics Hot Spots Program or for the permitting of existing, new or modified stationary sources". Stationary sources of air pollution include factories, refineries, boilers and power plants that emit a variety of air pollutants, according to the Environmental Protection Agency. The Air Toxics Hot Spots Program was established by the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588), enacted in 1987 and applies to stationary sources (facilities) if it: 1) manufactures, formulates, uses, or releases a substance subject to the Act (substance which reacts to form such a substance) and emits 10 tons or more per year of total organic gases, particulate matter, nitrogen oxides or sulfur oxides; (2) is listed in any district's existing toxics use or toxics air emission survey, inventory or report released or compiled by a district; or (3) manufactures, formulates, uses, or releases a substance subject to the Act (or substance which reacts to form such a substance) and emits less than 10 tons per year of criteria pollutants and is subject to emission inventory requirements. As such, AB 2588 applies to certain commercial and industrial operations that have the potential to generate quantities of criteria and toxic air emissions that could present health risks.

The proposed project is not part of the Air Toxics Hot Spots Program and is an infill mixed-use development that does not meet any of the criteria. As such, the 2015 OEHHA Guidance Manual does not apply. Furthermore, the SCEA was prepared in accordance with the SCAQMD guidance, which does not recommend analysis of TACs from short-term construction activities. According to SCAQMD methodology, health effects from diesel particulate matter are based on continuous exposure over a 70-year lifetime. Given the short-term construction schedule of approximately 30 months, the project would not result in a long-term source of TAC emissions. Therefore, a health risk assessment for construction emissions is not warranted. SCAQMD recommends that HRAs be conducted only for substantial sources of diesel particulate matter. Based on this guidance, an HRA is not required as the proposed mixed-use project would not generate substantial amounts of diesel particulate matter during operation.

While an HRA is not required for this project under CEQA, the applicant prepared a revised air quality analysis to address the increase in soil export as part of the modified project and a supplemental HRA analysis for informational purposes (see Appendix I of Addendum to the SCEA dated September 2022). While not required or necessary under CEQA, the supplemental HRA further supports the SCEA's determination that the proposed project would not result in any significant air quality or human health risks impacts.

Lastly, the appellant's letter from SWAPE includes a screening level health risk assessment that purports to show that diesel particulate emissions (DPM) from project construction and operation would cause significant health risks. This analysis is not credible and is not based on the proposed project. SWAPE's analysis overstates the project's mobile DPM emissions during operation. SWAPE's analysis is based on 498 pounds of DPM over a 933-day construction period. As stated in the Addendum dated September 2022, the project's construction activities would occur over 801 active construction days based on a 5-day work week. SWAPE's calculation erroneously overstates the active construction days by 132 days. Without substantiation, SWAPE's analysis assume that 100 percent of the PM10 emissions consist of DMP. This is incorrect as not all PM10 exhaust is comprised of DMP. Additionally, SWAPE's dispersion modeling calculations are based on an emission rate that is 1,000 times higher than their own emission rate calculations provided in their Appendix A worksheets. As states, the project would not generate substantial amounts of DPM during operation. Therefore, the project's health impacts would be less than significant, and the Zoning Administrator did not err or abuse its discretion in approving ZA-2018-7378-ZV-TDR-SPR.

APPELLANT NO. 2

Appellant No. 2: Kamran Benji, United Broadway, LLC on February 28, 2022
Representative: Matthew Hayden of Hayden Planning

United Broadway, LLC Appeal Point 1

The proposed Project – a 30-story tower design, will block views, cast shade, and negatively affect the use and enjoyment of the hotel [that is directly north of the project site]. There are at least two alternative design strategies available to the applicant that would easily remedy the situation. These are 1) relocating the tower portion of the proposed Project southerly to avoid impacts on the hotel; or 2) reducing the bulk and mass of the proposed project by distributing the Project's floor area more evenly across the Subject Property to avoid impacts on the hotel. […] There would be no impacts to these properties if the Project's tower element were shifted away from the hotel. The hotel is the only impacted development on the Project's northerly boundary. Thus, it is appropriate to revise the proposed Project to eliminate impacts to the use and enjoyment of the hotel property. […] The approved subdivision facilitates the design and development of the proposed project, which exacerbates the impacts of the Project on the hotel property. The Vesting Tentative Tract Map should not be granted until the Project is properly revised.

Staff Response to United Broadway, LLC Appeal Point 1

United Broadway, LLC is aggrieved by the Zoning Administrator's decision due to the tower blocking views, casting shade and negatively affecting the use and enjoyment of their property located at 1138-1140 South Broadway, adjacent to the project site across an alley. The appellant's property is approved for the construction, use and maintenance of a new 198-foot tall, 14-story, Hyatt Centric Hotel, containing 139 guest rooms under Case No. ZA-2018-3288-CUB-SPR-1A.

The project site is zoned C2-4D-O, which has no height limitation. The proposed building that will be 30 stories, or 340 feet, in height is consistent with the current zone. Furthermore, pursuant to Senate Bill 743, aesthetic impacts, including viewsheds, for a mixed-use residential or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. As determined in the SCEA dated January 2022, as revised by Addendum dated September 2022, the proposed project qualifies as an infill transit-oriented project pursuant to SB 743 and therefore its aesthetic impacts are not considered significant.

Lastly, the proposed project is subject to the Downtown Design Guide, which has provisions for tower spacing. The Downtown Design Guide states that tower placement should be strategically coordinated with neighboring properties to reach a balance between maximizing views to the sky for pedestrians, providing privacy for residents, and minimizing conflicts with existing or potential future towers, as well as contribute to an attractive skyline. The portion of a tower above 150 feet must be spaced from all existing, proposed or possible future towers, both on the same block and across the street, as illustrated in Figure 6-2 and described in Table 6-2 of the Downtown Design Guide. The appellant's property at 1138-1140 South Broadway is located to the north of the project site across an alley. Per the Zoning Administrator in the Letter of Determination, the project tower is proposed to be offset or staggered from the hotel tower proposed at 1138-1140 South Broadway, as illustrated on Sheets 0.04 and 0.05 of project plans (Exhibit A). According to scenario (g) of Figure 6-2 of the Downtown Design Guide, this is a permissible spacing of towers, subject to applicable building codes. The proposed tower is separated from the hotel tower by approximately 71 feet, where the project's top floor, rooftop, rooftop access, rooftop amenity room, and rooftop mechanical equipment are located at a height above 150 feet and maintain sightline distances of greater than 40 feet between the two buildings as required in Table 6-2 of the Downtown Design Guide. Therefore, the proposed building height is consistent with the height and separation between development in regional centers that is envisioned in the General Plan and Downtown Design Guide. As such, the Zoning Administrator did not err in approving ZA-2018-7378-ZV-TDR-SPR.

United Broadway, LLC Appeal Point 2

The whole reason for the Zone Variance is moot. The Subject Property is being fully redeveloped and subdivided, so the applicant's purported hardship's providing parking are completely self-imposed. There are no special circumstances applicable to the subject property to make the finding necessary to grant the entitlement request – the hotel is located in the same zone on similarly sized lots and provided all Zoning Code required parking. Further, granting of the Zone Variance would be materially detrimental to hotel property because it supports the applicant's Project design, which will block and shade guest's views. The proposed Project should be able to fully comply with the Zoning Code's parking requirements and so the Zone Variance request should be denied.

Staff Response to United Broadway, LLC Appeal Point 2

On August 2, 2022, the applicant submitted a letter withdrawing the Zone Variance, as the modified project will accommodate standard width parking stalls for the residential use and therefore no longer needs relief from the parking design standards through a Zone Variance (Exhibit B). As such, this appeal point no longer applies to the project.

United Broadway, LLC Appeal Point 3

To grant the Site Plan Review for the proposed project, the decision maker must find:

That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

The Project's building (tower) arrangement, height, bulk, and setbacks are not compatible with the hotel abutting the Subject Property northerly. The tower would be better situated southerly, away from the hotel. Therefore, the Site Plan Review should not be granted for the Project's current design.

Staff Response to United Broadway, LLC Appeal Point 3

The project site is located within the Central City Community Plan area, which designates the property for Regional Commercial land uses. The Framework Element of the General Plan states that regional centers are for the development of typically high-density places whose physical form is substantial differentiated from the lower density neighborhoods of the City. According to the Framework Element, regional centers are characterized by 6- to 20-story (or higher) buildings. Furthermore, the project site is zoned C2-4D-O, which does not have any height limitations. While the immediately adjacent properties are currently developed with buildings that are much shorter than the proposed building of 30 stories, or 340 feet, in height, the adjoining and adjacent properties are generally zoned C2-4D-O, C2-4D-O-SN and M2-2D which do not limit height. As such, future development on adjoining and adjacent properties has the potential to be just as tall, if not taller, than the proposed building.

Regarding arrangement and setbacks, the project site is not subject to any setback limitations per the Greater Downtown Housing Incentive Area. Furthermore, the Downtown Design Guide requires the building street wall adjacent to retail use to be located at or within zero to five feet from the required sidewalk easements to activate streetfronts. As such, the proposed building is encouraged to be built close to, if not at, the property lines. Additionally, as previously mentioned, the Downtown Design Guide regulates space of towers, and as illustrated on Sheets 0.04 and 0.05 of the project plans (Exhibit A), the project tower is proposed to be offset or staggered from the tower proposed at the appellant's property at 1140 South Broadway. The proposed tower is separated from the 1140 South Broadway tower by approximately 71 feet and maintains sightline distances of greater than 40 feet between two buildings as required by the Downtown Design Guide.

Regarding bulk, the project minimizes the appearance of bulk through the podium and tower design. The building will have a four-story podium that is limited to a height of 40 feet from grade to the top of the podium roof. The podium will span across the entire street frontage along Main and 12th Streets, while the residential tower will be limited to a width of 152 feet and located at the center of the podium, allowing for space and setback from 12th Street and adjacent building. The building massing is further modulated and articulated through trellis structures and metal louvers on the ground floor and projecting balconies on upper levels. Additionally, the bulk is further minimized through the use of different materials, design and colors for the podium versus residential tower to provide an effect of having three individual building blocks rather than one continuous massing. For these reasons, the proposed building height is compatible with existing and future buildings and meets the vision of regional centers that is anticipated in the General Plan. As such, the Zoning Administrator did not err in approving ZA-2018-7378-ZV-TDR-SPR.

United Broadway, LLC Appeal Point 4

This proposed Project entitlement request simply adds 50,000 more square feet of development to the Subject Property, which further exacerbates the impacts on the abutting hotel property.

There is no reason to increase the Subject Property's floor area. In fact, reducing it will allow the applicant to develop a more reasonable project that would be more compatible with abutting property to the north.

Staff Response to United Broadway, LLC Appeal Point 4

The applicant requests a Transfer of Floor Area Rights (TFAR) of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 Floor Area Ratio (FAR) in lieu of a maximum of 6:1 FAR as otherwise permitted. Pursuant to LAMC Section 14.5.7 A, the Director has the decision-making authority to determine whether an application for a Transfer is consistent with this Code section. The Director shall approve the request for Transfer if the six legally-mandated findings are made in the affirmative and the project meets the three Conditions of Approval pursuant to LAMC Section 14.5.7 A. As found in the Determination Letter in Case No. ZA-2018-7378-ZV-TDR-SPR, the project is proper in relation to the adjacent uses and the development of the community; will not be materially detrimental to the character of development in the immediate neighborhoods; will be in harmony with various elements and objectives of the General Plan; is consistent with the City Center Redevelopment Plan; serves the public interest by providing public benefits through the payment of $882,592 towards the TFAR Public Benefit Payment Trust Fund and $882,592 towards the Los Angeles Housing Department's Affordable Housing Trust Fund; and incorporates feasible mitigation measures and monitoring measures which would substantially lessen the significant environmental effects of the project. Additionally, the project complies with the Downtown Design Guide as required by the LAMC Section 14.5.7 A. As such, the requested TFAR was approved by the Zoning Administrator on behalf of the Director.

Additionally, as previously mentioned, the appearance of bulk is minimized through the podium and tower design. Although the proposed building would be 340 feet in height overall, this height is limited to the residential tower that will be placed at the center of the podium. The podium height is limited to 65 feet, as measured to the top of all structures. Furthermore, the width of the tower would be limited to 152 feet along Main Street, which comprises approximately 36 percent of the 425-foot street frontage. This would allow for space and setback from 12th Street as well as adjacent buildings. The bulk is further minimized through the building design, which is intended to provide an effect of having three individual building blocks rather than one continuous massing. Specifically, the parking podium facades to the north and south of the residential tower facing Main Street will be designed with dark gray vertical louver panels that alternate between solid panels and louver panels with alternating angled direction. In contrast, the middle span of the podium will be more similar to the façade of the residential tower located at the center of the podium. These alternating materials and design elements help break up the massing and bulk of the proposed building. Lastly, the proposed project is an in-fill mixed-use development and is therefore considered to have less than significant aesthetic impacts pursuant to SB 743. As such, the Zoning Administrator did not err or abuse its discretion in approving the TFAR.

STAFF RECOMMENDATION

In conclusion, appellants failed to demonstrate how the Zoning Administrator erred or abused its discretion in approving ZA-2018-7378-ZV-TDR-SPR-1A. The appeals have not provided any substantial evidence to dispute the findings of the SCEA and the Letter of Determination for the ZA Case. Therefore, in consideration of all the facts, Planning staff recommends that the City Planning Commission deny the appeal; adopt the SCEA dated January 2022, as revised by Addendum dated September 2022, and Mitigation Monitoring and Reporting Program dated September 2022; sustain the Zoning Administrator's decision to approve a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 Floor Area Ratio (FAR) in lieu of a

maximum of 6:1 FAR as otherwise permitted; and a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units; and adopt the attached updated Exhibit “A” dated August 18, 2022, Modified Conditions of Approval and Modified Findings.

Exhibit A



MAIN STREET TOWER
los angeles, ca

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

TITLE SHEET

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PROJECT INFORMATION

Site Addresses:
1123-1161 S. Main St.
Los Angeles, CA 90015

OWNERSHIP:
Frontier Holdings West, LLC
888 S. Figueroa St. #1900
Los Angeles, CA 90017
Contact: Daniel Taban
T. 213.745.5191

LANDSCAPE:
LRM Landscape Architecture | Urban Design
10335 Jefferson Boulevard,
Culver City, CA 90232
Contact: Charles Elliott
T. 310.839.660 F. 310.559.1310

ARCHITECT:
MVE + Partners
1900 Main Street
Irvine, CA 92614
Contact: Matthew McLarand
T. 949.809.3388 F. 949.809.3399

LAND USE CONSULTANT:
Irvine & Associates, Inc.
660 S. Figueroa St, Suite 1780
Los Angeles, CA 90017
Contact: Alex Irvine
T. 213.437.3403

PROJECT DESCRIPTION

30 story total High Rise
~~26 stories of Residential over 3~~ story Parking structure over ground floor Retail with 1 story basement Parking.

LEGAL DESCRIPTION

Preliminary Title Report (PTR1): Prepared by Chicago Title Company, Order No.: 00099153-994-LT2-JC, dated October 17, 2018.

Per PTR1: The land referred to herein below is situated Los Angeles, in the County of Los Angeles, state of California, and is described as follows:

Lots 34 and 35 of tract no. 2289, in the City of Los Angeles, County of Los Angeles, state of California, as per map recorded in book 22, page 60 of maps, in the office of the county recorder of said county.

Except therefrom all oil, mineral and hydrocarbon substances in and under said land without right of surface entry, as reserved in the deed recorded May 10, 1985, as instrument no. 85-526724, official records.

APN: 5139-017-015 & 016

Preliminary Title Report (PTR2): Prepared by Chicago Title Company, Order No.: 00098907-994-LT2-JC, dated October 15, 2018.

Per PTR2: The land referred to herein below is situated Los Angeles, in the County of Los Angeles, state of California, and is described as follows:

Lots 36 and 37 of tract no. 2289, in the City of Los Angeles, County of Los Angeles, state of California, as per map recorded in book 22, page 60 of maps, in the office of the county recorder of said county.

APN: 5139-017-018 & 018

Preliminary Title Report (PTR3): Prepared by Chicago Title Company, Order No.: 00077743-994-LT2-JC, dated October 31, 2018

Per PTR3: The land referred to herein below is situated Los Angeles, in the County of Los Angeles, state of California, and is described as follows:

Lots 38, 39, 40, and 41 of tract 2289, in the City of Los Angeles, County of Los Angeles, state of California, as per map recorded in book 22, page 60 of maps, in the office of the county recorder of said county.

APN: 5139-017-029

ZONE

LOT	ZONE	GENERAL PLAN DESIGNATION
APN 5139-017-015, 016, 017, 018, 029	**C2-4D-O**	REGIONAL CENTER COMMERCIAL

HEIGHT

Height District 4 Max. Height Allowed	No Limit
Proposed Building Height (30 Total Stories)	340'-0" (Top of Roof Appurtenances)

LOT AREA

Lot Area (Gross)	48,908 sf (1.12 Acres)
Lot Area (Post Dedicated)	46,874 sf (1.07 Acres)
*Buildable Area	48,908 sf (1.12 Acres)
Lot Coverage	48,908 sf (1.12 Acres)

*Per LAMC Section 12.03 C2 zone buildable area shall have the same meaning as lot area.

FLOOR AREA

Allowable Floor Area (6:1 FAR)	293,448 sf
+ TFAR	+49,999 sf
Allowable Floor Area (7.02:1 FAR)	343,447 sf
Proposed Commercial	**12,500 sf (0.25 FAR)**
Proposed Residential	**330,947 sf (6.77 FAR)**
Total Proposed Floor Area	**343,447 sf (7.03:1 FAR)**

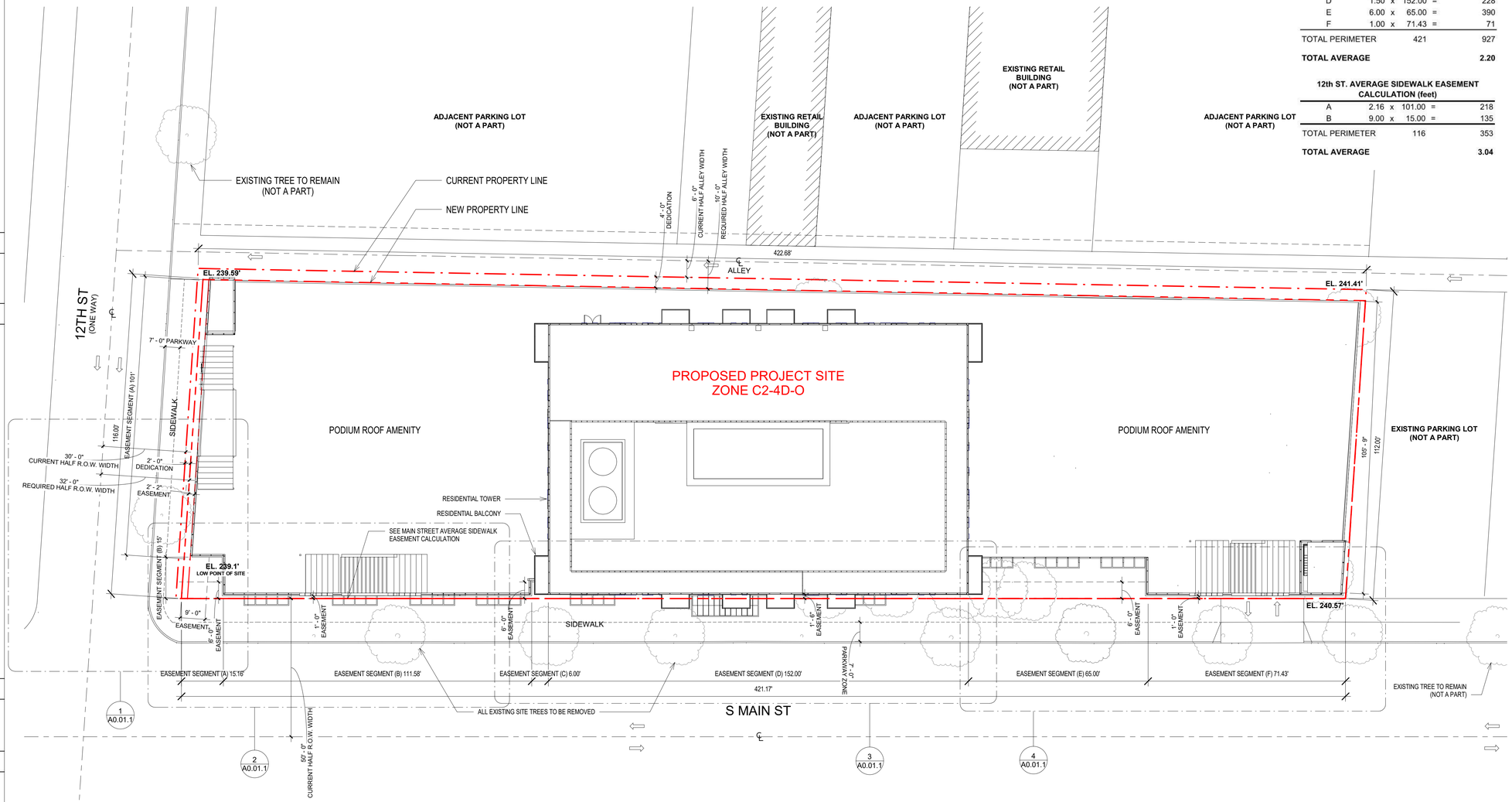
GENERAL NOTES:
1. REFER TO SHEETS A0.02 & A0.03 FOR ADDITIONAL PROJECT INFORMATION.
2. REFER TO SHEET A1.01 FOR ADDITIONAL GROUND FLOOR INFORMATION.

MAIN ST. AVERAGE SIDEWALK EASEMENT CALCULATION (feet)

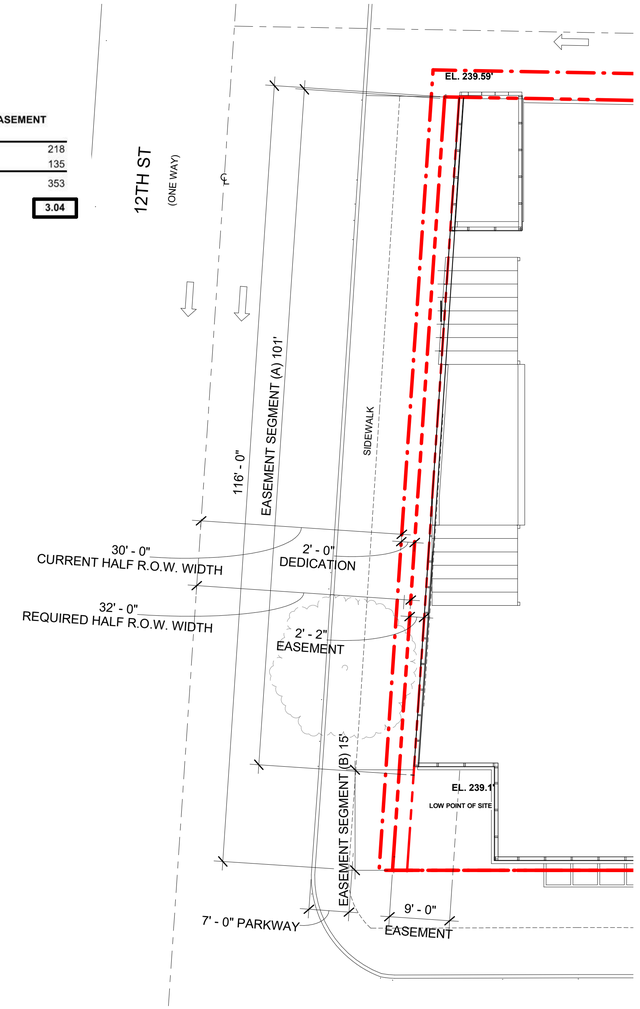
A	6.00	x	15.16	=	91
B	1.00	x	111.00	=	111
C	6.00	x	6.00	=	36
D	1.50	x	152.00	=	228
E	6.00	x	65.00	=	390
F	1.00	x	71.43	=	71
TOTAL PERIMETER			421		927
TOTAL AVERAGE					**2.20**

12th ST. AVERAGE SIDEWALK EASEMENT CALCULATION (feet)

A	2.16	x	101.00	=	218
B	9.00	x	15.00	=	135
TOTAL PERIMETER			116		353
TOTAL AVERAGE					**3.04**

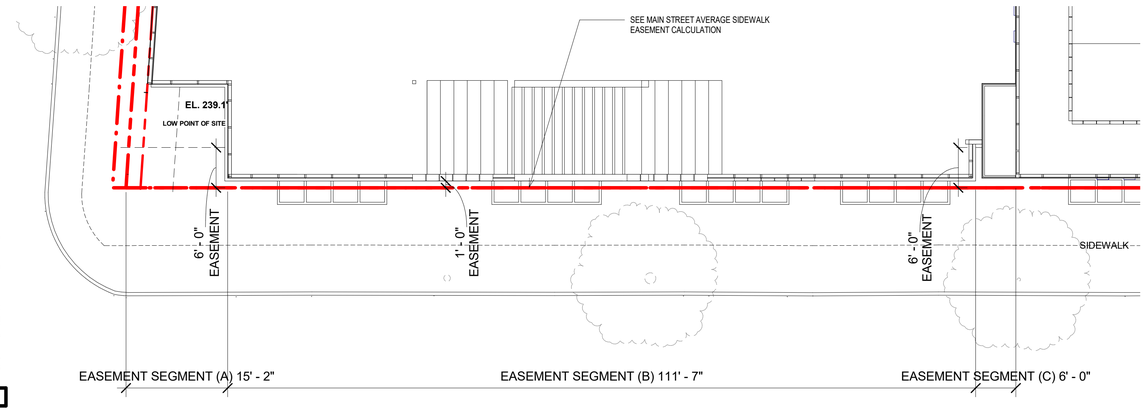


12th ST. AVERAGE SIDEWALK EASEMENT CALCULATION (feet)				
A	2.16	x 101.00	=	218
B	9.00	x 15.00	=	135
TOTAL PERIMETER		116		353
TOTAL AVERAGE				**3.04**

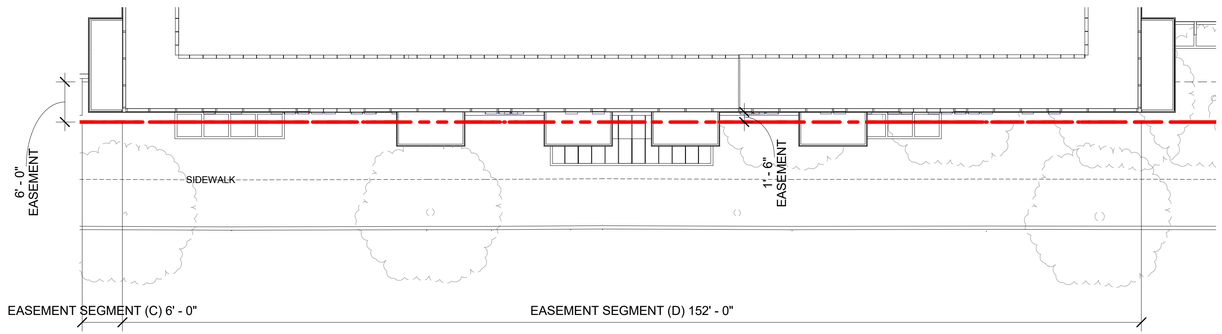


1 Plot Plan-12TH ST EASEMENT
3/32" = 1'-0"

MAIN ST. AVERAGE SIDEWALK EASEMENT CALCULATION (feet)				
A	6.00	x 15.16	=	91
B	1.00	x 111.00	=	111
C	6.00	x 6.00	=	36
D	1.50	x 152.00	=	228
E	6.00	x 65.00	=	390
F	1.00	x 71.43	=	71
TOTAL PERIMETER		421		927
TOTAL AVERAGE				**2.20**

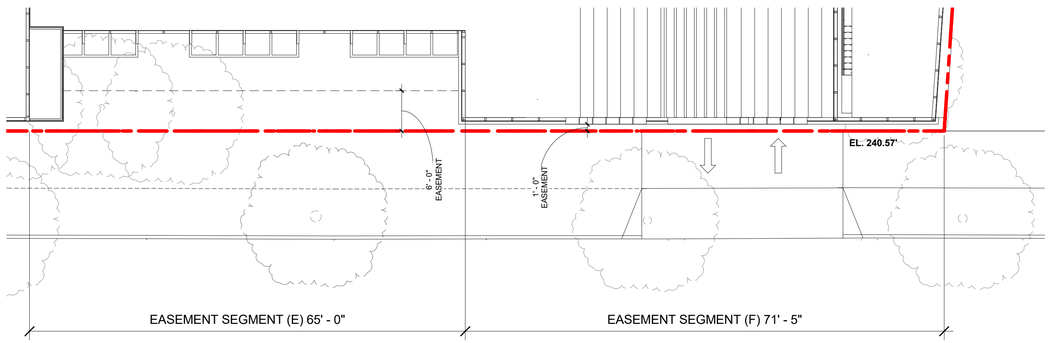


2 Plot Plan-MAIN ST EASEMENT
3/32" = 1'-0"



S MAIN ST

3 Plot Plan-MAIN STREET EASEMENT 2
3/32" = 1'-0"



4 Plot Plan-MAIN STREET EASEMENT 3
3/32" = 1'-0"

0' 50')' 100' 200' 400'

3/32" = 1'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

PLOT PLAN-EASEMENTS

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PROJECT INFORMATION (CON'T)

RESIDENTIAL UNITS

Studio	122 Units
1 Bedroom	133 Units
2 Bedroom	96 Units
3 Bedroom	12 Units
Total	**363 Units**

PARKING

REQUIRED

Residential			
Units with 3 or less Habitable Rooms	255 Units x 1.00	=	255 Spaces
Units with more than 3 Habitable Rooms	108 Units x 1.25	=	135 Spaces
Total Residential			390 Spaces
Commercial (Retail)			
Total Retail	12,500 sf x 0.001	=	12 Spaces
Total Spaces		=	402 Spaces
Residential Reduction* (10%)			- 39 Spaces
Commercial (Retail) Reduction* (20%)			- 2 Spaces
Total Required Spaces		**=**	**361 Spaces**

PROPOSED

Residential	
Standard	353 Spaces
Compact	0 Spaces
Tandem	0 Spaces
Total Residential	353 Spaces
Commercial (Retail)	
Standard	7 Spaces
Compact	3 Spaces
Total Commercial	10 Spaces
Total Proposed	**363 Spaces**

*Per LAMC Section 12.21.A4 New or existing automobile parking spaces required by the code for all uses may be replaced by bicycle parking.

BICYCLE PARKING

REQUIRED

Residential				
1-25 Units	2.5 (Short Term)	/	25	(Long Term)
26-100 (75 Units)	5 (Short Term)	/	50	(Long Term
101-200 (100 Units)	5 (Short Term)	/	50	(Long Term)
201-363 (163 Units)	4 (Short Term)	/	41	(Long Term)
Commercial (Retail)	6 (Short Term)	/	6	(Long Term)
Total Required	**23 (Short Term)**	**/**	**172**	**(Long Term)**
			=	**195 Spaces**

PROPOSED

Residential	17 (Short Term)	/	166	(Long Term)
Commercial (Retail)	6 (Short Term)	/	6	(Long Term)
Total Proposed	**23 (Short Term)**	**/**	**172**	**(Long Term)**
			=	**195 Spaces**

OPEN SPACE

REQUIRED	**UNIT COUNT**	**OPEN SPACE**
Units with 1 or less Habitable Rooms (100 sf. Required per Unit)	255 Units	25,500 sf
Units with 2 Habitable Rooms (125 sf. Required per Unit)	96 Units	12,000 sf
Units with 3 or more Habitable Rooms (175 sf. Required per Unit)	12 Units	2,100 sf
Total Open Space Required	**363 Units**	**39,600 sf**

PROPOSED

Level 5 Landscape Roof Deck	27,160 sf
Roof Level Deck	2,541 sf
Total 'Outdoor' Common Open Space	29,701 sf
Total 'Indoor' Common Open Space (Max. 25% of Required Open Space = 9,900 sf)	9,900 sf
Total 'Private Open Space'	0 sf
Total Proposed Open Space	**39,601 sf**

Total Planted Area
(25% of Proposed 'Outdoor' Common Open Space) **7,425 sf**

TREES

REQUIRED (1 per 4 Units) 363 * 0.25 = **91 Trees**
PROVIDED **91 Trees**



80' 160' 320' 640'

1" = 80'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

CONTEXTUAL SITE PLAN

A0.02

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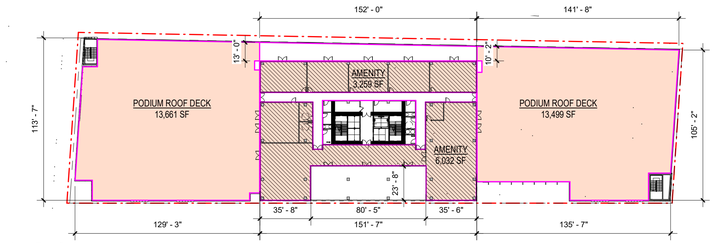
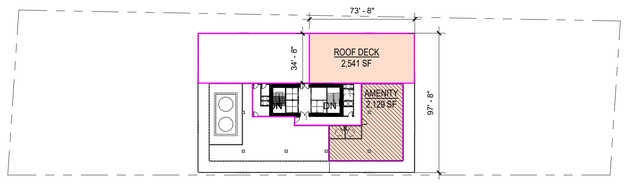


1 Level 5 (Podium Roof)
1" = 50'-0"



2 Level 30
1" = 50'-0"

OPEN SPACE LEGEND

COMMON OPEN SPACE 'OUTDOOR'

COMMON OPEN SPACE 'INDOOR'

(REFERENCE LANDSCAPE PLANS)

FLOOR SUMMARY

COMMON OPEN SPACE 'OUTDOOR' =	27,160 SF
COMMON OPEN SPACE 'INDOOR' =	9,291 SF

FLOOR SUMMARY

COMMON OPEN SPACE 'OUTDOOR' =	2,541 SF
COMMON OPEN SPACE 'INDOOR' =	2,129 SF

50' 100' 200' 400'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

OPEN SPACE DIAGRAMS

A0.03

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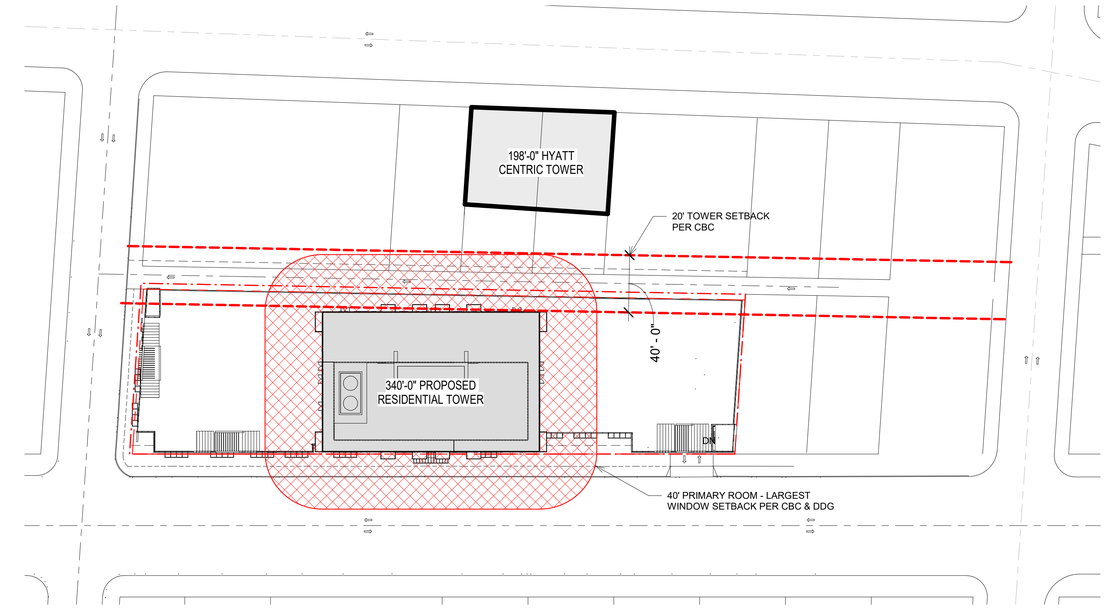
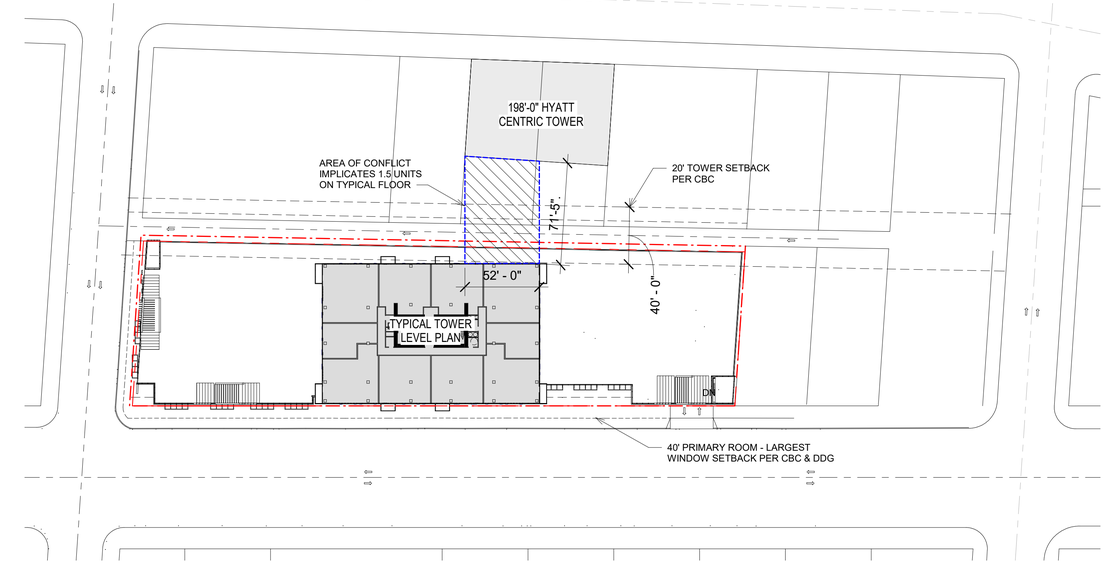


1 TOWER SETBACK DIAGRAM-TOP OF TOWER
1" = 50'-0"



3 TOWER SETBACK DIAGRAM-TYP LEVEL
1" = 50'-0"

50' 100' 200' 400'

1" = 50'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

TOWER SPACING DIAGRAMS

A0.04

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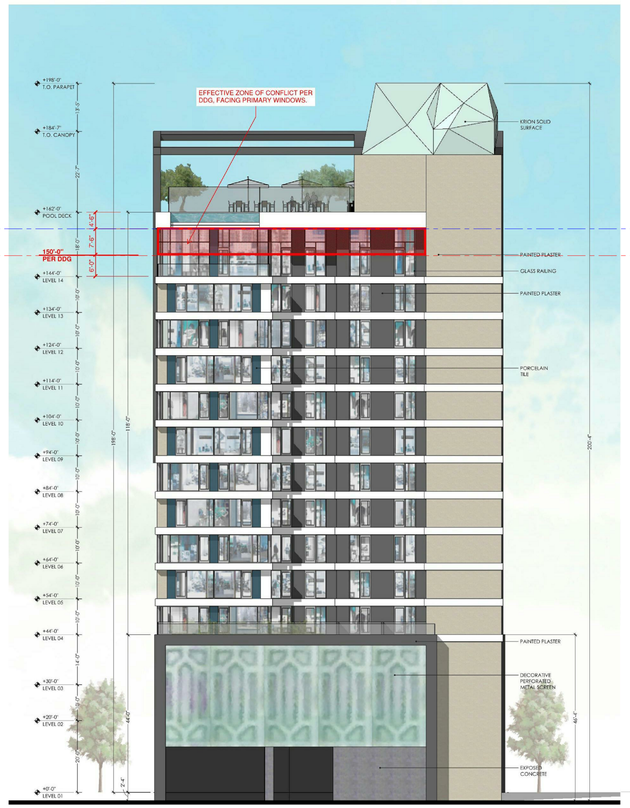

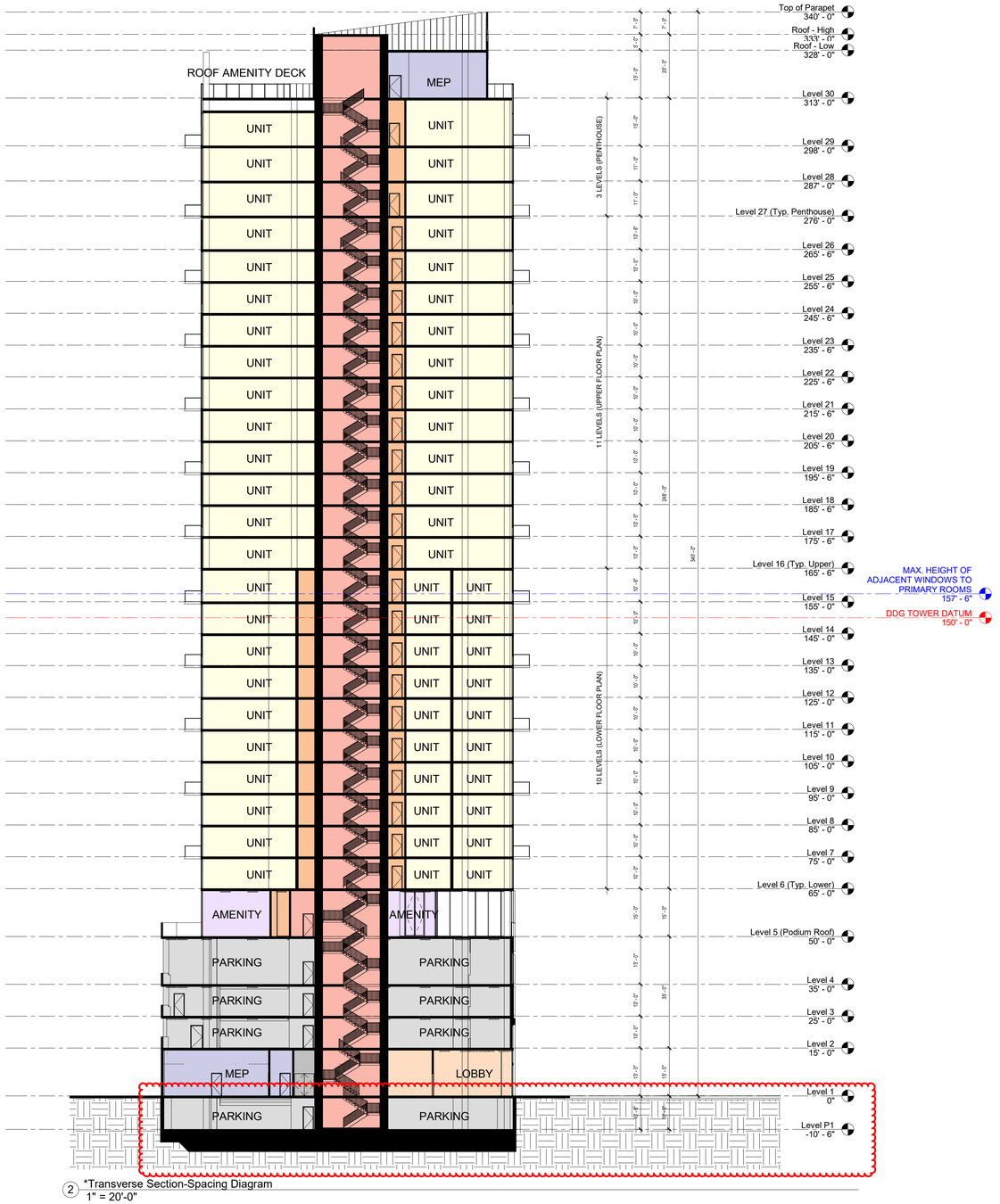

2 *Transverse Section-Spacing Diagram
1" = 20'-0"

0' 50') 100' 200' 400'

1" = 20'-0"

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Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

TOWER SPACING DIAGRAMS

A0.05

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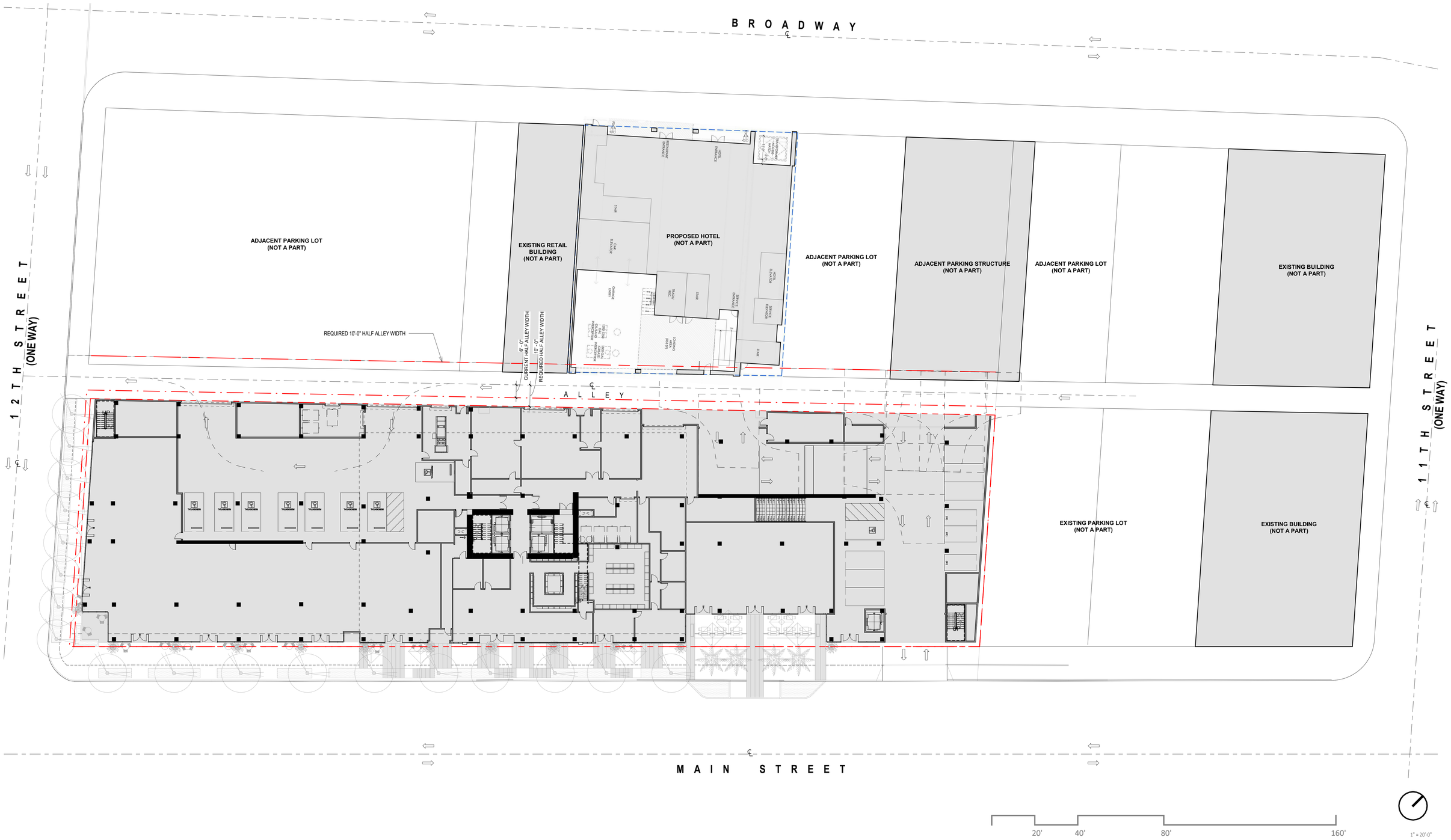

FRONTIER HOLDINGS WEST, LLC

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Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

CITY BLOCK SITE PLAN

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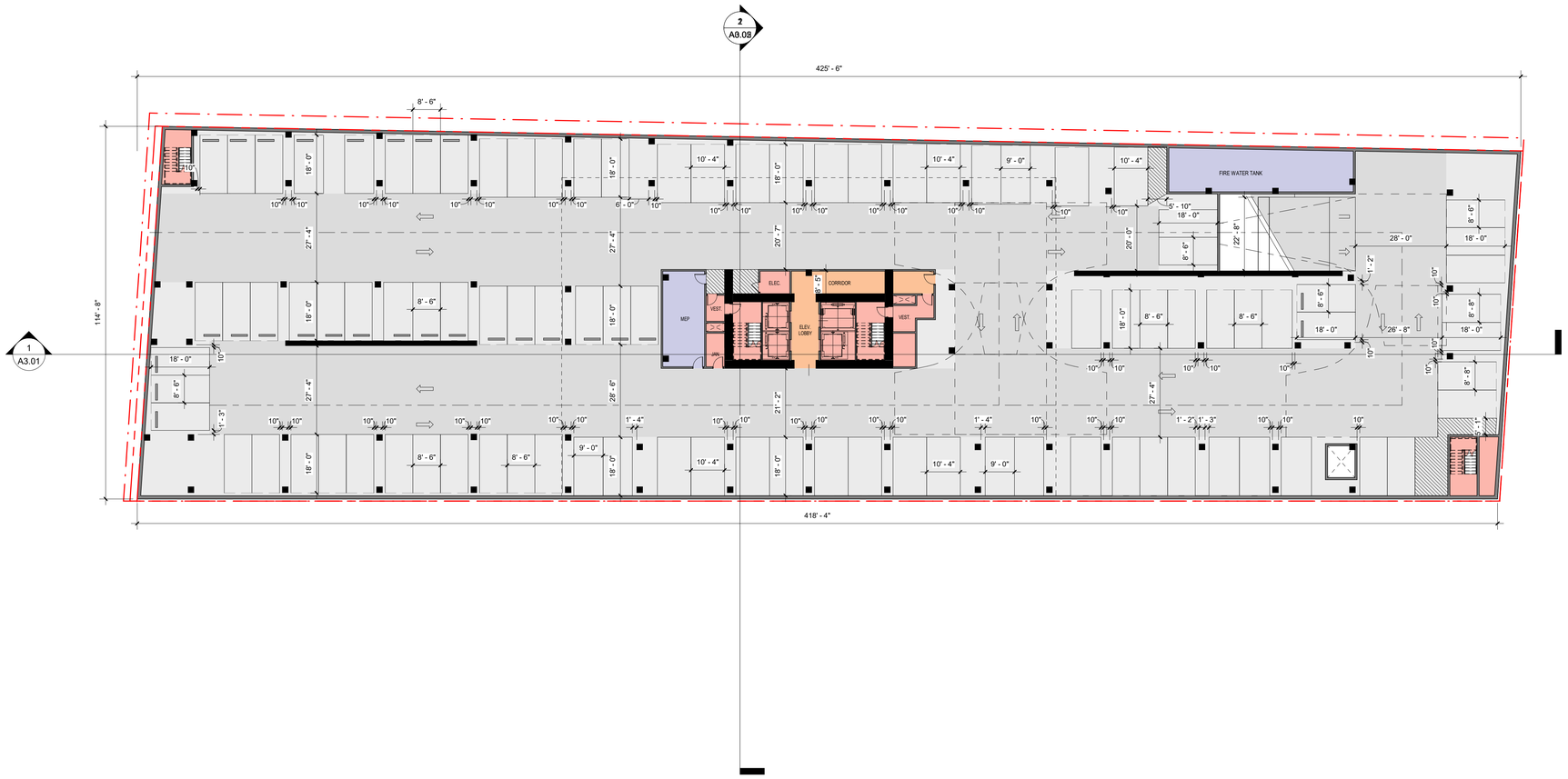
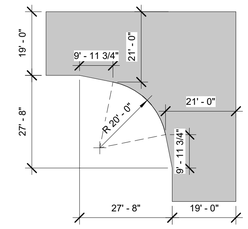
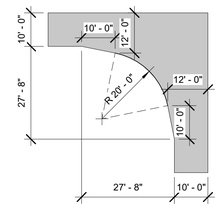


Parking Schedule (By Level)

Level	Type Comments	Count	Comments
Level P1			
Level P1	Standard: 8'-6" x 18'-0"	56	Prime
Level P1	Standard: 8'-8" x 18'-0"	4	Prime
Level P1	Standard: 9'-0" x 18'-0"	10	Prime
Level P1	Standard: 9'-4" x 18'-0"	5	Prime
Level P1	Standard: 10'-4" x 18'-0"	18	Prime
		93	
Level 1			
Level 1	Compact (Commercial): 7'-6" x 15'-0"	3	Prime
Level 1	Standard (Commercial): 8'-6" x 18'-0"	6	Prime
Level 1	Standard ADA (Commercial): 9'-0" x 18'-0"	1	Prime
Level 1	Standard ADA (Residential): 9'-0" x 18'-0"	8	Prime
		18	
Level 2			
Level 2	Standard: 8'-6" x 18'-0"	48	Prime
Level 2	Standard: 8'-8" x 18'-0"	4	Prime
Level 2	Standard: 9'-0" x 18'-0"	12	Prime
Level 2	Standard: 9'-4" x 18'-0"	1	Prime
Level 2	Standard: 10'-4" x 18'-0"	16	Prime
		81	
Level 3			
Level 3	Standard: 8'-6" x 18'-0"	48	Prime
Level 3	Standard: 8'-8" x 18'-0"	4	Prime
Level 3	Standard: 9'-0" x 18'-0"	12	Prime
Level 3	Standard: 9'-4" x 18'-0"	2	Prime
Level 3	Standard: 10'-4" x 18'-0"	18	Prime
		84	
Level 4			
Level 4	Standard: 8'-6" x 18'-0"	50	Prime
Level 4	Standard: 8'-8" x 18'-0"	4	Prime
Level 4	Standard: 9'-0" x 18'-0"	12	Prime
Level 4	Standard: 9'-4" x 18'-0"	3	Prime
Level 4	Standard: 10'-4" x 18'-0"	18	Prime
		87	
Grand total		363	



TURNING RADIUS - TWO WAY



TURNING RADIUS - ONE WAY

0' 50' 100' 200' 400'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL P1

A1.00

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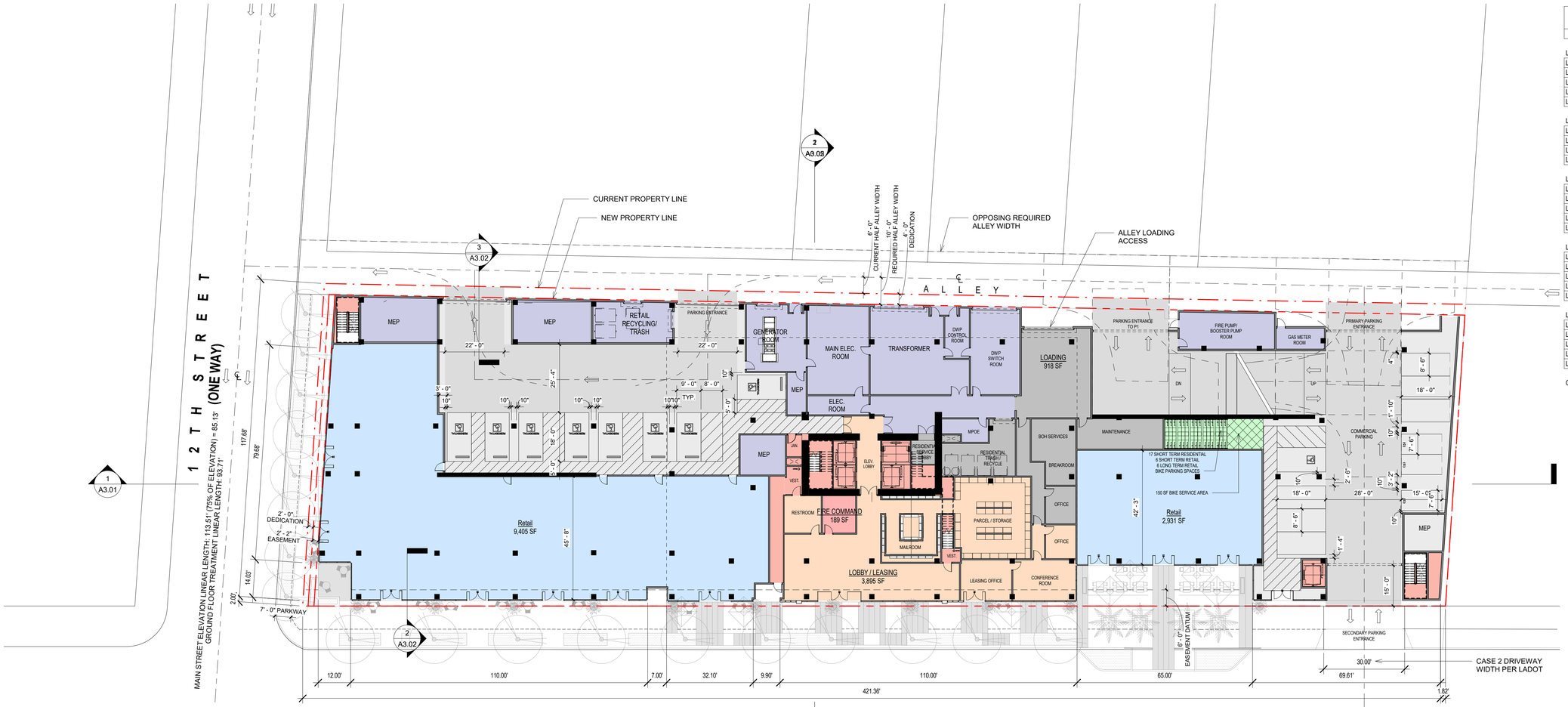
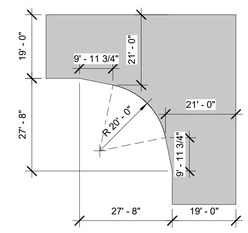
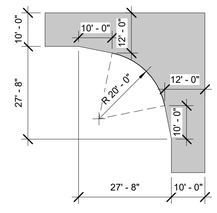
Parking Schedule (By Level)			
Level	Type Comments	Count	Comments
Level P1			
Level P1	Standard: 8'-6" x 18'-0"	56	Prime
Level P1	Standard: 8'-8" x 18'-0"	4	Prime
Level P1	Standard: 9'-0" x 18'-0"	10	Prime
Level P1	Standard: 9'-4" x 18'-0"	5	Prime
Level P1	Standard: 10'-4" x 18'-0"	18	Prime
		93	
Level 1			
Level 1	Compact (Commercial): 7'-6" x 15'-0"	3	Prime
Level 1	Standard (Commercial): 8'-6" x 18'-0"	6	Prime
Level 1	Standard ADA (Commercial): 9'-0" x 18'-0"	1	Prime
Level 1	Standard ADA (Residential): 9'-0" x 18'-0"	8	Prime
		18	
Level 2			
Level 2	Standard: 8'-6" x 18'-0"	48	Prime
Level 2	Standard: 8'-8" x 18'-0"	4	Prime
Level 2	Standard: 9'-0" x 18'-0"	12	Prime
Level 2	Standard: 9'-4" x 18'-0"	1	Prime
Level 2	Standard: 10'-4" x 18'-0"	16	Prime
		81	
Level 3			
Level 3	Standard: 8'-6" x 18'-0"	48	Prime
Level 3	Standard: 8'-8" x 18'-0"	4	Prime
Level 3	Standard: 9'-0" x 18'-0"	12	Prime
Level 3	Standard: 9'-4" x 18'-0"	2	Prime
Level 3	Standard: 10'-4" x 18'-0"	18	Prime
		84	
Level 4			
Level 4	Standard: 8'-6" x 18'-0"	50	Prime
Level 4	Standard: 8'-8" x 18'-0"	4	Prime
Level 4	Standard: 9'-0" x 18'-0"	12	Prime
Level 4	Standard: 9'-4" x 18'-0"	3	Prime
Level 4	Standard: 10'-4" x 18'-0"	18	Prime
		87	
Grand total		363	





TURNING RADIUS - TWO WAY



TURNING RADIUS - ONE WAY

20' 40' 80' 160'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL 1

A1.01

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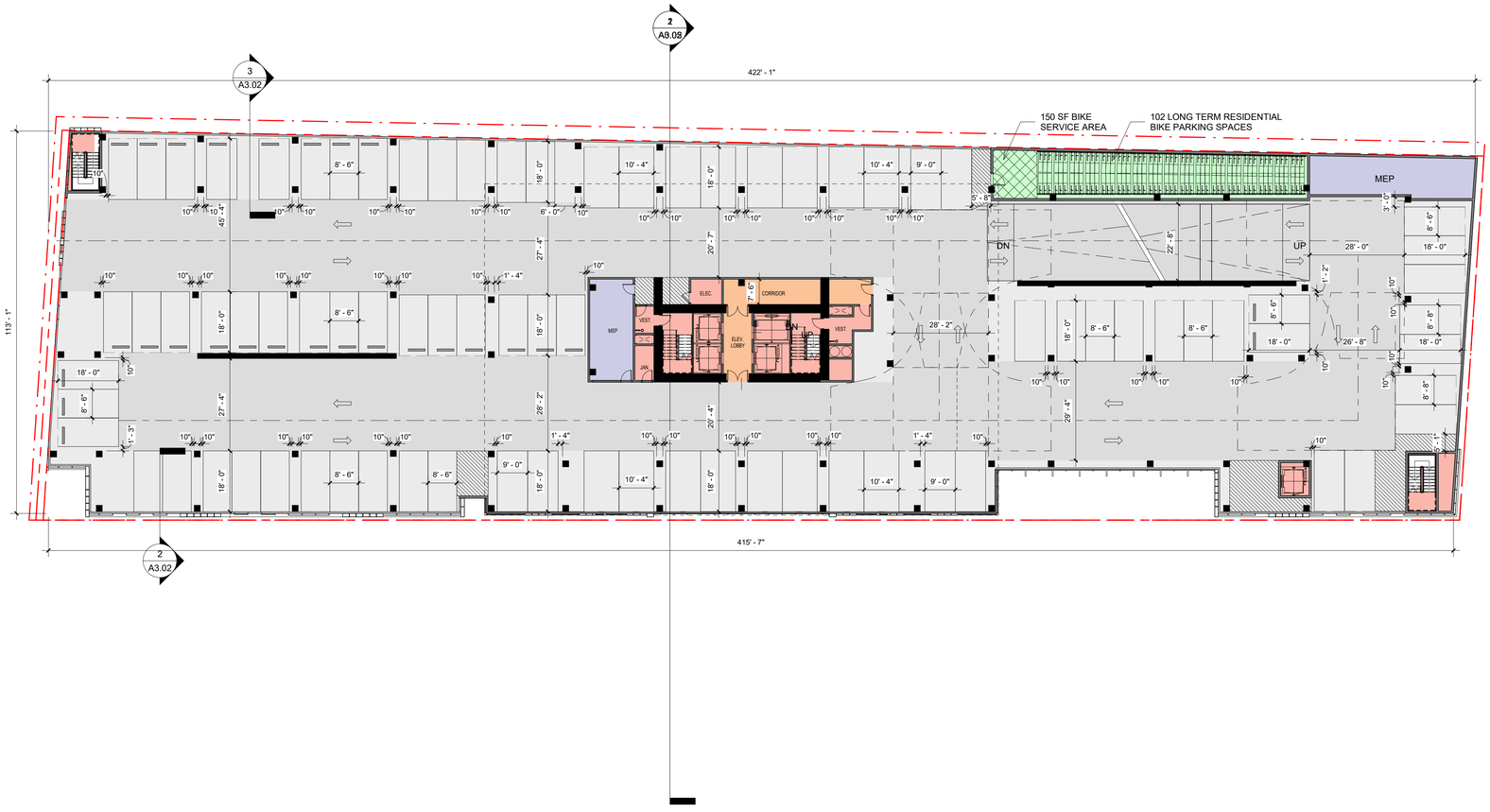
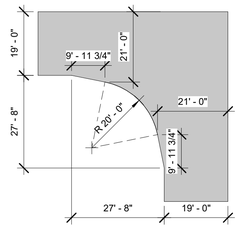
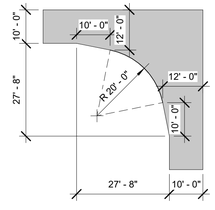


Parking Schedule (By Level)			
Level	Type Comments	Count	Comments
Level P1			
Level P1	Standard: 8'-6" x 18'-0"	56	Prime
Level P1	Standard: 8'-8" x 18'-0"	4	Prime
Level P1	Standard: 9'-0" x 18'-0"	10	Prime
Level P1	Standard: 9'-4" x 18'-0"	5	Prime
Level P1	Standard: 10'-4" x 18'-0"	18	Prime
		93	
Level 1			
Level 1	Compact (Commercial): 7'-6" x 15'-0"	3	Prime
Level 1	Standard (Commercial): 8'-6" x 18'-0"	6	Prime
Level 1	Standard ADA (Commercial): 9'-0" x 18'-0"	1	Prime
Level 1	Standard ADA (Residential): 9'-0" x 18'-0"	8	Prime
		18	
Level 2			
Level 2	Standard: 8'-6" x 18'-0"	48	Prime
Level 2	Standard: 8'-8" x 18'-0"	4	Prime
Level 2	Standard: 9'-0" x 18'-0"	12	Prime
Level 2	Standard: 9'-4" x 18'-0"	1	Prime
Level 2	Standard: 10'-4" x 18'-0"	16	Prime
		81	
Level 3			
Level 3	Standard: 8'-6" x 18'-0"	48	Prime
Level 3	Standard: 8'-8" x 18'-0"	4	Prime
Level 3	Standard: 9'-0" x 18'-0"	12	Prime
Level 3	Standard: 9'-4" x 18'-0"	2	Prime
Level 3	Standard: 10'-4" x 18'-0"	18	Prime
		84	
Level 4			
Level 4	Standard: 8'-6" x 18'-0"	50	Prime
Level 4	Standard: 8'-8" x 18'-0"	4	Prime
Level 4	Standard: 9'-0" x 18'-0"	12	Prime
Level 4	Standard: 9'-4" x 18'-0"	3	Prime
Level 4	Standard: 10'-4" x 18'-0"	18	Prime
		87	
Grand total		363	



TURNING RADIUS - TWO WAY



TURNING RADIUS - ONE WAY

20' 40' 80' 160'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL 2

A1.02

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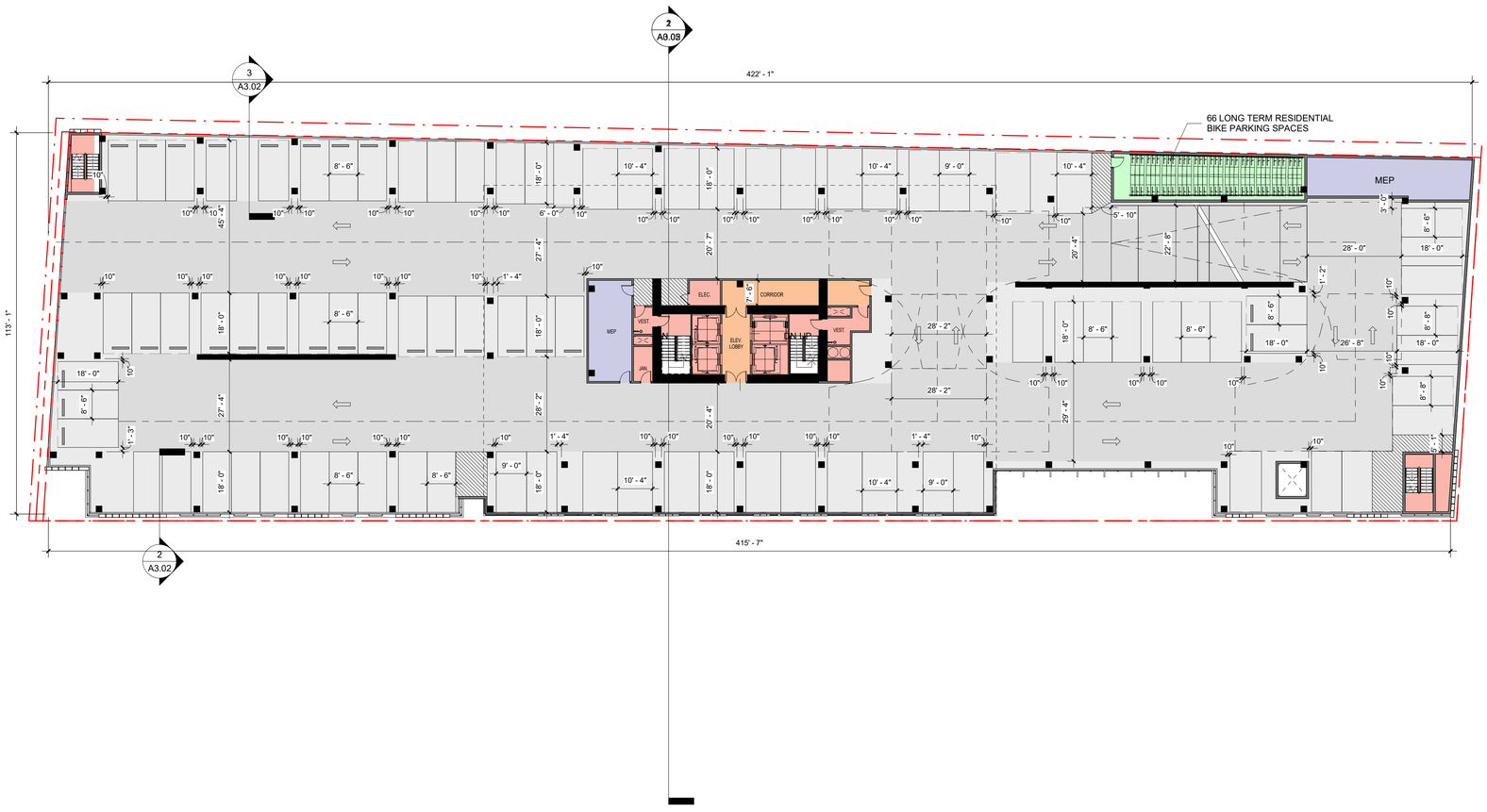

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A3.01

Parking Schedule (By Level)

Level	Type Comments	Count	Comments
Level P1			
Level P1	Standard: 8'-6" x 18'-0"	56	Prime
Level P1	Standard: 8'-8" x 18'-0"	4	Prime
Level P1	Standard: 9'-0" x 18'-0"	10	Prime
Level P1	Standard: 9'-4" x 18'-0"	5	Prime
Level P1	Standard: 10'-4" x 18'-0"	18	Prime
		93	
Level 1			
Level 1	Compact (Commercial): 7'-6" x 15'-0"	3	Prime
Level 1	Standard (Commercial): 8'-6" x 18'-0"	6	Prime
Level 1	Standard ADA (Commercial): 9'-0" x 18'-0"	1	Prime
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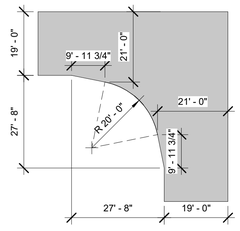
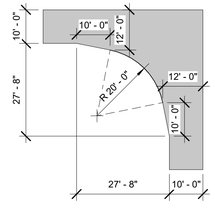
		18	
Level 2			
Level 2	Standard: 8'-6" x 18'-0"	48	Prime
Level 2	Standard: 8'-8" x 18'-0"	4	Prime
Level 2	Standard: 9'-0" x 18'-0"	12	Prime
Level 2	Standard: 9'-4" x 18'-0"	1	Prime
Level 2	Standard: 10'-4" x 18'-0"	16	Prime
		81	
Level 3			
Level 3	Standard: 8'-6" x 18'-0"	48	Prime
Level 3	Standard: 8'-8" x 18'-0"	4	Prime
Level 3	Standard: 9'-0" x 18'-0"	12	Prime
Level 3	Standard: 9'-4" x 18'-0"	2	Prime
Level 3	Standard: 10'-4" x 18'-0"	18	Prime
		84	
Level 4			
Level 4	Standard: 8'-6" x 18'-0"	50	Prime
Level 4	Standard: 8'-8" x 18'-0"	4	Prime
Level 4	Standard: 9'-0" x 18'-0"	12	Prime
Level 4	Standard: 9'-4" x 18'-0"	3	Prime
Level 4	Standard: 10'-4" x 18'-0"	18	Prime
		87	
Grand total		363	



TURNING RADIUS - TWO WAY



TURNING RADIUS - ONE WAY

20' 40' 80' 160'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL 3

A1.03

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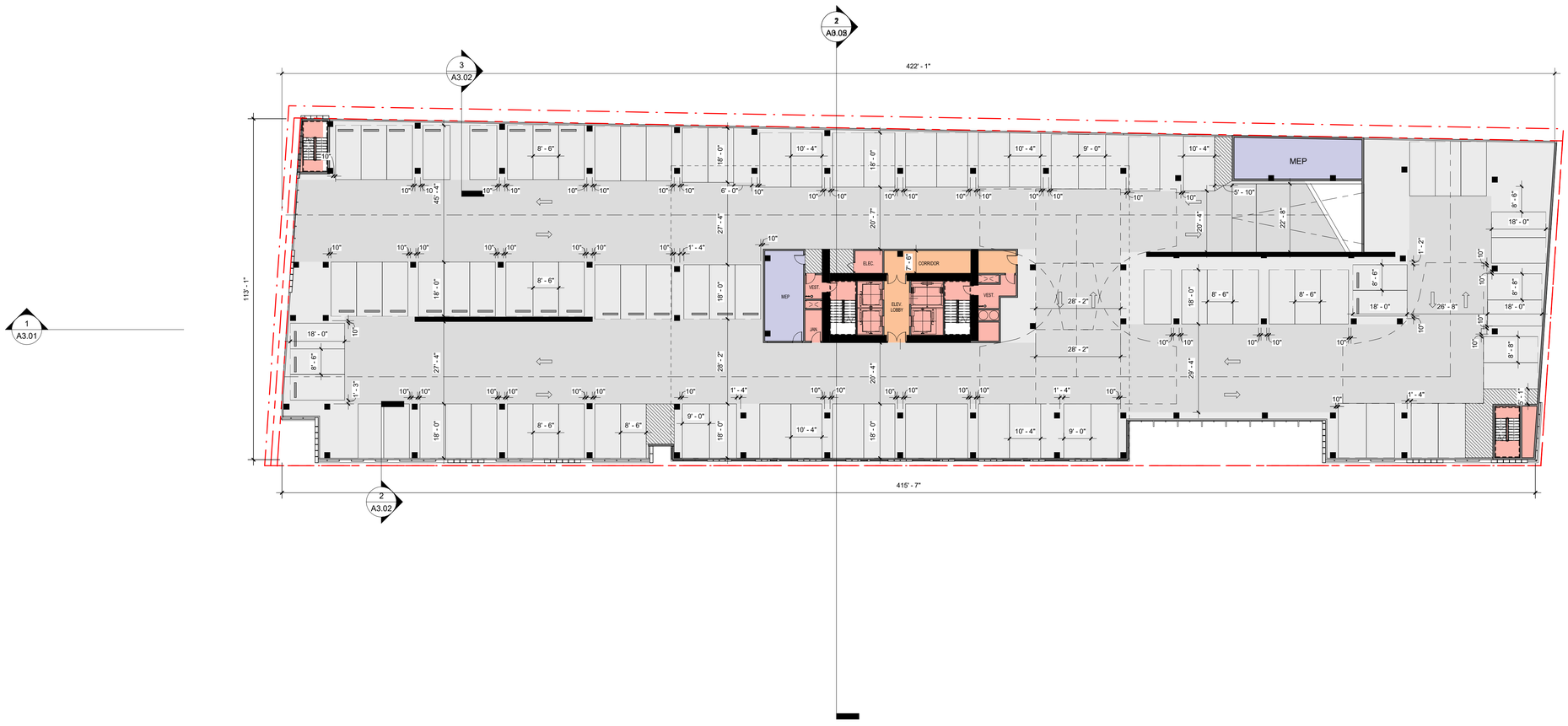

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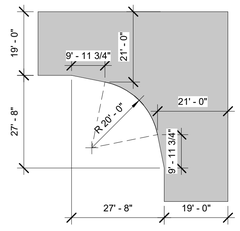
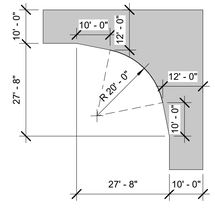
A3.01

Parking Schedule (By Level)			
Level	Type Comments	Count	Comments
Level P1			
Level P1	Standard: 8'-6" x 18'-0"	56	Prime
Level P1	Standard: 8'-8" x 18'-0"	4	Prime
Level P1	Standard: 9'-0" x 18'-0"	10	Prime
Level P1	Standard: 9'-4" x 18'-0"	5	Prime
Level P1	Standard: 10'-4" x 18'-0"	18	Prime
		93	
Level 1			
Level 1	Compact (Commercial): 7'-6" x 15'-0"	3	Prime
Level 1	Standard (Commercial): 8'-6" x 18'-0"	6	Prime
Level 1	Standard ADA (Commercial): 9'-0" x 18'-0"	1	Prime
Level 1	Standard ADA (Residential): 9'-0" x 18'-0"	8	Prime
		18	
Level 2			
Level 2	Standard: 8'-6" x 18'-0"	48	Prime
Level 2	Standard: 8'-8" x 18'-0"	4	Prime
Level 2	Standard: 9'-0" x 18'-0"	12	Prime
Level 2	Standard: 9'-4" x 18'-0"	1	Prime
Level 2	Standard: 10'-4" x 18'-0"	16	Prime
		81	
Level 3			
Level 3	Standard: 8'-6" x 18'-0"	48	Prime
Level 3	Standard: 8'-8" x 18'-0"	4	Prime
Level 3	Standard: 9'-0" x 18'-0"	12	Prime
Level 3	Standard: 9'-4" x 18'-0"	2	Prime
Level 3	Standard: 10'-4" x 18'-0"	18	Prime
		84	
Level 4			
Level 4	Standard: 8'-6" x 18'-0"	50	Prime
Level 4	Standard: 8'-8" x 18'-0"	4	Prime
Level 4	Standard: 9'-0" x 18'-0"	12	Prime
Level 4	Standard: 9'-4" x 18'-0"	3	Prime
Level 4	Standard: 10'-4" x 18'-0"	18	Prime
		87	
Grand total		363	



TURNING RADIUS - TWO WAY



TURNING RADIUS - ONE WAY

20' 40' 80' 160'

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL 4

A1.04

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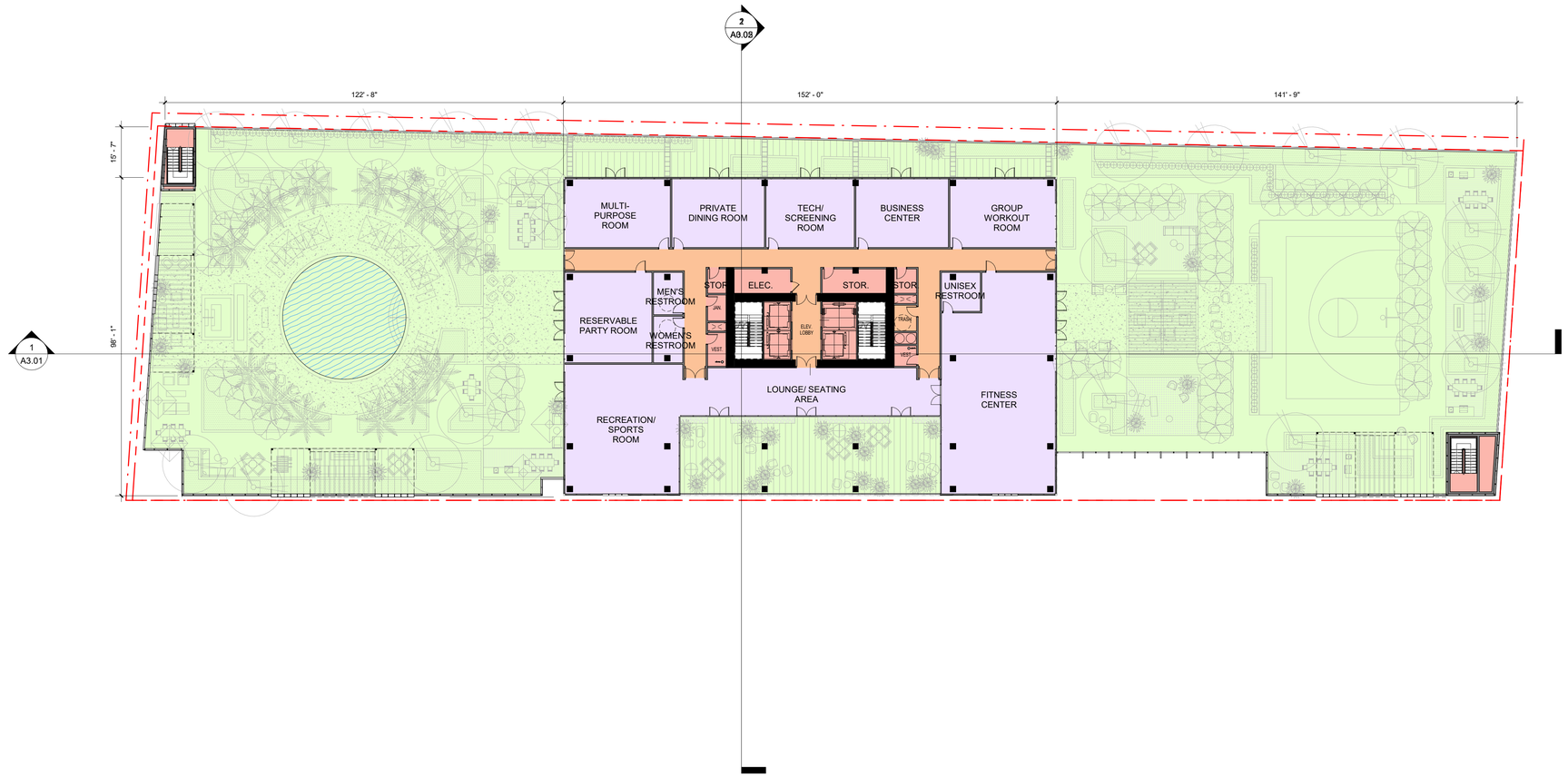

20' 40' 80' 160'

1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

FLOOR PLAN - LEVEL 5

A1.05

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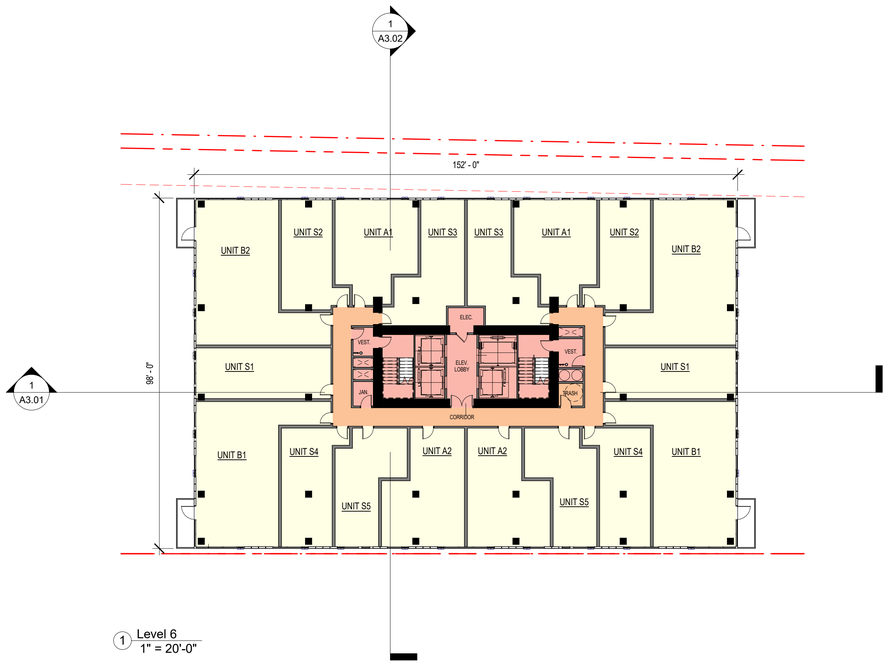
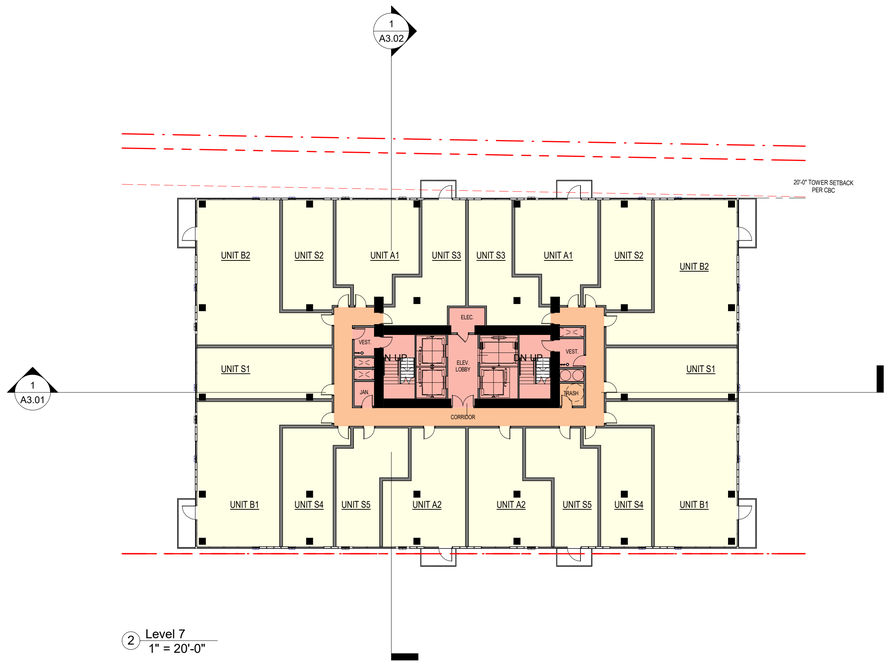
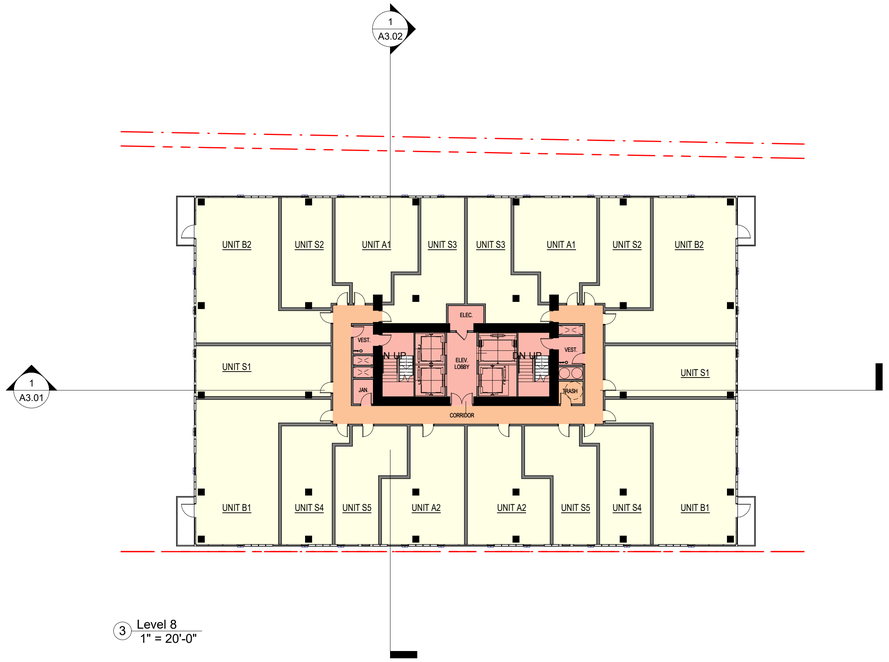


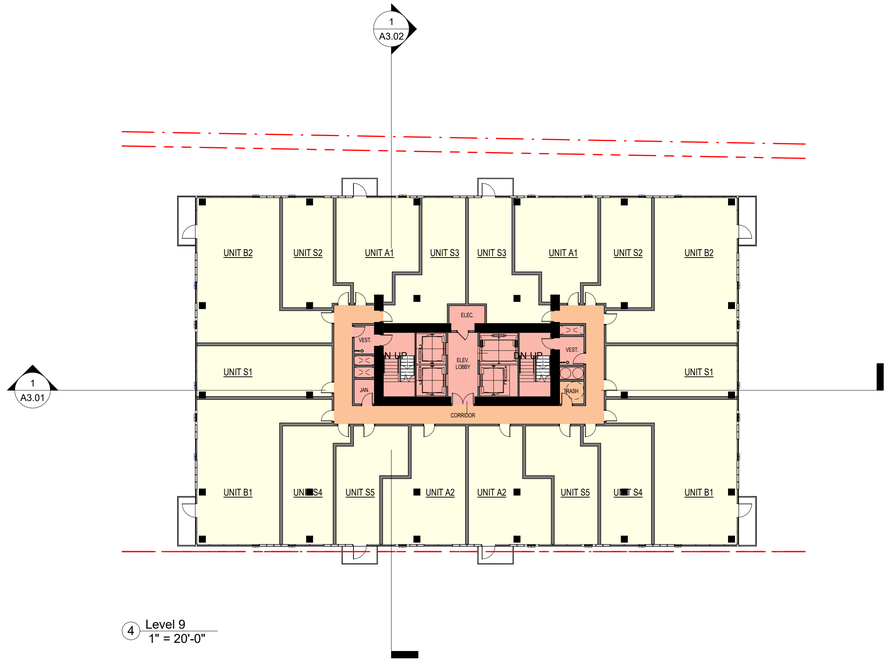
1 Level 6
1" = 20'-0"



2 Level 7
1" = 20'-0"



3 Level 8
1" = 20'-0"



4 Level 9
1" = 20'-0"

20' 40' 80' 160'

1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

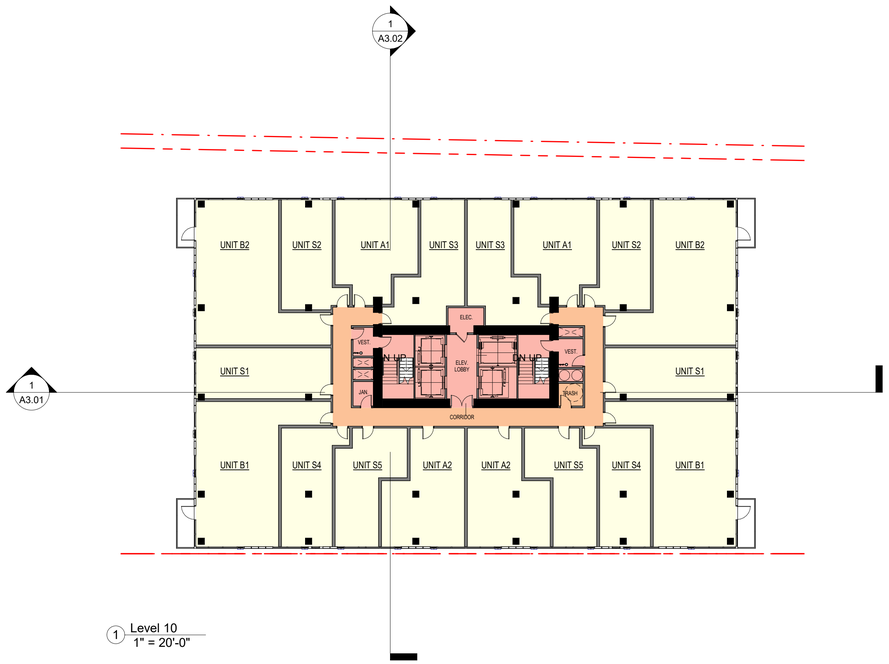
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

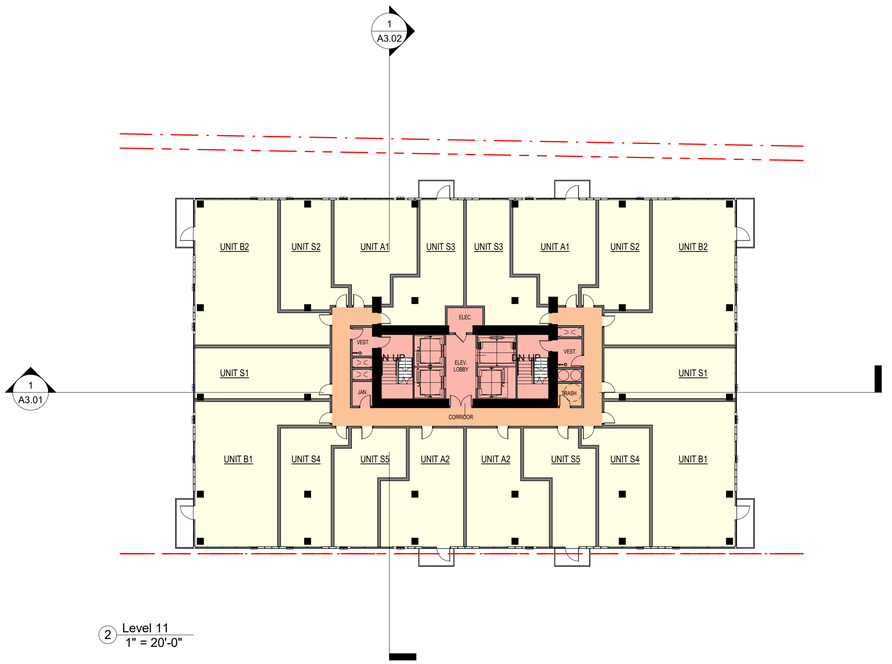
FLOOR PLAN - LEVELS 6-9

A1.06

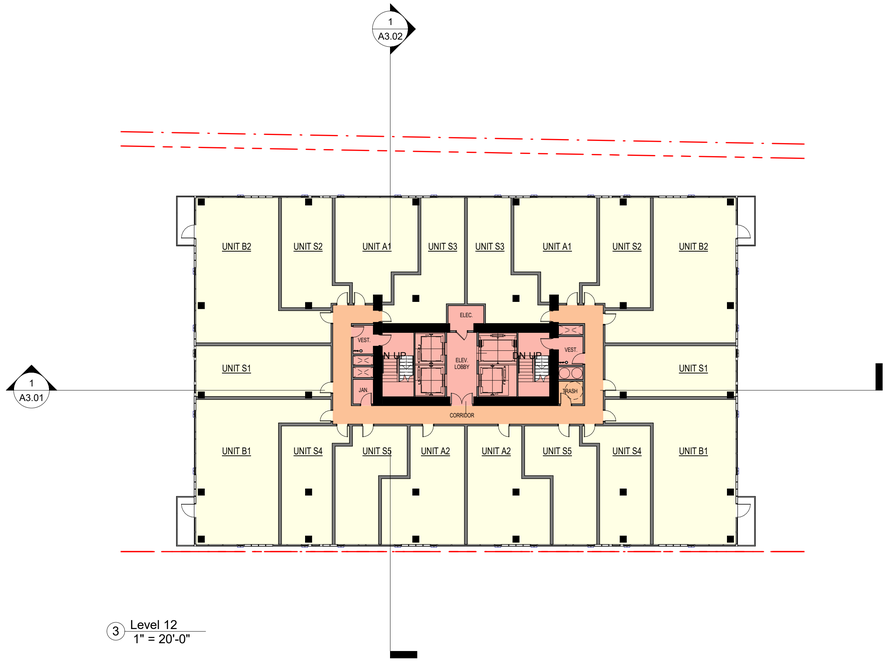
7/14/2021 5:28:11 PM



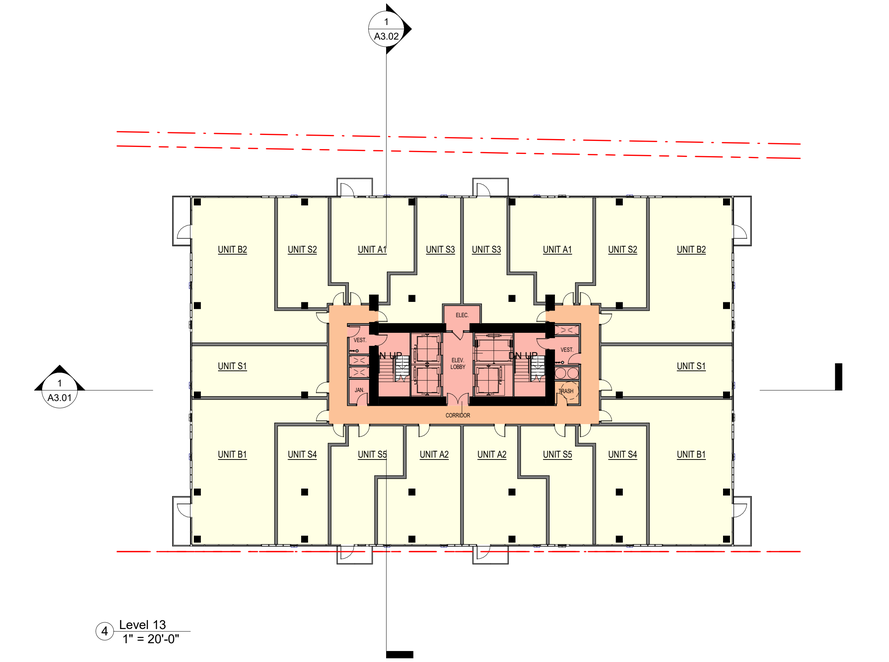
1 Level 10
1" = 20'-0"



2 Level 11
1" = 20'-0"



3 Level 12
1" = 20'-0"



4 Level 13
1" = 20'-0"



1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

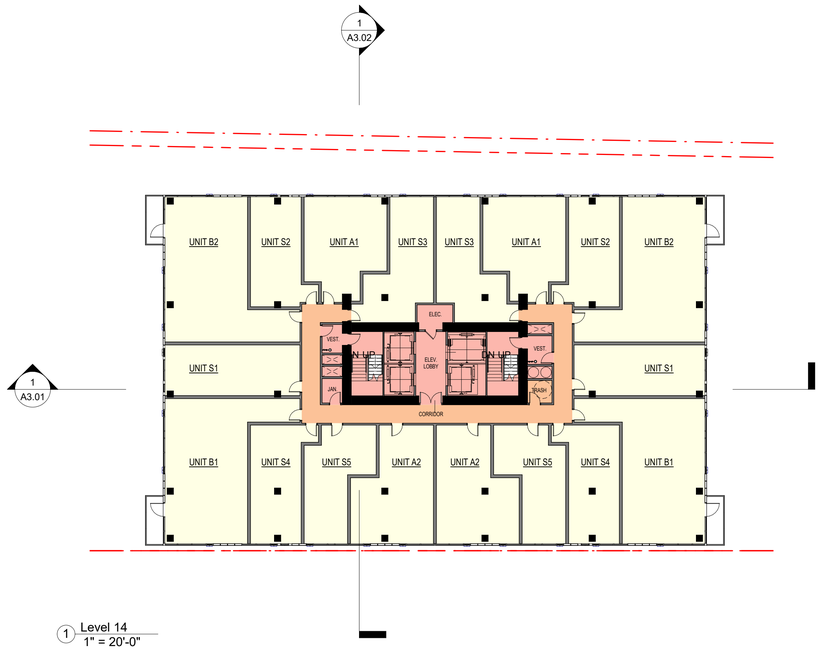
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

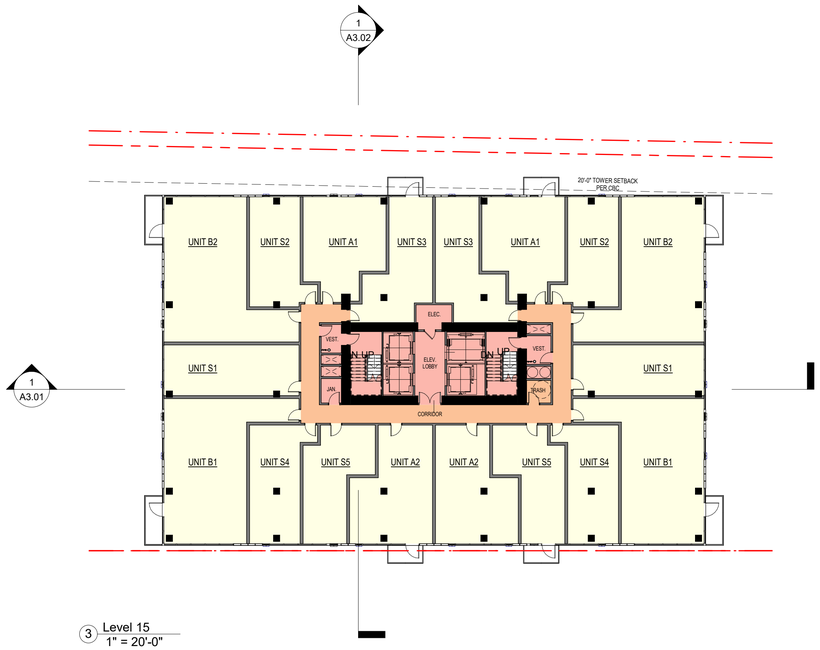
FLOOR PLAN - LEVELS 10-13

A1.07

7/14/2021 5:28:17 PM



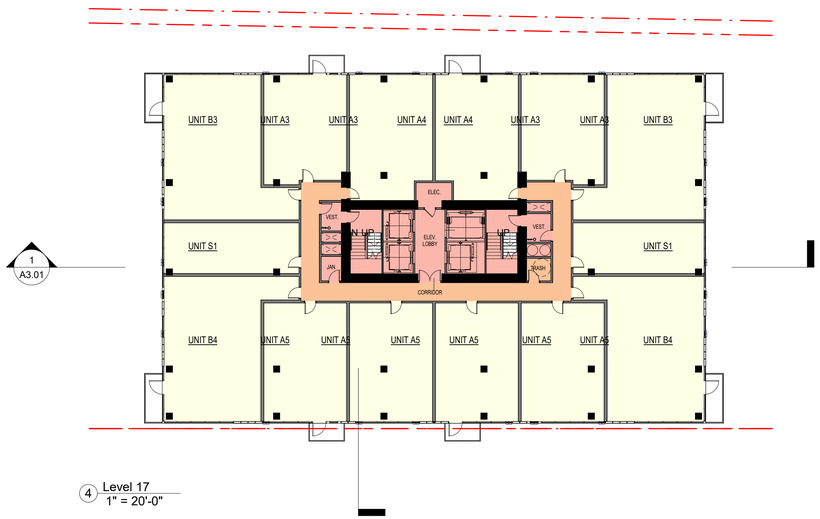
1 Level 14
1" = 20'-0"



3 Level 15
1" = 20'-0"



2 Level 16
1" = 20'-0"



4 Level 17
1" = 20'-0"

20' 40' 80' 160'

1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

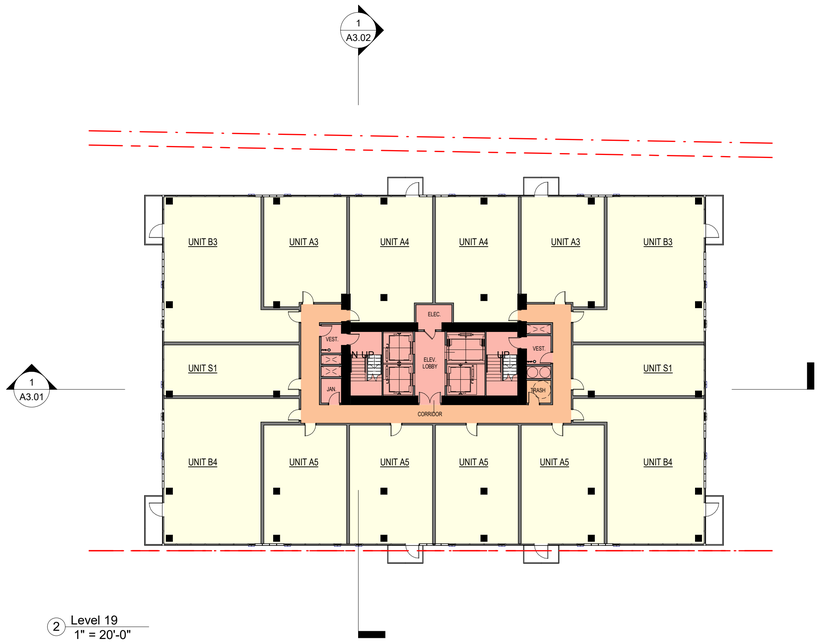
FLOOR PLAN - LEVELS 14-17

A1.08

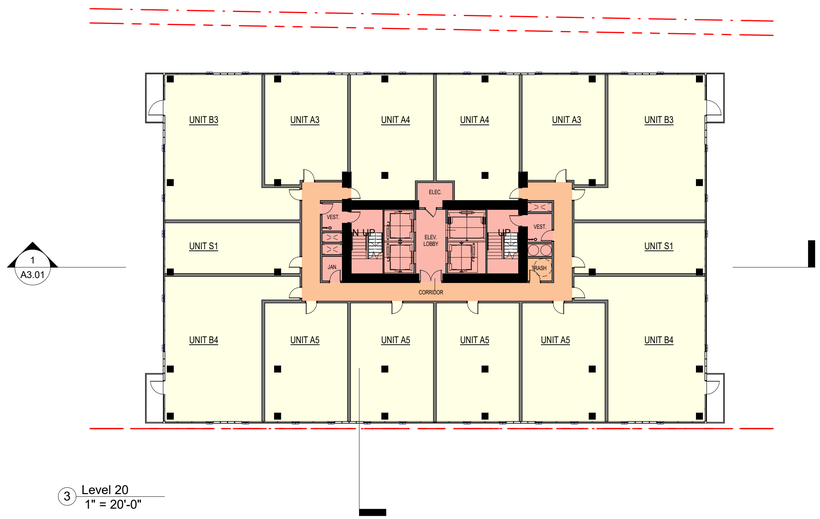
7/14/2021 5:28:22 PM



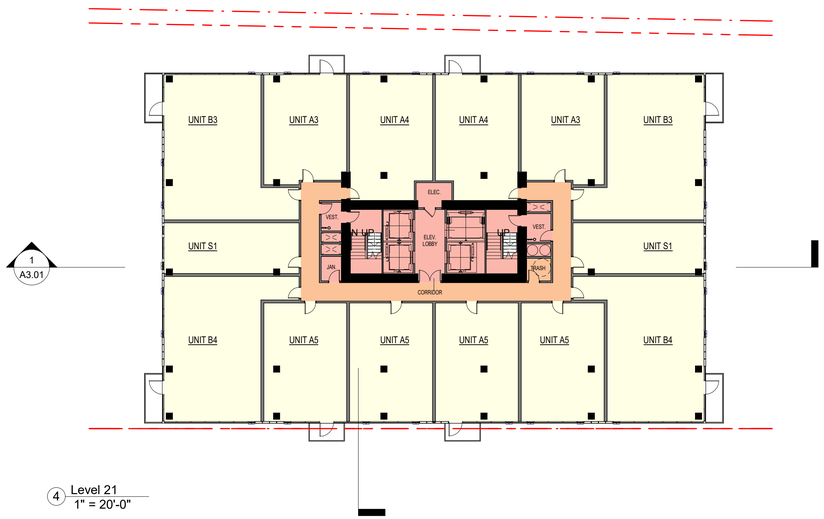
1 Level 18
1" = 20'-0"



2 Level 19
1" = 20'-0"



3 Level 20
1" = 20'-0"



4 Level 21
1" = 20'-0"

20' 40' 80' 160'

1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

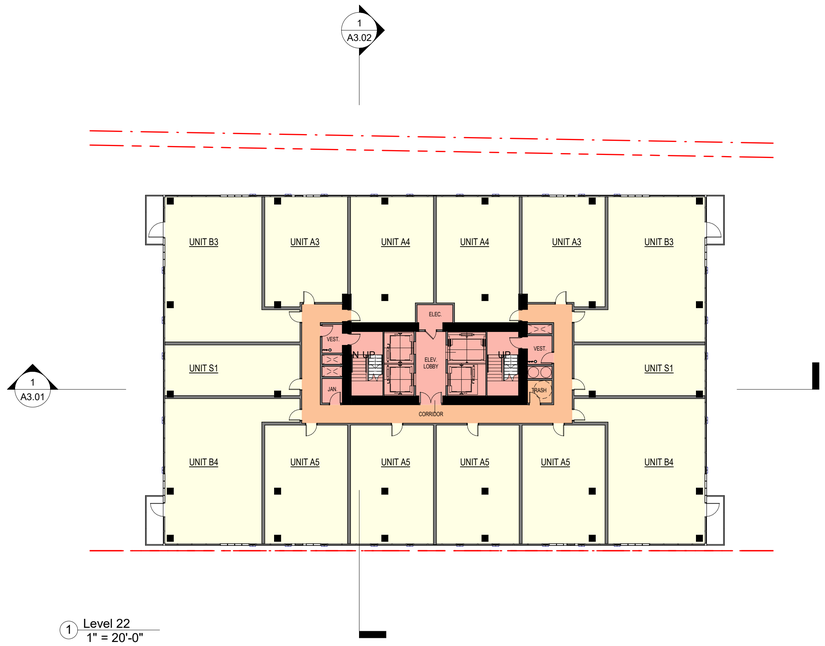
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

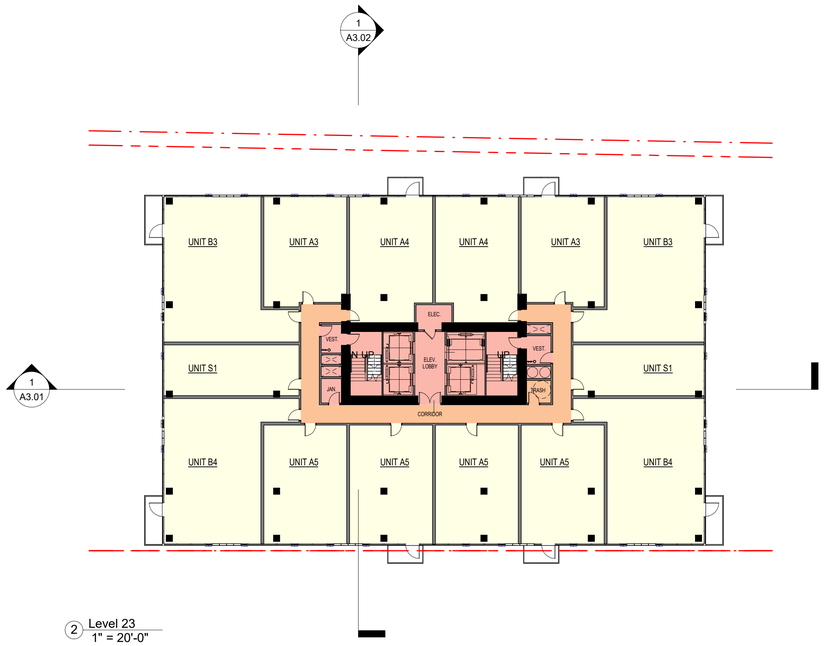
FLOOR PLAN - LEVEL 18-21

A1.09

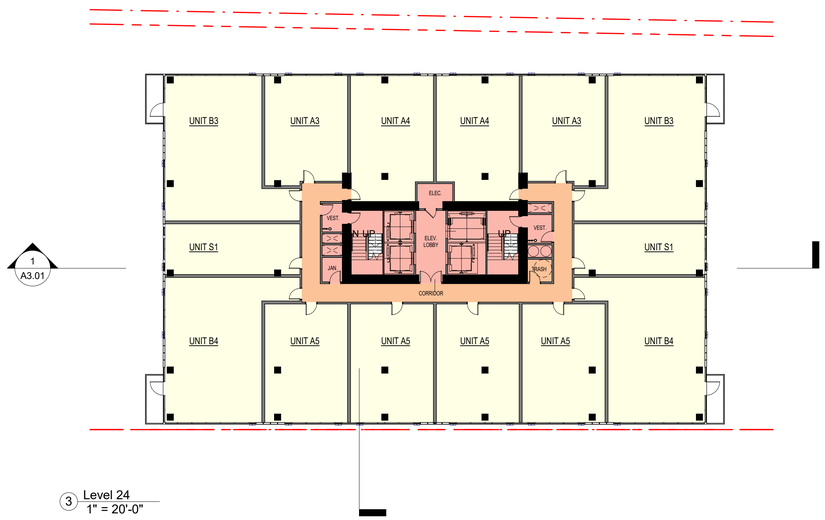
7/14/2021 5:28:27 PM



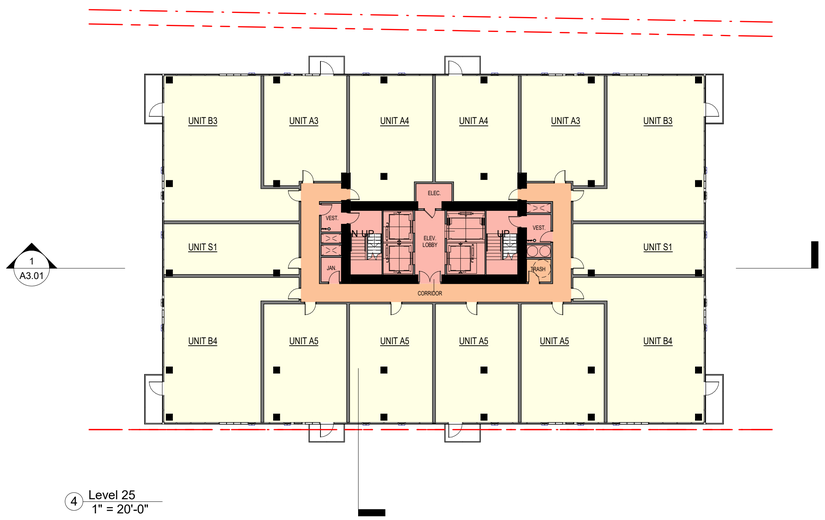
1 Level 22
1" = 20'-0"



2 Level 23
1" = 20'-0"



3 Level 24
1" = 20'-0"



4 Level 25
1" = 20'-0"



1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

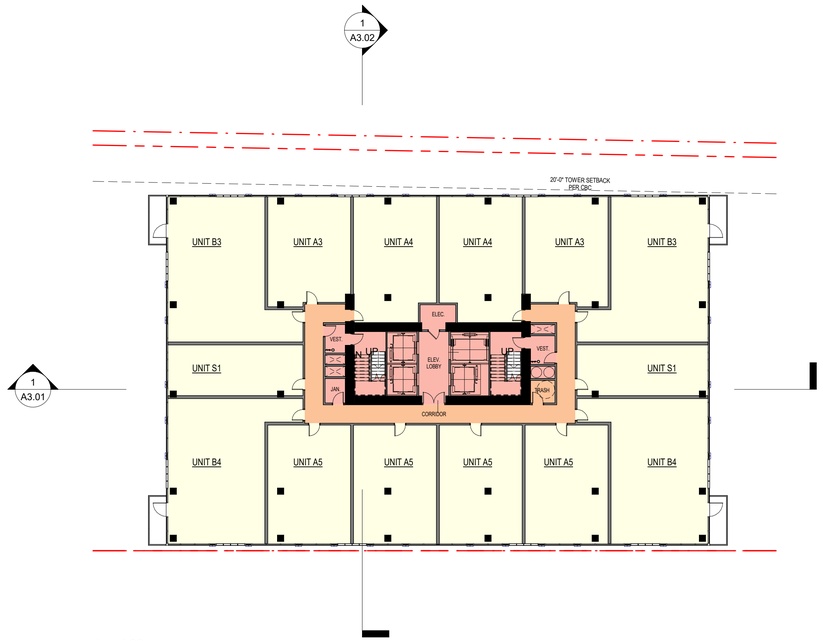
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

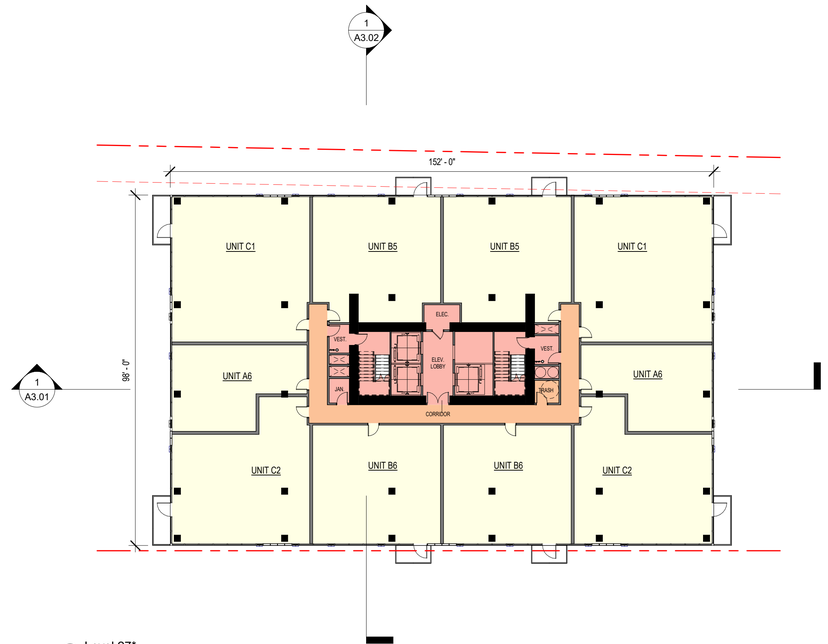
FLOOR PLAN - LEVEL 22-25

A1.10

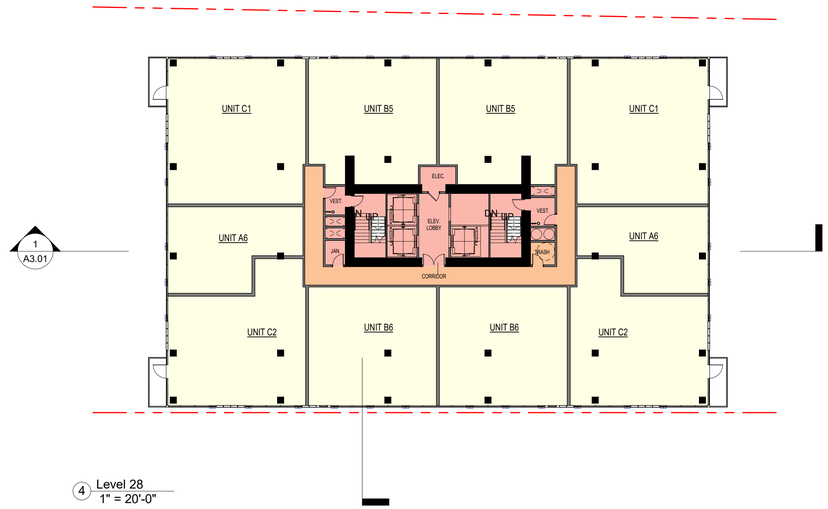
7/14/2021 5:28:32 PM



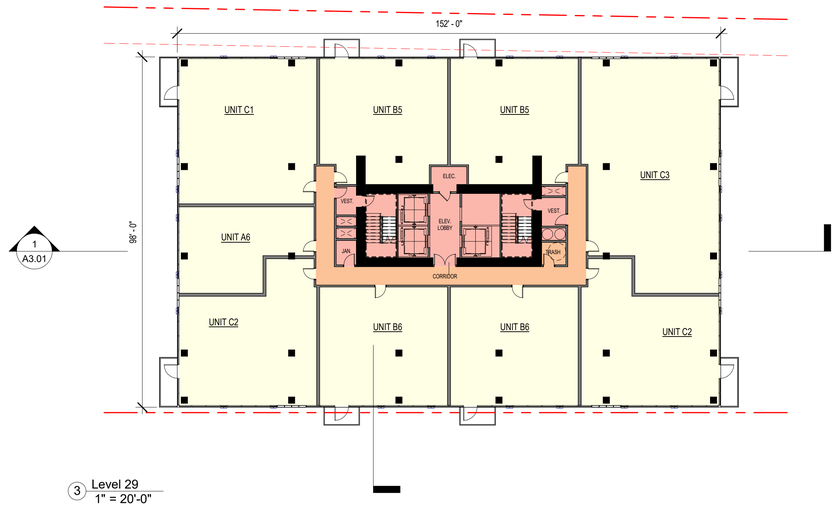
1 Level 26
1" = 20'-0"



2 Level 27*
1" = 20'-0"



4 Level 28
1" = 20'-0"



3 Level 29
1" = 20'-0"



1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

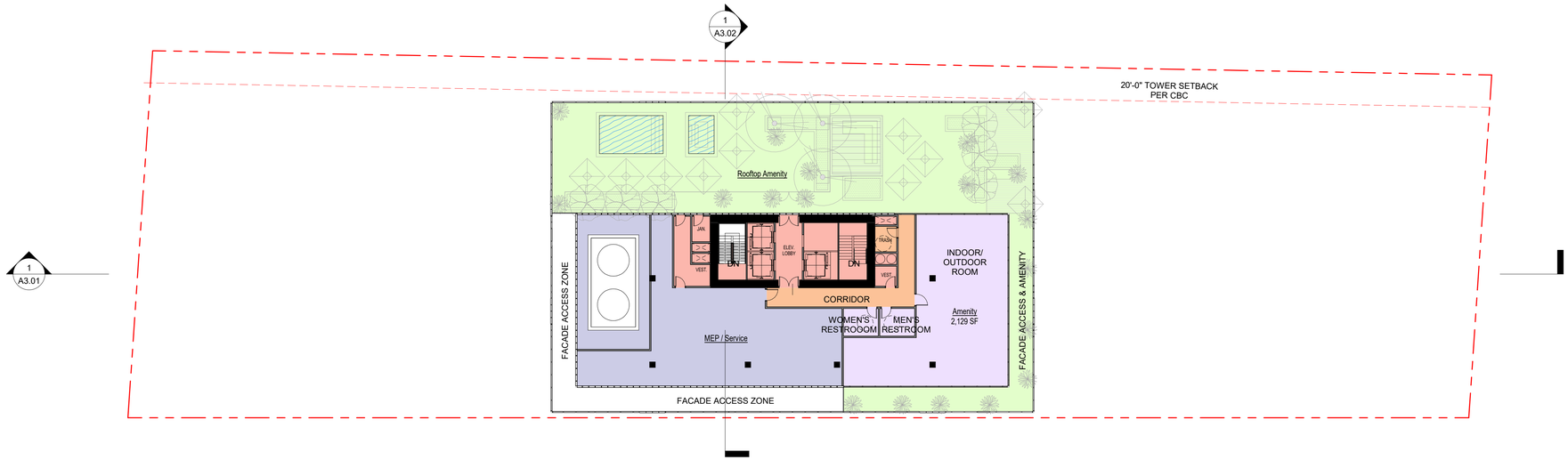
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

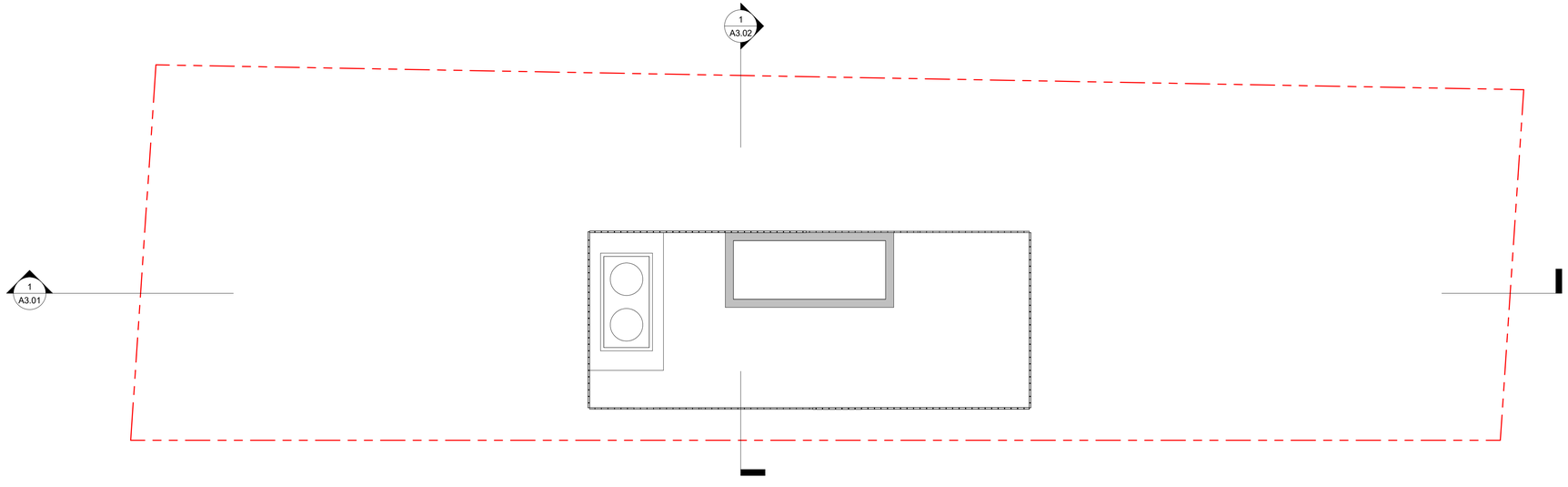
FLOOR PLAN - LEVEL 26-29

A1.11

7/14/2021 5:28:37 PM



1 Level 30
1" = 20'-0"



2 Roof - Low
1" = 20'-0"

0' 50'-0" 100' 200' 400'

1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

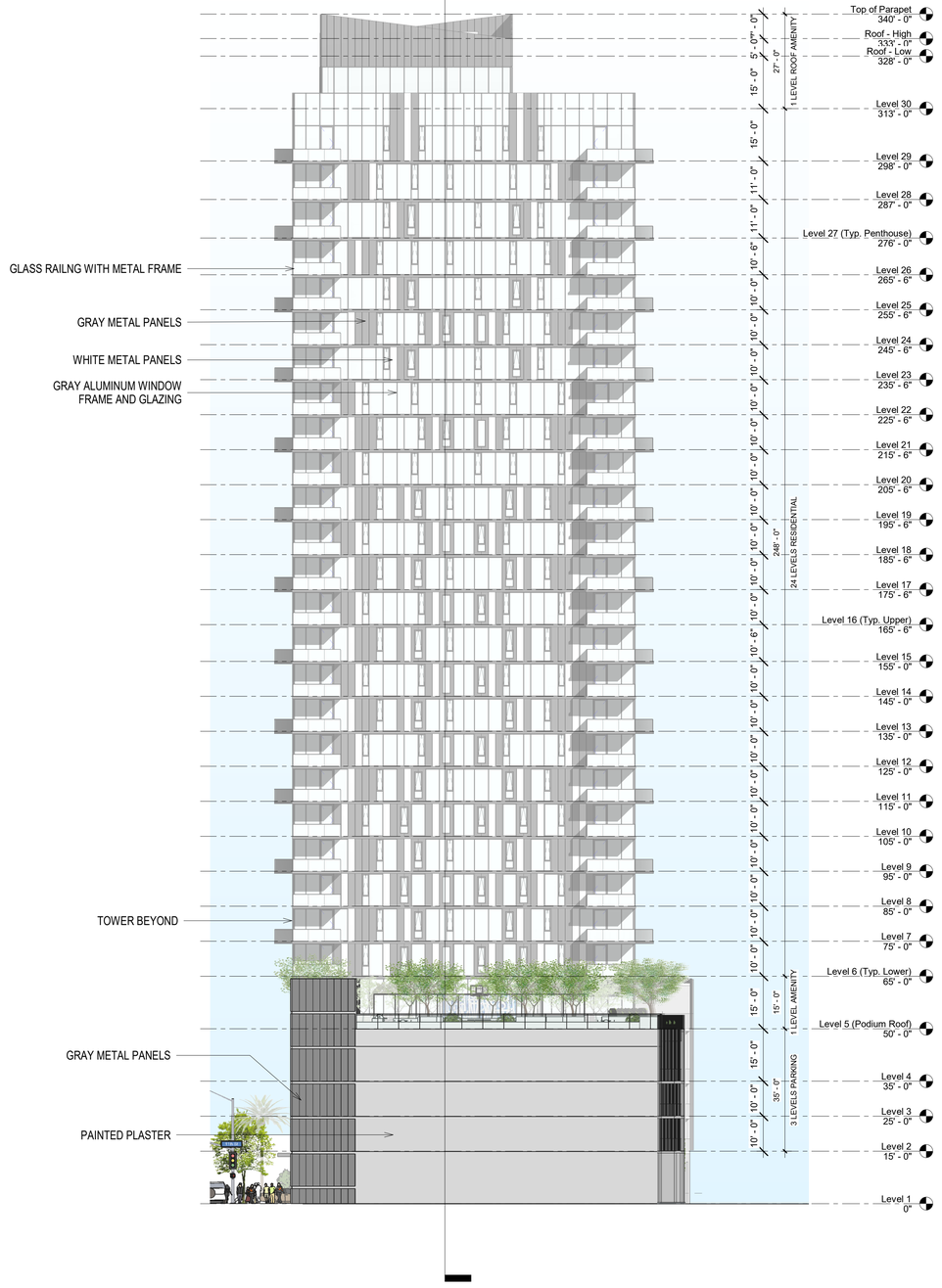
Note: Conceptual Design Package Subject To Change

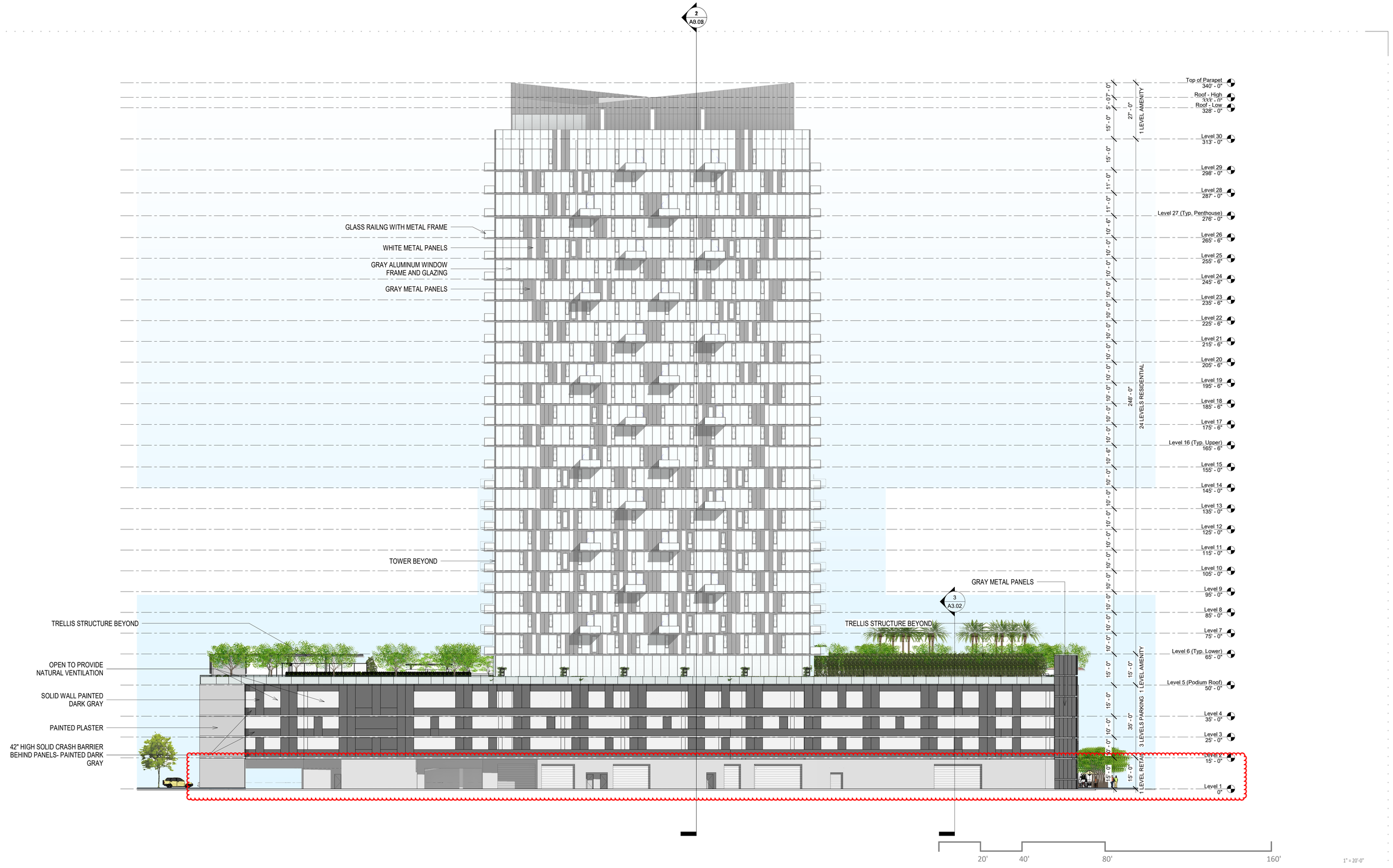
FLOOR PLAN - LEVEL 30-ROOF

A1.12

7/14/2021 5:28:40 PM

1
A3.01


GLASS RAILNG WITH METAL FRAME
GRAY METAL PANELS
WHITE METAL PANELS
GRAY ALUMINUM WINDOW FRAME AND GLAZING
TOWER BEYOND
GRAY METAL PANELS
PAINTED PLASTER
Top of Parapet 340' - 0"
Roof - High 333' - 0"
Roof - Low 328' - 0"
Level 30 313' - 0"
Level 29 298' - 0"
Level 28 287' - 0"
Level 27 (Typ. Penthouse) 276' - 0"
Level 26 265' - 6"
Level 25 255' - 6"
Level 24 245' - 6"
Level 23 235' - 6"
Level 22 225' - 6"
Level 21 215' - 6"
Level 20 205' - 6"
Level 19 195' - 6"
Level 18 185' - 6"
Level 17 175' - 6"
Level 16 (Typ. Upper) 165' - 6"
Level 15 155' - 0"
Level 14 145' - 0"
Level 13 135' - 0"
Level 12 125' - 0"
Level 11 115' - 0"
Level 10 105' - 0"
Level 9 95' - 0"
Level 8 85' - 0"
Level 7 75' - 0"
Level 6 (Typ. Lower) 65' - 0"
Level 5 (Podium Roof) 50' - 0"
Level 4 35' - 0"
Level 3 25' - 0"
Level 2 15' - 0"
Level 1 0"
15' - 0"
15' - 0"
11' - 0"
11' - 0"
9' - 0"
10' - 0"
10' - 0"
10



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

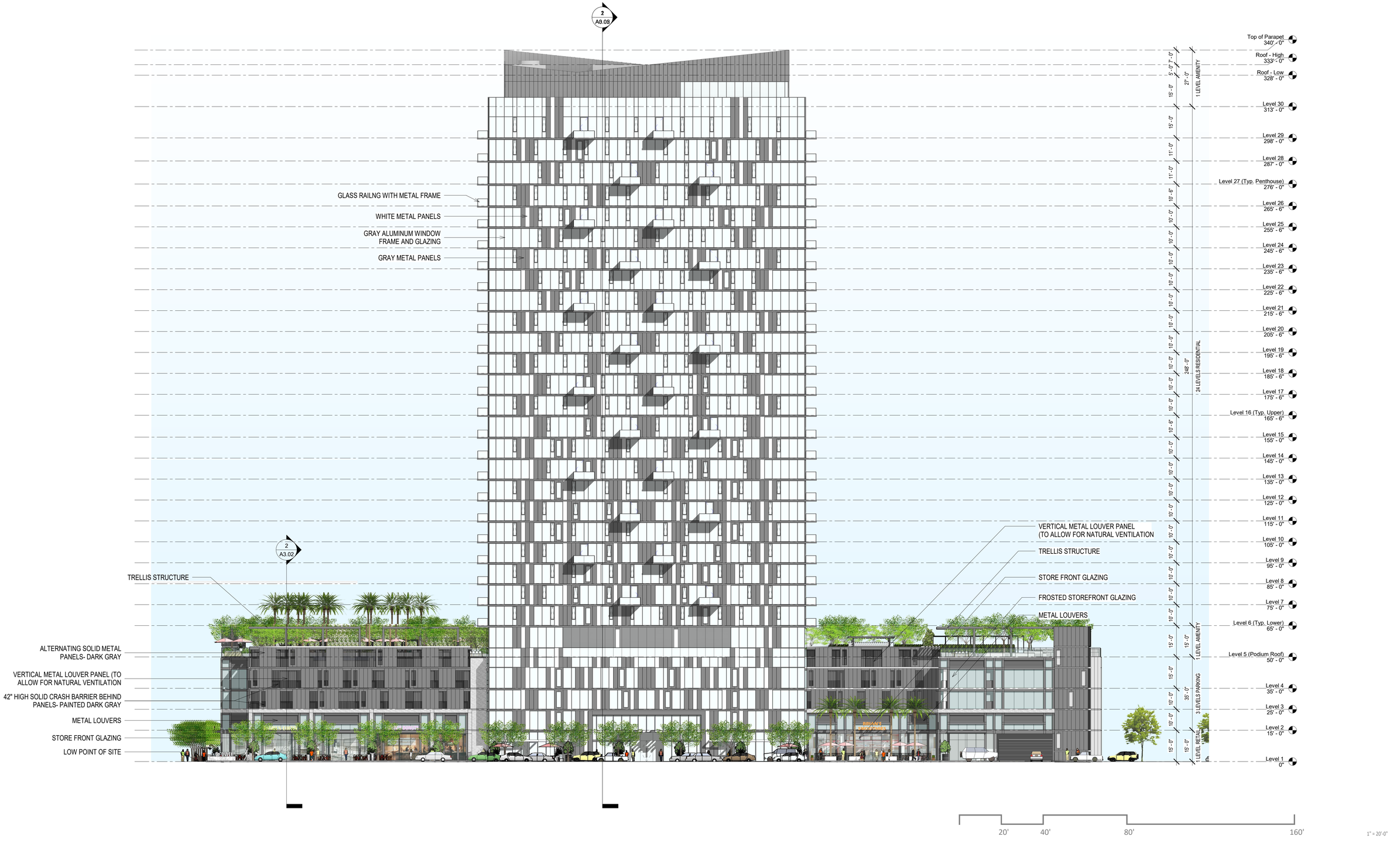
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

ELEVATIONS - WEST

A2.02

5/31/2022 11:44:59 AM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

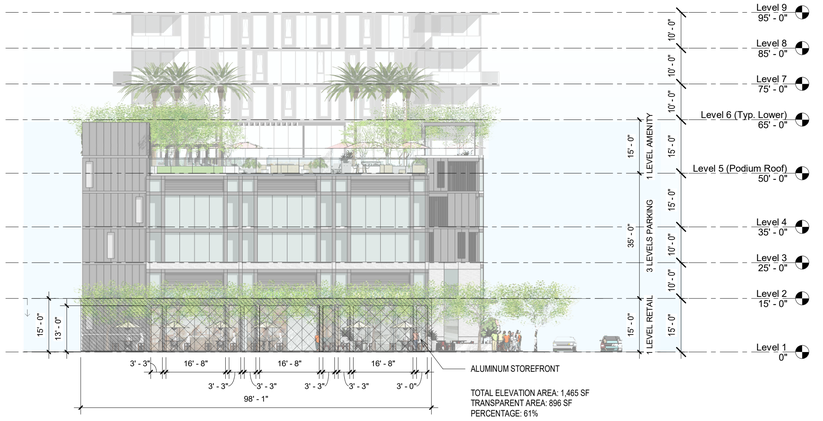
Main Street Tower, Los Angeles, CA 90015

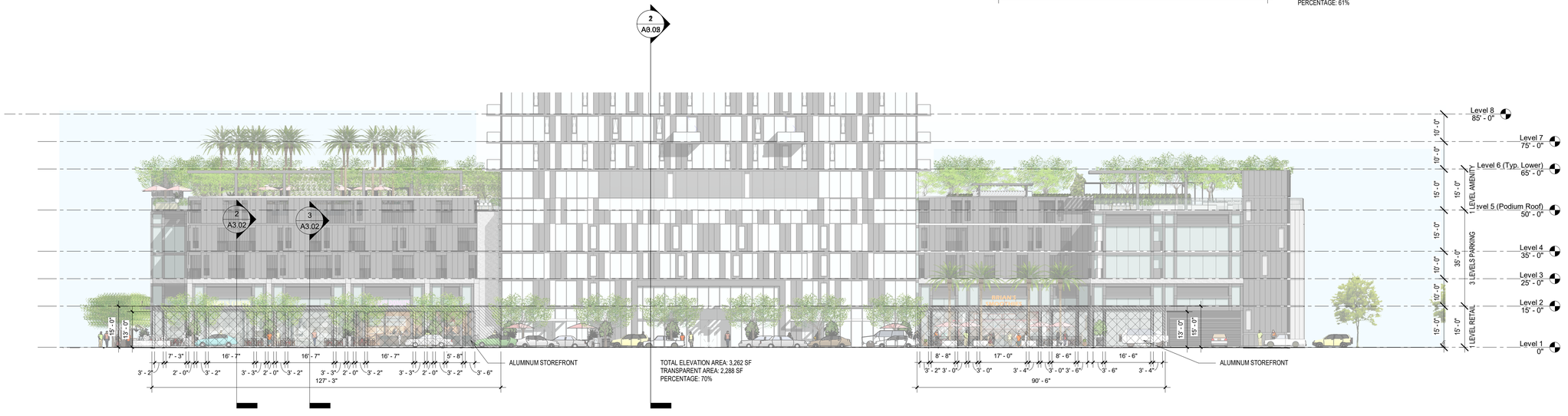
Note: Conceptual Design Package Subject To Change

ELEVATIONS - EAST

A2.03

7/14/2021 5:54:46 PM





FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

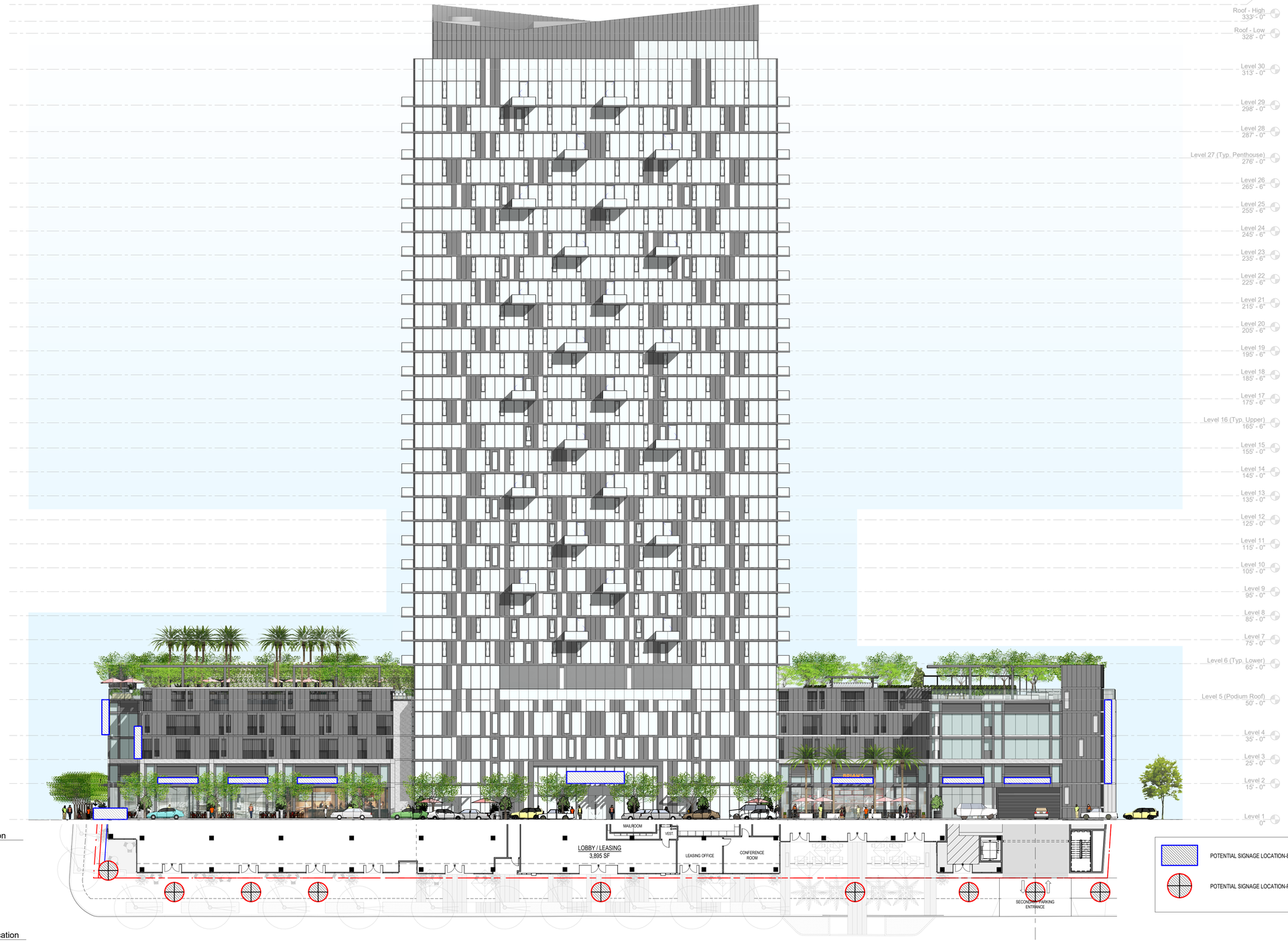
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

ELEVATIONS-WALL OPENING PERCENTAGE

A2.04

7/14/2021 5:39:39 PM



1 East-Signage Location
1" = 20'-0"

2 Level 1-Signage Location
1" = 20'-0"

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

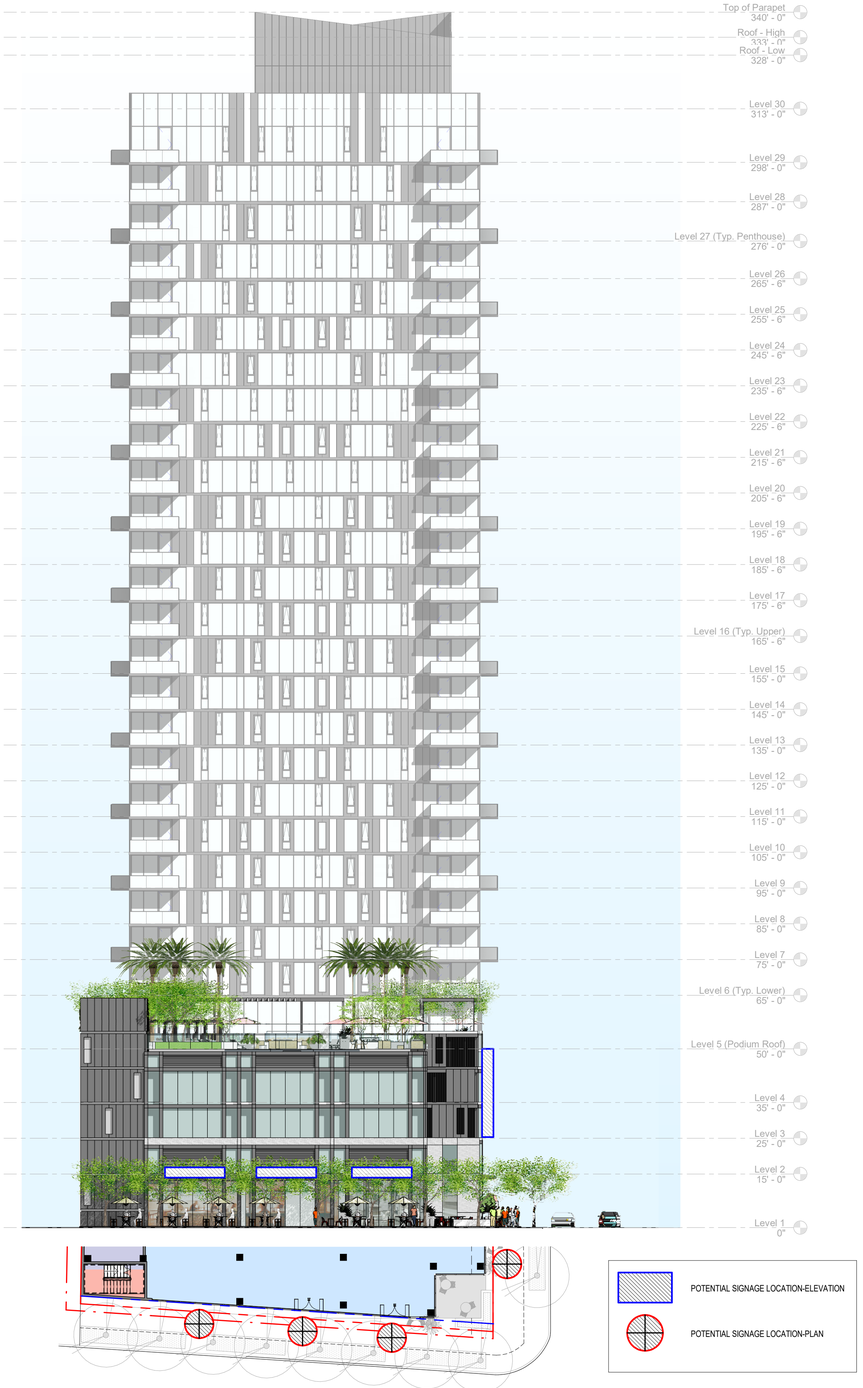
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

EXTERIOR ELEVATION-POTENTIAL SIGNAGE LOCATION

A2.10

7/14/2021 5:43:17 PM



1 South-Signage Location
1" = 20'-0"

As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

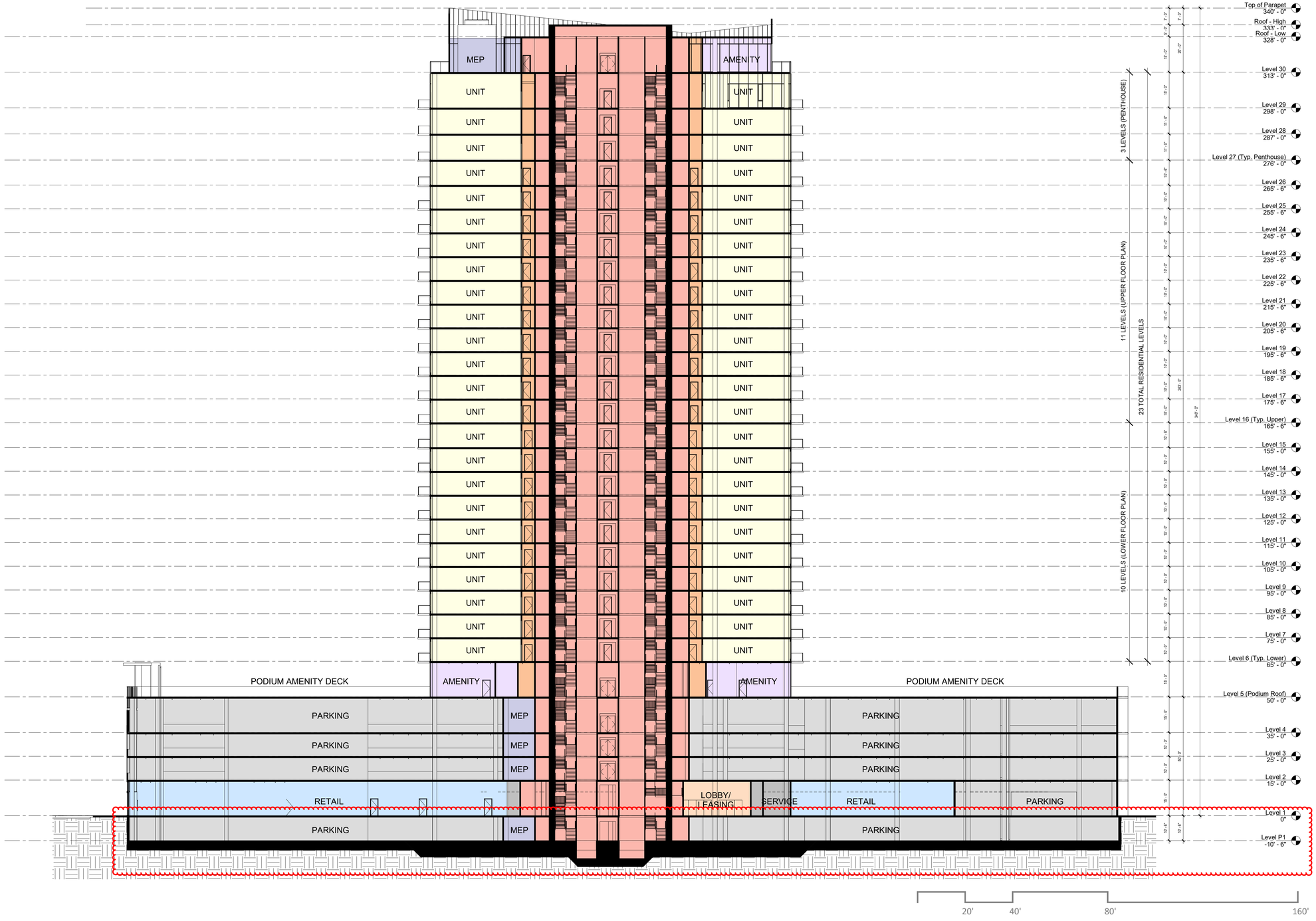
Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

EXTERIOR ELEVATION-POTENTIAL SIGNAGE LOCATION

A2.11

7/14/2021 5:44:41 PM



1" = 20'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

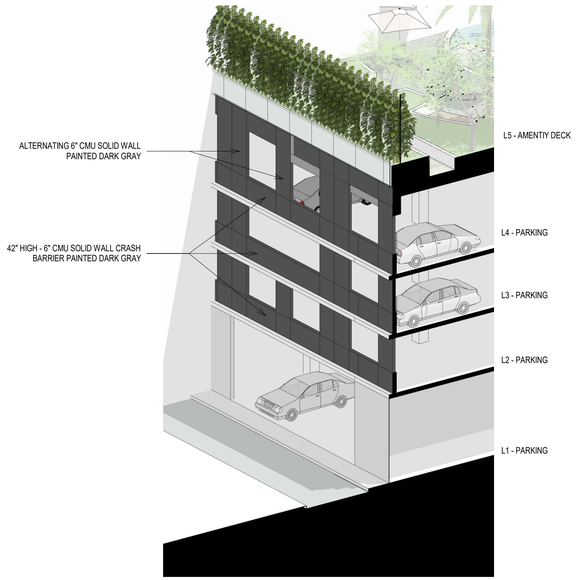
Main Street Tower, Los Angeles, CA 90015

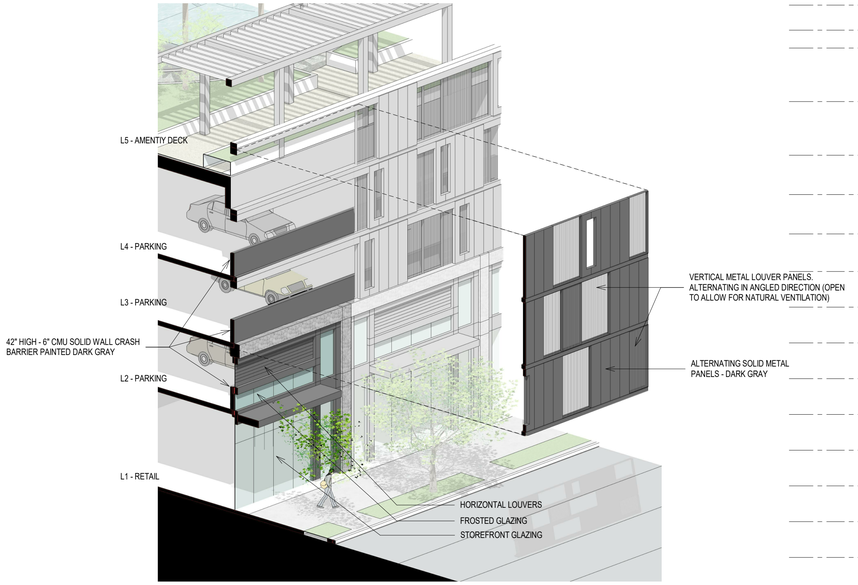
Note: Conceptual Design Package Subject To Change

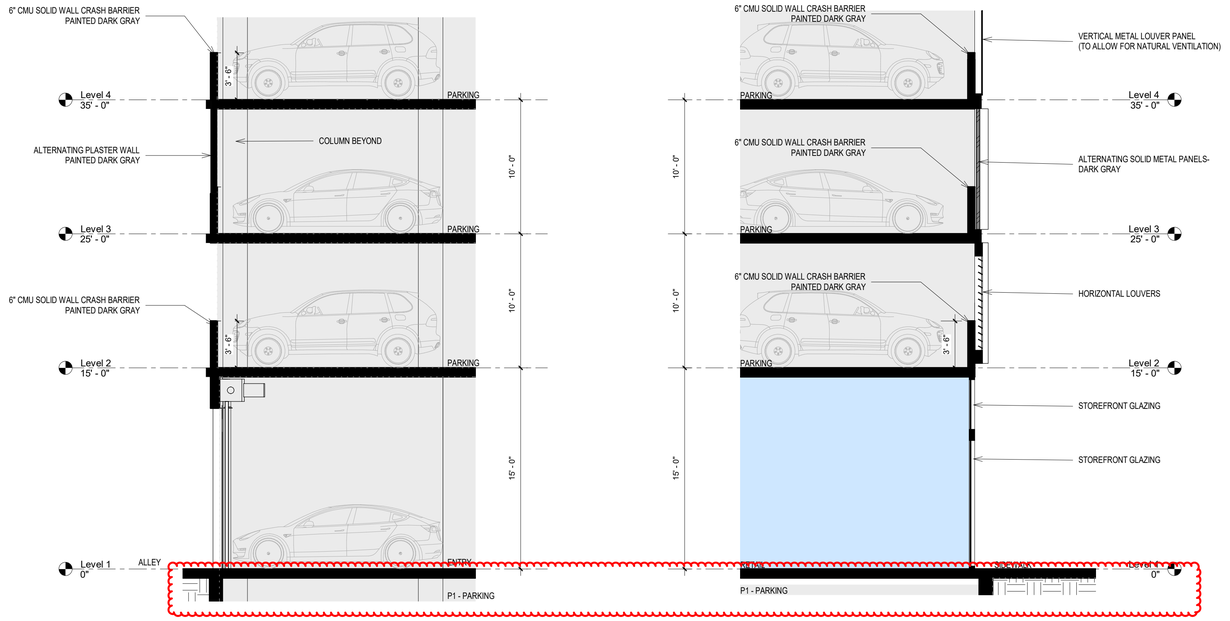
SITE SECTION 1

A3.01

5/31/2022 2:49:48 PM

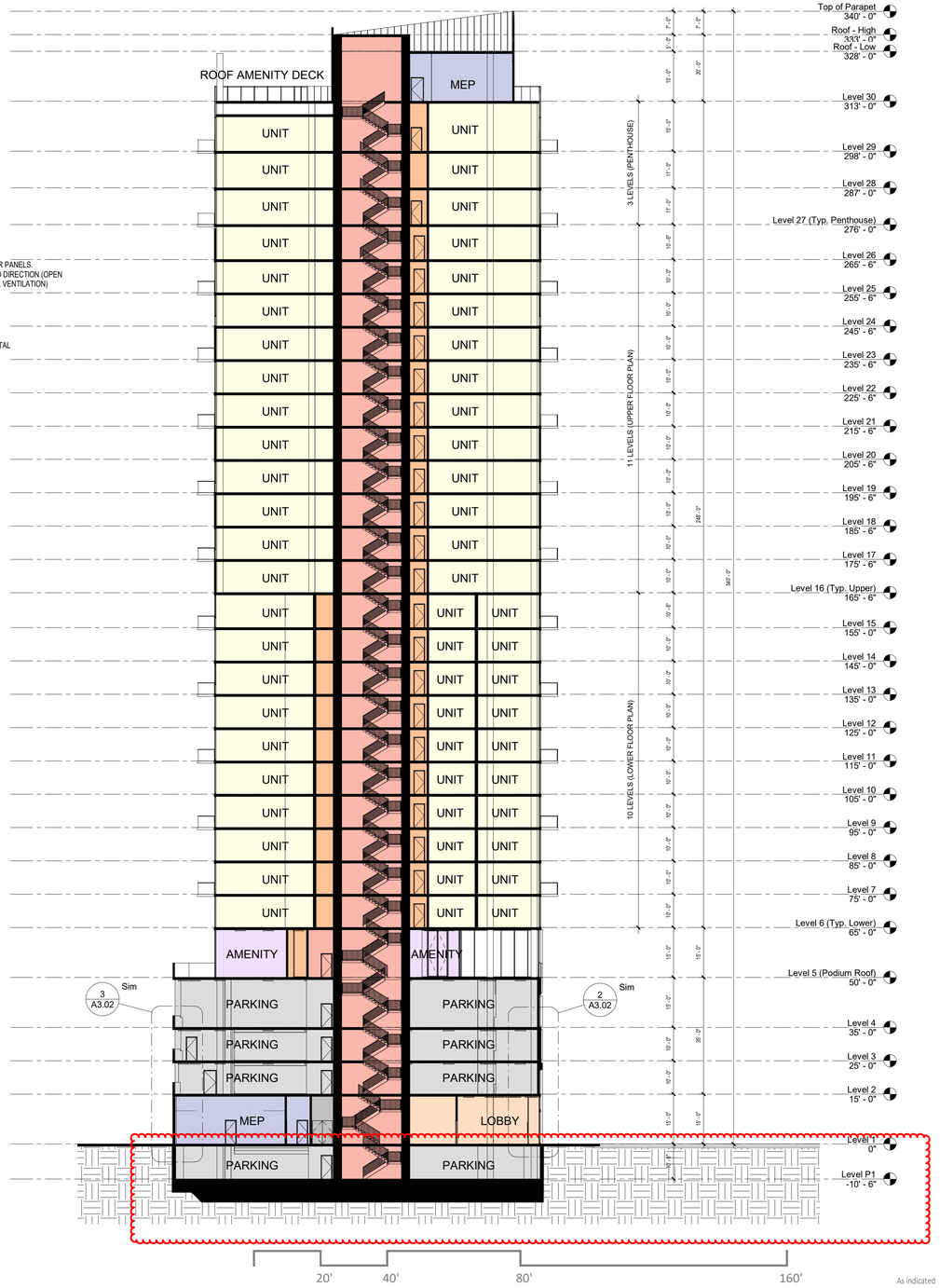






3 *Partial Garage Screen at Alley
3/16" = 1'-0"

2 *Partial Garage Screen at Main St
3/16" = 1'-0"



As indicated

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

SITE SECTION 2- PODIUM SCREENING

A3.02

5/31/2022 2:46:49 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

3D VIEW 1

A4.01

7/14/2021 5:44:54 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

3D VIEW 2

A4.02

7/14/2021 5:44:55 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

3D VIEW 3

A4.03

7/14/2021 5:44:57 PM





1 Tower Entry-Enhanced
1/8" = 1'-0"

0' 50' 100' 200' 400'

1/8" = 1'-0"

FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

3D VIEW 4-ENHANCED LOBBY ENTRY

A4.04

7/14/2021 5:45:14 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

AERIAL VIEW - GOOGLE EARTH LOOKING NORTH

A6.01

7/14/2021 5:45:15 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

AERIAL VIEW - GOOGLE EARTH LOOKING WEST

A6.02

7/14/2021 5:45:16 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

AERIAL VIEW - GOOGLE EARTH LOOKING SOUTH

A6.03

7/14/2021 5:45:18 PM



FRONTIER HOLDINGS WEST, LLC

MVE + PARTNERS

Main Street Tower, Los Angeles, CA 90015

Note: Conceptual Design Package Subject To Change

AERIAL VIEW - GOOGLE EARTH LOOKING EAST

A6.04

7/14/2021 5:45:19 PM

Exhibit B

IRVINE
& ASSOCIATES, INC.

PHONE 213.437.3403
EMAIL Info@IrvineAssoc.com
WEBSITE www.Irvineassoc.com

TO: Jane Choi, Principal City Planner, Department of City Planning

FROM: Tanner Blackman, Sr. Project Manager, Irvine & Associates

DATE: August 2, 2022

RE: SCEA Addendum & Revised Project Description – ZA-2018-7378-ZV-TDR-SPR; VTT-82463 - CORRECTED

Dear Ms. Choi,

Per our recent correspondence, following the approval of ZA-2018-7378-ZV-TDR-SPR and VTT-82463 on February 18, 2022, regarding property located at 1123-1161 S. Main Street in the Central City Community Plan Area, and subsequent submitted appeals, the Applicant, Frontier Holdings West, LLC, has substantially redesigned the project in order to remove the Variance request to allow residential parking as compact parking stalls. As now designed, the project will no longer need the relief provided by the approved Variance. The project has added a subterranean parking floor to accommodate standard width stalls for the residential parking.

Please find the following documents linked or attached to this correspondence.

- **Revised Plans** – the following Architectural Plan sheet numbers have been updated (dated 05/31/22):
  - A0.01, A0.02; A0.05, A0.06, A1.00, A1.01,A1.02, A1.03, A1.04, A2.02, A3.01, & A3.03 (PDF pages 2, 4, 7-13, 23, 28-29);

- **Addendum to ENV-2018-7379-SCEA** – A link to access the SCEA Addendum and all appendices is provided in the email communication for this letter;

- **BTC Receipt** – Payment for mailing for appeal hearing was paid to BTC on 07/28/2022.

Upon removing the Variance request, the requested entitlements for the proposed project are:

> *Pursuant to L.A.M.C. Section 14.5.7, a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total of 343,447 square feet with a 7.03:1 Floor Area Ration (FAR) in lieu of a maximum 6:1 FAR as otherwise permitted;*
>
> *Pursuant to L.A.M.C. Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units; and*
>
> *Pursuant to LAMC Sections 17.01 and 17.15, an approval of Vesting Tentative Tract Map 82463, to create on master ground lot for a high-density urban mixed-use Project containing a maximum of 363 residential apartment units and approximately 12,500 square feet of retail space.*

PHONE 213.437.3403
EMAIL Info@IrvineAssoc.com
WEBSITE www.Irvineassoc.com

The proposed unit count, amount of open space, commercial square footage, setbacks, height, and amenities all remain the same in revised entitlement requests and updated plans. Residential parking count has been reduced by ten parking stalls by taking advantage of bicycle parking reductions, resulting in a total of 353 residential parking stalls and 10 commercial parking stalls. This minor change is noted on plan sheet A0.02.

I hope that you will find the included materials satisfactory. Please let me know if you have any additional questions or needed clarifications.

Thanks in advance.

Regards,



Tanner Blackman
Senior Project Manager
Irvine & Associates, Inc.

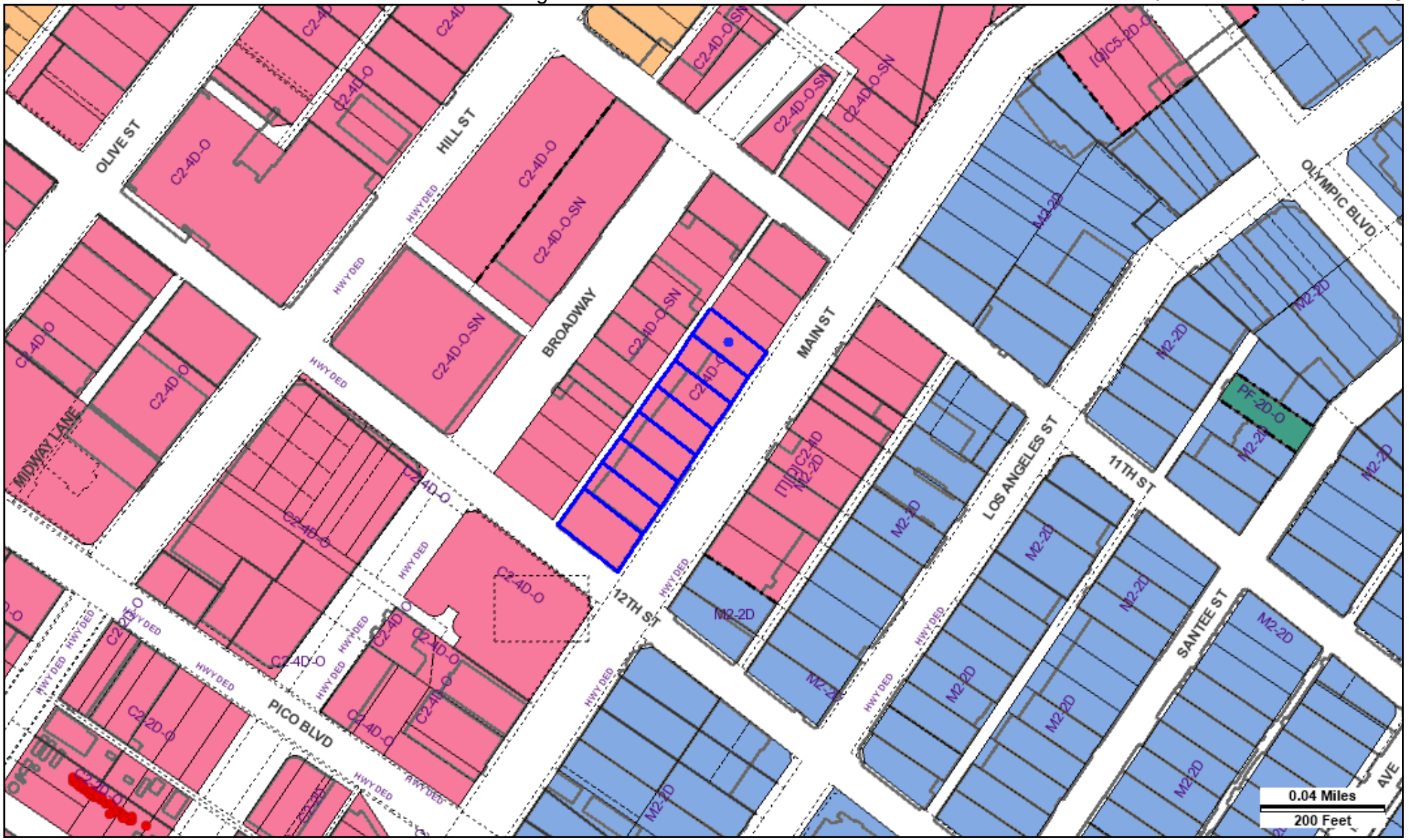
Exhibit C

City of Los Angeles
Department of City Planning

ZIMAS INTRANET

Generalized Zoning

09/23/2022



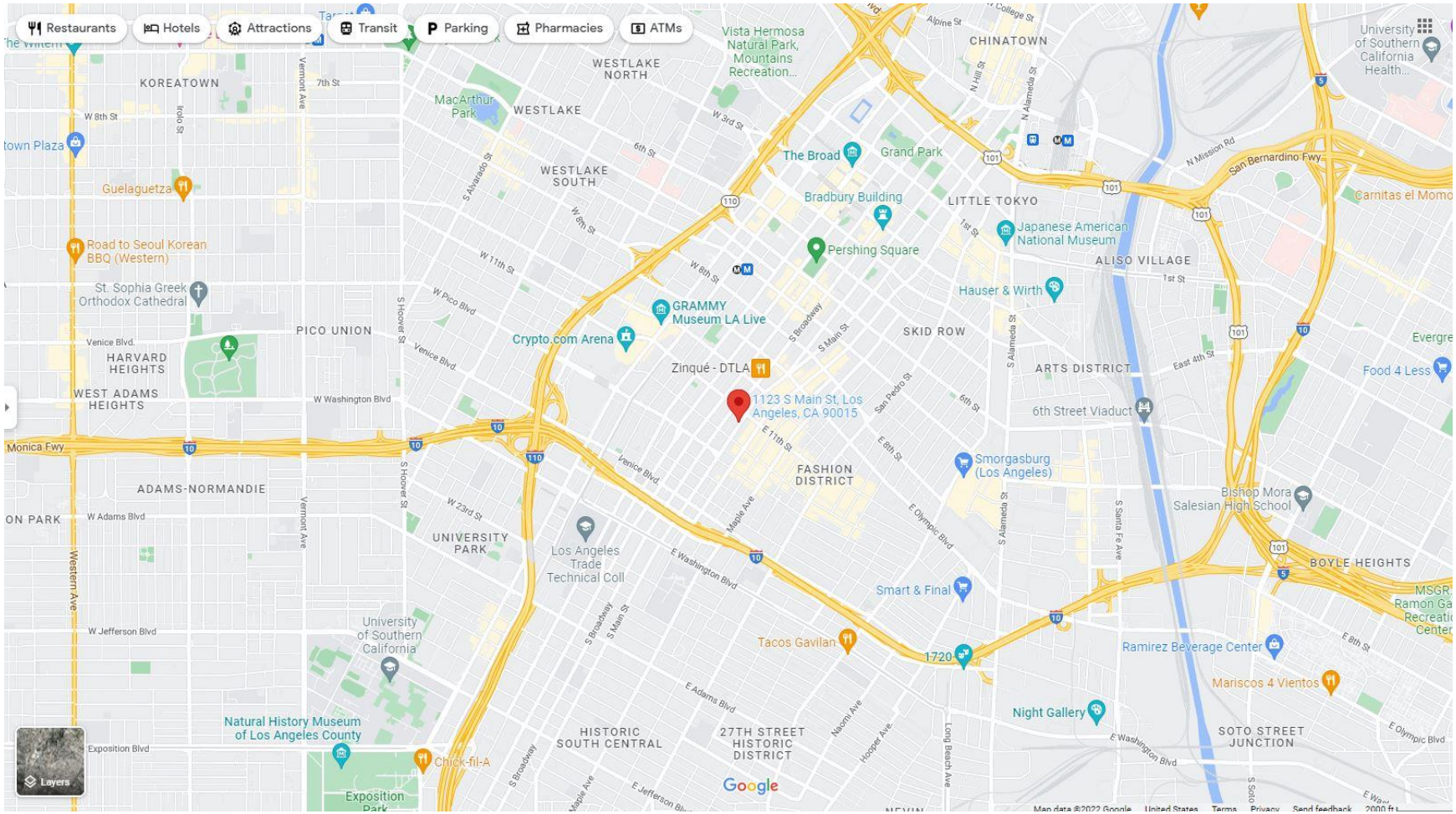
Address: 1123 S MAIN ST
APN: 5139017029
PIN #: 126A209 209

Tract: TR 2289
Block: None
Lot: 41
Arb: None

Zoning: C2-4D-O
General Plan: Regional Center Commercial

N
W E
S

Vicinity Map





LEGAL: LOTS 34 TO 41, TRACT NO. 2289

C.D. 14
C.T. 2079.00
P.A. CENTRAL CITY

GC MAPPING SERVICE, INC.
3055 WEST VALLEY BOULEVARD
ALHAMBRA CA 91803
(626) 441-1080 (626) 441-8850
GCMAPPING@RADIUSMAPS.COM

ZONE VARIANCE
SITE PLAN REVIEW
TRANSFER OF FLOOR AREA

SITE ADDRESS:
1123-1161 MAIN ST.

1.12 NET AC.

CASE NO.
DATE: 12-14-2020
SCALE: 1" = 100'
USES FIELD
D.M. 126 A 209
T.B. PAGE: GRID: E-6

Exhibit D

OFFICE OF ZONING ADMINISTRATION
200 N. SPRING STREET, ROOM 763
LOS ANGELES, CA 90012-4801
(213) 978-1318

ESTINEH MAILIAN
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS
JACK CHIANG
HENRY CHU
JONATHAN A. HERSHEY, AICP
THEODORE L. IRVING, AICP
CHARLES J. RAUSCH JR.
CHRISTINA TOY LEE

CITY OF LOS ANGELES
CALIFORNIA

ERIC GARCETTI
MAYOR

LOS ANGELES DEPARTMENT OF CITY PLANNING
EXECUTIVE OFFICES

VINCENT P. BERTONI, AICP
DIRECTOR

SHANA M.M. BONSTIN
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP
DEPUTY DIRECTOR

LISA M. WEBBER, AICP
DEPUTY DIRECTOR

planning.lacity.org

February 18, 2022

Daniel Taban (A/O)
Frontier Holdings West, LLC
888 S. Figueroa Street, Unit 1900
Los Angeles, CA 90017

Tanner Blackman (R)
Irvine & Associates, Inc.
660 S. Figueroa Street, Unit 1780
Los Angeles, CA 90017

CASE NO. ZA-2018-7378-ZV-TDR-SPR
ZONE VARIANCE, TRANSFER OF FLOOR AREA RIGHTS, SITE PLAN REVIEW
1123-1161 South Main Street and 111 West 12th Street
Central City Community Plan
Zone: C2-4D-O
C.D: 14
D.M.: 126A209
CEQA: ENV-2018-7379-SCEA
Legal Description: Lots 34-41; Tract 2289

Pursuant to California Environmental Quality Act, I hereby FIND:

pursuant to Public Resources Code (PRC) Section 21155.2, after consideration of the whole of the administrative record, including the Senate Bill 375 Sustainable Communities Environmental Assessment dated September 2021, Mitigation Monitoring and Reporting Program under Case No. ENV-2018-7379-SCEA (collectively known as the SCEA), and all comments received, after imposition of all mitigation measures there is no substantial evidence that the project will have a significant effect on the environment; **FIND** that the City Council held a hearing on and adopted the SCEA on February 2, 2022, pursuant to PRC Section 21155.2(b)(6); **FIND** the Project is a "transit priority project" as defined by PRC Section 21155 and the Project has incorporated all feasible mitigation measures, performance standards, or criteria set forth in prior Environmental Impact Reports (EIR), including Southern California Association of Governments (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (Connect SoCal) Program EIR SCH No. 2019011061; **FIND** all potentially significant effects required to be identified in the initial study have been identified and analyzed in the SCEA; **FIND** with respect to each significant effect on the environment required to be identified in the initial study for the SCEA, changes or alterations have been required in or incorporated into the Project that avoid or mitigate the significant effects to a level of insignificance or those changes or alterations are within the responsibility and

jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; **FIND** the SCEA reflects the independent judgment and analysis of the City; **FIND** the mitigation measures have been made enforceable conditions on the project; and **ADOPT** the SCEA,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.27, I hereby APPROVE:

a Variance from LAMC Section 12.21 A.5(c) to permit required residential parking spaces as compact parking stalls;

Pursuant to Los Angeles Municipal Code (LAMC) Section 14.5.7, I hereby APPROVE:

a Transfer of Floor Area Rights of less than 50,000 square feet to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 Floor Area Ratio (FAR) in lieu of a maximum of 6:1 FAR as otherwise permitted; and

Pursuant to Los Angeles Municipal Code (LAMC) Section 16.05, I hereby APPROVE:

a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units,

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.

7. **Variance Authorization**. Authorized herein is the construction, use, and maintenance of all non-ADA required residential parking spaces as compact parking spaces, in conjunction with the construction, use, and maintenance of a new 343,447 square-foot mixed-use building containing 12,500 square feet of commercial use and 363 dwelling units.

8. The project shall provide the full number of automobile parking spaces required pursuant to LAMC Section 12.21 A.4.

9. The project shall provide bicycle parking spaces pursuant to LAMC Sections 12.21 A.4 and 12.21 A.16.

10. **Transfer of Floor Area Rights (TFAR) Conditions**.

    a. **Floor Area**. The development shall not exceed a maximum Floor Area Ratio (FAR) of 7.03:1 and a total floor area of 343,447 square feet. The TFAR Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR is not required. The lot area used to calculate the base floor area permitted shall be 48,908 square feet with a 6:1 FAR. Changes to the project that result in a 20-percent decrease in floor area, or more, shall require new entitlements.

    b. **TFAR Public Benefit Payment**. The project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.7 through 14.5.12 of the Code.

        i. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of $1,765,183, provided that at least 50 percent (or $882,592) of the Public Benefit Payment consists of cash payment by the Applicant to the Public Benefit Payment Trust Fund. Payment to the Public Benefit Payment Trust Fund shall be made through the Office of Chief Legislative Analyst. Proof of payment shall be provided in the form of a receipt from the City Clerk’s Office.

        ii. Consistent with the TFAR Ordinance, the Applicant shall provide the remaining 50 percent (or $882,591) of the Public Benefit Payment through the Direct Provision of Public Benefits by payment to the Affordable Housing Trust Fund managed by the Los Angeles Housing

Department (LAHD). The funds shall be utilized towards construction and operation of affordable housing projects within Council District 14.

iii. The applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provision of Public Benefits towards the Affordable Housing Trust Fund, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment to the Public Benefit Payment Trust Fund is required upon the earliest occurrence of either:

1. The issuance of the building permit for the project; or

2. Twenty-four months after the final approval of the Transfer and expiration of any appeals or appeal period. Should the Applicant not make the required payments within the specified time, the subject approval shall expire, unless extended by the Director of Planning in writing.

11. Downtown Design Guide Conditions

a. **Sidewalk Easement**. The project shall provide an average sidewalk easement of three feet along 12th Street and two feet along Main Street, as shown on Sheet A0.01.1 of Exhibit “A.” The building shall not project more than five horizontal feet over the required sidewalk easement nor below 40 vertical feet above the sidewalk.

b. **Setbacks**. The project shall observe zero-foot setbacks at the back of the required sidewalk easements along 12th Street and Main Street, except for the corner at the intersection of 12th Street and Main Street and a 65-foot segment along Main Street, as shown on Sheet A0.01.1 of Exhibit “A”.

c. **Tower Spacing**. The proposed tower shall be located a minimum of 71 feet from the proposed hotel tower located at 1140 South Broadway, as shown on Sheet A0.05 of Exhibit “A”.

d. **Street Wall**.

i. **12th Street**. At least 101 linear feet of the 116-foot building frontage shall provide a building street wall at the back of the sidewalk easement for a minimum height of 50 feet.

ii. **Main Street**. At least 357 linear feet of the 422-foot building frontage shall provide a building street wall at the back of the sidewalk easement for a minimum height of 50 feet.

e. **Parking Podium Design**. Facades of all above-grade vehicle parking structures shall be enclosed and screened to minimize visual impacts on the public realm in substantial conformance with materials, colors and design as

shown on Sheets A2.01, A2.02, A2.03, and A3.02 of Exhibit "A." As shown in Exhibit "A," the exterior of the above-grade parking garage shall be screened with solid metal panels, vertical louver panels with alternating angled direction, frosted glazing, horizontal metal louvers, and 42-inch high solid crash barrier behind metal panels on east and south elevations; gray metal panels and painted plaster on the north elevation; and solid wall painted dark gray on the west elevation.

f. **Ground Floor Treatment**.

i. Wall openings shall comprise at least 50 percent of the street level façade on both 12th Street and Main Street.

ii. The building's primary entrance shall be located on a public street.

iii. At least one building entrance shall be provided along each street frontage.

iv. The project shall provide well-marked entrances to cue access and use.

v. The treatment of primary building entrances or lobbies for mixed-use buildings shall be accentuated and differentiated from other building uses at the street front through changes in building massing, material, treatment and/or articulation.

vi. Awnings and canopies shall be constructed of woven fabric, glass, metal or other permanent material compatible with the building architecture.

vii. Electrical transformers, mechanical equipment and other equipment shall not be located along the ground floor street wall of 12th Street or Main Street.

viii. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls and other elements that are not pedestrian-oriented shall not be located within 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

g. **Active Uses on the Ground Floor**. At least 75 percent of the ground floor street frontages along 12th Street and Main Street shall be designed to accommodate active uses as defined in Section 4.B.1 of the Downtown Design Guide.

h. **Signage**. The applicant shall submit a final sign plan for the entire project to the Department of City Planning, Central Project Planning Division for review and approval prior to obtaining any sign permits. The final sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way.

12. **Site Plan Review Conditions**.

a. **Building Height**. The project shall be limited to a maximum building height of 340 feet, as measured from Grade to the top of the parapet or roof structures, whichever is highest.

b. **Landscape Plan**. All open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

c. **Trees**. The applicant shall plant a minimum of 91 24-inch box trees, or larger, on site and/or in the public right-of-way pursuant to LAMC Section 12.21 G.2.

d. **Electric Vehicle Parking**. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

e. **Solar Panels**. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

f. **Solar and Electric Generator**. Generators used during the construction process shall be electric or solar powered, wherever feasible. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

g. **Trash Storage**. Trash storage and collection shall be enclosed in the parking garage and shall not be visible from the public right-of-way. Trash collection shall occur within the enclosed parking garage and shall not interfere with traffic on any public street.

h. **Mechanical Equipment**. All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.

i. **Lighting**. All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties and the night sky unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes.

j. **Signage**. Any signage shall comply with the Municipal Code or other applicable laws. No sign rights are granted with this case. There shall be no off-site signage on construction fencing during construction.

13. **Environmental Clearance Conditions**.

a. **Implementation**. The Mitigation Monitoring and Reporting Program (MMRP), attached as Exhibit "B" and part of the case file, shall be enforced throughout all phases of the project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measures (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

b. **Construction Monitor**. Prior to the issuance of building permits and during the construction phase, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in the MMRP, attached as Exhibit "B" and part of the case file.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

c. **Substantial Conformance and Modification**. After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMRP and the need to protect the environment. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The project shall be in substantial conformance with the PDFs and MMs in the MMRP stamped Exhibit "B" attached to the subject case file. The implementing

and enforcing agencies may determine substantial conformance with PDFs and MMs in the MMRP. If substantial conformance results in effectively deleting or modifying the PDFs and/or the MMs, the Director of Planning shall provide a written justification supported by substantial evidence as to why the PDF and/or the MM, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted PDFs, MMs or MMRP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the MMs and/or PDFs results in a substantial change to the project or the non-environmental conditions of approval.

d. **Tribal Cultural Resource Inadvertent Discovery**. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, use of an auger, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- The Applicant shall implement the tribe’s recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe’s recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any

affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.

- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

14. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its

sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial

physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

> "A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than $2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **March 7, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at http://planning.lacity.org**. Public offices are located at:

Downtown	**San Fernando Valley**	**West Los Angeles**
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 (213) 482-7077	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 (818) 374-5050	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 (310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on December 8, 2021, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a Zone Variance, Transfer of Floor Area, and Site Plan Review under the provisions of City Charter Section 562 and LAMC Sections 12.27, 14.5.7 and 16.05, respectively, have been established by the following facts:

BACKGROUND

The subject property, comprised of eight lots, is a level, irregularly-shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The depth of the lot tapers from approximately 120 feet along the southwest to approximately 112 feet along the northeast. The site abuts a 12-foot-wide public alley to the west.

The site is currently developed with four on-story commercial buildings totaling approximately 23,000 square feet and an on-grade surface parking lot. The project site does not contain any trees; however, there are eight non-protected street trees along Main Street and one non-protected street tree along 12th Street.

The project site is located within the Central City Community Plan area, which designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Development “D” Limitation in Ordinance No. 164,307, Subarea 2880 limits the maximum Floor Area Ratio (FAR) of the site to 6:1, unless a Transfer of Floor Area is authorized.

The project site is further located within the City Center Redevelopment Project Area (ZI-2488), the Greater Downtown Housing Incentive Area, a Transit Priority Area, a Tier 3 Transit Oriented Community, an Adaptive Reuse Incentive Area, Urban Agriculture Incentive

Zone, Central City and Downtown Parking areas; the Los Angeles State Enterprise Zone, Fashion District Business Improvement District, South Los Angeles Transit Empowerment Zone; the Methane Zone of a Methane Hazard Site, and within the Fault Zone of the Puente Hills Blind Thrust fault.

The proposed project is subject to the Downtown Design Guide and Downtown Street Standards.

The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. All of the street trees along Main and 12th Streets will be removed. A total of 5,434 cubic yards of soil will be exported from the project site.

Requested Entitlements

Zone Variance

Pursuant to LAMC Section 12.21 A.5(c), in each parking area or garage devoted to parking for dwelling uses, in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars. The project proposes a total of 363 dwelling units and 363 parking stalls for the residential use. The applicant requests a Zone Variance to permit 100 percent of the residential parking spaces to be designed as compact parking stalls.

Transfer of Floor Area Rights

Existing “D” Development Limitations limits development of the site to a maximum FAR of 6:1, which allows a maximum floor area of 293,448 square feet for a project site with a lot area of 48,908 square feet, pre-dedication. Pursuant to LAMC Section 14.5.7, the Applicant requests a Transfer of Floor Area Rights (TFAR) of less than 50,000 square feet to allow an increase of 49,999 square feet of floor area for a total of 343,447 square feet with a maximum FAR of 7.03:1.

Table 1: Description of the existing and proposed floor area for the project.

	Permitted		Requested		Transfer
Project Site Buildable Lot Area (Square Feet)	Floor Area Ratio	Floor Area (Square Feet)	Floor Area Ratio	Floor Area (Square Feet)	Maximum Floor Area Rights Transferred (Square Feet)

48,908*	6:1	293,448	7.03:1	343,447	49,999
*Lot Area used for the Transfer of Floor Area calculation is defined as the total horizontal area within the lot lines of a lot prior to any dedication pursuant to LAMC Section 14.5.3.					

Pursuant to LAMC Section 14.5.7 A.3(b)(1), the TFAR shall provide public benefits equivalent in value to the dollar amount otherwise required for a Public Benefit Payment, in conformance with LAMC Section 14.5.9. The Public Benefit Payment is calculated based on the sale price of the receiver site, if it has been purchased within 18 months of the date of submission of the request for approval of the transfer, or an appraisal, if it has not. The project site consists of eight lots (Lots 34-41 of Tract 2289). Two lots (Lots 36 and 37) were purchased within 18 months from the TFAR application submission date of December 13, 2018, for a total sale price of $5,400,000, and the remaining six lots (Lots 34, 35, 38, 39, 40, and 41) were purchased outside of 18 months of the TFAR application submission date, with an appraised value of $26,900,000 per the Appraisal Report prepared by CBRE on December 11, 2018 and revised on May 12, 2021. Based on the formula set forth in LAMC Section 14.5.9C the applicant is required to provide a Public Benefit Payment of $1,765,183.

LAMC Section 14.5.9 states that a Public Benefit Payment shall be provided as part of an approved Transfer Plan and shall serve a public purpose, including providing for affordable housing. LAMC Section 14.5.9 further stipulates that a Public Benefit Payment may be provided by any combination of the payment of monies to the TFAR Public Benefit Payment Trust Fund or by the direct provision of Public Benefits by the applicant; provided, however, that without City Council approval, at least 50 percent of the Public Benefit Payment must consist of cash payment by the applicant to the Public Benefit Payment Trust Fund. The applicant proposes to allocate 50 percent of the $1,765,183 Public Benefit Payment, that is $882,592, towards the TFAR Public Benefit Payment Trust Fund, and the remaining 50 percent towards the Los Angeles Housing Department’s Affordable Housing Trust Fund.

LAMC Section 14.5.5 states that for Receiver Sites within the City Center Redevelopment Project Area, Agency staff shall concurrently consult with the Department of City Planning, the Mayor’s Office, the City Council Office for the City Council District in which the Receiver Site is located, and the Chief Legislative Analyst at the earliest reasonable point in the design and development of any Project involving a Transfer. This consultant is known as an Early Consultation Session, which is used to identify any development issues regarding project approval, including but not limited to: parking and transportation requirements, transfers, and public benefits.

For the proposed project, an Early Consultation Session was held on June 8, 2021, with the management of the Department of City Planning, Mayor’s Office, City Council Offices 9 and 14, and the Office of Chief Legislative Analyst. The group was supportive of the applicant’s proposal for the Public Benefit Payment.

Site Plan Review

The applicant requests a Site Plan Review for a development project which creates, or results in an increase of, 50 or more dwelling units, pursuant to LAMC Section 16.05.

Vesting Tentative Tract Map

The applicant concurrently requests approval of Vesting Tentative Tract Map No. 82463 to permit the merger of eight lots into one master ground lot for the construction of a mixed-use development and a haul route to export 5,434 cubic yards of soil from the project site under Related Case No. VTT-82463.

Sustainable Communities Environmental Assessment (Case No. ENV--2018-7379-SCEA)

On February 2, 2022, the Los Angeles City Council adopted (Council File 21-1053) the proposed Sustainable Communities Environmental Assessment as the environmental review for the proposed project.

Surrounding properties

The northeast adjoining properties are designated for Regional Commercial land uses, zoned C2-4D-SN, and developed with an on-grade surface parking lot fronting on Main Street and a two-level parking structure fronting on Broadway. The east adjoining properties, across Main Street, are designated for Regional Commercial and Light Industrial land uses, zoned [T][Q]C2-4D and M2-2D, and developed with one- and two-story wholesale, import, and retail shops. Many of these properties are part of an approval for the development of 379 dwelling units and 25,800 square feet of commercial space in an eight-story building. The south adjoining property, across the intersection of Main Steet and 12th Street, is designated for Light Industrial land uses, zoned M2-2D, and developed with a one-story wholesale, import, and retail shops. The southwest adjoining property, across 12th Street, is designated for Regional Commercial land uses, zoned C2-4D-O, and developed with a 214-unit, seven-story mixed-use building with ground-level retail space, constructed circa 2017. The west adjoining properties, fronting on Broadway and across an alleyway, is designated for Regional Commercial land uses, zoned C2-4D-O-SN, and developed with an on-grade surface parking lot and two two-story commercial buildings. A 139-room, 14-story hotel with ground floor restaurant was approved for construction on two of the lots.

Streets

Main Street, located to the east of the subject property, is a designated Modified Avenue I, currently dedicated to a width of 100 feet and improved with concrete curb, gutter, sidewalk, street trees and street lights.

12th Street, located to the south of the subject property, is a designated Modified Collector, currently dedicated to a width of 62 feet and improved with concrete curb, gutter, sidewalk, street trees and street lights.

Alley, located to the west of the subject property, is dedicated to a width of 12 feet and improved with asphalt pavement.

Previous Cases, Affidavits, and Orders

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

Subject Property:

VTT-82463 – Considered concurrently with this grant, a Vesting Tentative Tract for the merger of eight lots into one master ground lot for the construction of a mixed-use development and a haul route to export 5,434 cubic yards of soil from the project site.

Ordinance No. 164,307, Subarea 2880 – On January 30, 1989, Ordinance No. 164,307 became effective, changing the Zone and Height District of the subject property located in Subarea 2880 from M2-4-O to C2-4D-O, with "D" Development Limitations limiting the maximum FAR to 6:1, unless otherwise approved through a Transfer of Floor Area or provisions of the Los Angeles Community Redevelopment Agency (CRA/LA) redevelopment plan for the area.

Surrounding Properties:

Case No. ZA-2018-3288-CUB-SPR-1A – On October 4, 2019, an appeal of the Zoning Administrator's decision to approve a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with a hotel and a Site Plan Review for the construction, use and maintenance of a project (hotel) containing 50 or more guest rooms, located at 1140 South Broadway has been denied due to the Central Area Planning Commission being unable to hold a hearing on the appeal without an extension of time from the applicant.

Case No. CPC-2016-3824-GPA-VZC-HD-MSC-SPR – On April 12, 2018, the City Planning Commission approved and recommended that the City Council adopt a General Plan Amendment to the Central City Community Plan from Light Manufacturing to Regional Commercial and a Vesting Zone Change and Height District Change from M2-2D to [T][Q]C2-4D, and approved a Director's Determination to permit a 10-percent reduction in the required open space and a Site Plan Review for a project with 379 dwelling units, located at 1100-1146 South Main Street and 106-112 East 11th Street. On August 15, 2018, City Council approved the General Plan Amendment from Light Manufacturing to Regional Commercial and adopted the Zone Change Ordinance, effectuating a Vesting Zone Change and Height District Change from M2-2D to [T][Q]C2-4D.

Case No. ZA-2016-3025-ZV – On May 15, 2017, the Zoning Administrator approved a Zone Variance from LAMC Section 12.21 A.4 to permit zero automobile parking spaces in lieu of five required parking spaces in conjunction with a change of use from 5,031 square feet of existing storage to commercial uses within the basement

level of an existing building, on property located within the C2-4D-O Zone, at 110 West 11th Street.

Case No. ZA-2014-1439-CUB-CUX-ZV-2A – On October 20, 2015, City Council denied an appeal and supported the Central Area Planning Commission's decision in sustaining the decision of the Zoning Administrator approving a Zone Variance to grant the floor area ratio (FAR) of 14.47:1 in lieu of the maximum FAR of 6:1 that is allowed by Ordinance No. 164,307, a Zone Variance from LAMC Sections 12.21 A.4 and 12.21 A.16 to permit zero vehicular parking spaces and six bicycle parking spaces on-site in lieu of eight vehicle parking spaces and six bicycle parking spaces that are otherwise required, all in conjunction with the proposed hotel and associated facilities, on property located within the C2-4D-O Zone, at 1100-1106 South Broadway and 112-120 West 11th Street.

DIR-2015-1365-SPR-CDO-1A – On September 8, 2015, the Central Area Planning Commission denied an appeal and sustained the Director of Planning's decision in denying a Site Plan Review and CDO Plan Approval for the addition of a pedestrian bridge across Olympic Boulevard connecting two previously approved mixed-use residential buildings located at 928-1026 South Broadway.

DIR-2013-1216-SPR-CDO-M1 – On February 12, 2014, the Director of Planning approved a CDO Plan Approval for the construction of a mixed-use building with 35,609 square feet of ground floor commercial space and 437 residential dwelling units, and a Site Plan Review for the construction of two buildings with a combined floor area of 973,186 square feet and 684 residential dwelling units including 17 live/work units and 58,471 square feet of commercial space, located at 928-1026 South Broadway. On June 17, 2014, the Director of Planning approved a Modification to allow three subterranean levels of parking Building A, 1026 South Broadway, with a maximum of 519 parking spaces.

Case No. ZA-2006-10115-CUX-ZV-1A – On January 22, 2008, the Central Area Planning Commission denied an appeal and sustained the Zoning Administrator's decision denying a Conditional Use Permit to permit a hostess dance hall with live entertainment in the basement level of an existing building in the M2-2D Zone and a Zone Variance from LAMC Section 12.21 A.4(i) to permit the required 22 parking spaces within 750 feet from the site on an off-site location through a parking agreement in lieu of the required covenant and agreement, located at 1240 South Main Street.

Case No. ZA-2006-6513-CUB-CUX-CU-ZV-ZAA-SPR-2A – On May 10, 2007, the City Planning Commission denied appeals and sustained the Zoning Administrator's approval of a Site Plan Review permitting the construction, use and maintenance of 587 residential condominium units and approximately 90,000 square feet of office and commercial space in the C2-4D-O Zone in addition to Conditional Use Permits for the sale and dispensing of alcoholic beverages, dancing, floor area averaging in a unified development and use of game machines, a Zone Variance for density, and a Zoning Administrator's Adjustment for reduced setbacks for a project located at 111

South Broadway. On November 6, 2007, City Council denied appeals and supported the City Planning Commission's decision in sustaining the Zoning Administrator's approval of the Zone Variance.

Additional Cases

Case No. ZA 2016-0015(SPR)(ZV)(TDR) – On August 24, 2016, the Zoning Administrator approved a Transfer of Floor Area, Site Plan Review, and a Variance to authorize all required residential parking stalls and 91 percent of the required commercial parking spaces to be provided as compact parking stalls, in conjunction with the construction, use and maintenance of 154 dwelling units and 10,700 square feet of ground floor commercial/retail space, on property located within the C2-2D-O Zone, at 1340-1356 South Olive Street, 211-219 West 14th Street, and 1359-1363 South Hill Street.

Case No. CPC 2013-4134-TDR-MCUP-ZV-SPR-1A – On April 17, 2015, City Council denied an appeal, and approved a Transfer of Floor Area, Main Conditional Use Permit, Site Plan Review, and Variances to authorize all required commercial and residential parking to be provided as compact parking stalls, among other entitlements, in conjunction with the construction, use and maintenance of 522 dwelling units and 4,500 square feet of ground floor commercial/retail space, on property located within the [Q]R5-4D Zone, at 820, 826 South Olive Street and 817-826 South Hill Street.

Case No. ZA 2005-1867(ZV)(CU)(YV)(ZAA)(SPR) – On November 22, 2005, the Zoning Administrator approved Conditional Uses, Yard Variances, Zoning Administrator's Adjustments, Site Plan Review, and Variances, including to authorize 26 Joint Live Work Quarters to provide required parking as compact stalls, among other entitlements, in conjunction with the construction, use and maintenance of 311 Joint Live Work Quarters condominium units on property located within the [Q]R5-4D-O Zone, at 1155 South Grand Avenue.

Correspondence

Tanner Blackman, Irvine & Associates – In letter submitted on February 3, 2022, the applicant's representative supplemented the record in response to requests made by the Zoning Administrator, including clarifications: of the location of standard depth parking stalls within the proposed parking lot layout; citations of prior Zoning Administrator cases which have considered similar Variance requests; and an in-depth analysis of the proposed parking layout in contrast with a parking layout including all required standard parking stalls.

R. Matthew Hayden, Hayden Planning – In a letter dated December 8, 2021, and on behalf of United Broadway, LLC, requests that the project be re-designed to avoid conflicts with the project approved for development at 1138-1140 South Broadway. Mr. Hayden argues that the proposed project will block views, cast shade, and negatively affect the use and enjoyment of the hotel, stating that the applicant can relocate the proposed tower to avoid these impacts. It is argued that the circumstances for requesting the variance are a self-imposed hardship, and that granting the request would be materially detrimental to his

client's property because it supports the project design which will block and shade guest views; that the site plan review cannot support the proposed tower arrangement because it is not compatible with the adjacent hotel project; and that the requested transfer of floor area exacerbates the impacts on the adjacent hotel project.

Jessica Lall, President and CEO, Central City Association – In a letter dated November 29, 2021, the CCA stated their support for the project, stating that the project "will enliven DTLA and provide much needed housing to support the City's ability to meet its RHNA requirement of approximately 500,000 new units by 2029", and it "will continue to bolster the city's urban core by bringing in new jobs during and after construction and locating economic opportunities in the Los Angeles' region mobility hub."

Patricia Berman, DLANC President – In a letter dated March 12, 2019, the Neighborhood Council voiced their support for the project, and recommended two conditions:

- Applicant will maintain pedestrian access if the sidewalk is temporarily closed during construction.
- Applicant will ensure any temporary walkways covered due to construction (e.g., scaffolding) are well-lit.

Anthony Rodriguez, Executive Director, LA Fashion District Business Improvement District – In an undated letter, Mr. Rodriguez states his support for the project.

Jeff Modrzujewski, Executive Director, CREED LA – In an undated letter, CREED LA states their support for the project.

Staff also received six comment letters from the following parties during the public comment period for the Draft SCEA:

- Lozeau Drury, LLP, dated October 4, 2021, requesting the City to send the party a notice of any and all actions or hearings related to the proposed project.
- Adams Broadwell Joseph & Cardozo, dated October 8, 2021, requesting immediate access to any and all documents referenced or relied upon in the Draft SCEA prepared for the proposed project.
- Marta Stanton, dated October 8, 2021, requesting that all damages to the nearby lots, including sidewalks and streets, are repaired and restored after the demolition and construction of the project and all required soil safety measures are taken to prevent damage or sinkholes to the nearby lots.
- Kisinger Environmental Consulting, dated October 29, 2021, providing comments related to environmental impacts on traffic, noise, air quality and greenhouse gas emissions under the Draft SCEA.
- Lozeau Drury, LLP, dated November 1, 2021, commenting on the SCEA that an EIR should be prepared for the project.

- Mitchell M. Tsai, dated November 1, 2021, commenting on the SCEA that the City should require the applicant to provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to building project.

All parties have been added to the interested parties' list to be notified of any and all activities related to the proposed project. Additionally, a Responses to Comment Letters has been prepared on November 11, 2021, providing detailed responses to comments included in these letters. The Responses to Comment Letters is placed in the case file.

Lastly, staff received a letter from Jeff Modrzujewski (Executive Director, CREEDLA) dated December 17, 2018 and Mitchell M. Tsai, dated November 15, 2021, requesting information related to the project under the Public Records Act (PRA). Staff provided all of the requested information to the party pursuant to the PRA.

PUBLIC HEARING

A Notice of Public Hearing was sent to abutting property owners and/or occupants residing near the subject site for which an application was filed with the Department of City Planning. All interested persons were invited to attend the public hearing where they could listen, ask questions or present testimony regarding the project. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. A joint public hearing was held before the Zoning Administrator and the Advisory Agency on December 8, 2021 at 9:30 a.m. Due to concerns over COVID-19, the hearing was conducted entirely telephonically. 41 individuals attended the meeting. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application.

Tanner Blackman, the applicant's representative, summarized the project and request;

- Showed a presentation, a copy of which is attached to the case file.
- The project is called "Main Street Tower".
- The depth of the lot narrows from south to north.
- Three other projects in the downtown area have been grated a similar variance request.
- The project is set back from the property line 4 feet.
- The project has the support of the local Neighborhood Council and Central City Association.

In response to questions by the Zoning Administrator, the following clarifications were offered:

- Project is seeking a 100% waiver of the provision to provide standard parking stalls for residential uses only in case there is a shortcoming in the available space.
- A landscape plan will be submitted as part of plan check.

Following this testimony, the hearing was opened to receive public testimony:

Comments from 14 individuals, representing local community organizations, institutions, and labor unions voiced the following comments in support of the project:

- I/we are in support of the project.
- The project a necessity for the community/city.
- The project provides necessary jobs and training opportunities for construction trades.

The following testimony was voiced in opposition or concern about the project:

Debbie Kinsinger

- I am the environmental representative for Broadway LLC.
- I have submitted a letter.
- We have concerns about the adequacy of the air quality assessment in the environmental review.
- Emission levels were underestimated.
- There are problems with the model assumptions and changes in the project timelines.

Victoria

- I represent Saber.
- We have submitted comments regarding the proposed SCEA environmental review document.
- The analysis fails to incorporate all feasible mitigation measures.
- The Air Quality emissions findings are not supported.

Fred Gaines

- I represent the adjoining property owner, United Broadway LLC.
- We have submitted a letter in opposition to the project.
- This project requires an EIR; there is substantial evidence of impacts not addressed.
- The SCEA fails to describe or recognize the recently approved hotel project located at 1148-1142 South Broadway.

Matthew Hayden

- I represent the adjoining property owner, United Broadway LLC.
- The proposed project does not need the proposed building height.
- The site is being redeveloped – no Variance is necessary.
- The proposed project is not compatible with the proposed hotel on Broadway.
- The tower should be shifted southerly.

Karan Benji

- I own 1140 South Broadway.
- We worked with the applicant to redesign our building.
- The project will result in shade/shadow impacts, noise, and air quality impacts.
- Please deny the requests.

After receiving public testimony, the applicant was given an opportunity to respond to the comments given:

Tanner Blackman

- A landscape plan will be submitted.
- There is no height limit at this site; no discretionary action is requested to allow the proposed the height.
- In order to provide the required standard parking stalls, the project would result in an additional parking level, which would not be compliant with the Design Guide.

Shane Parker

- I am the environmental review consultant for the project.
- We have reviewed comments concerning the SCEA.
- The comments we have reviewed were misleading and erroneous.
- No new analysis of the project is required, and no new impacts have been identified.

At the conclusion of the hearing, the Zoning Administrator stated that the matter would be taken under advisement until City Council has adopted the proposed Sustainable Community Environmental Assessment for the project.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

ZONE VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the zoning ordinance would result in the practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.**

   The subject property, comprised of eight lots, is a level, irregularly-shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The depth of the lot tapers from approximately 120 feet along the southwest to approximately 112 feet along the northeast. The site abuts a 12-foot-wide public alley to the west.

   The project site is located within the City Center Redevelopment Project Area (ZI-2488), the Greater Downtown Housing Incentive Area, a Transit Priority Area, a Tier 3 Transit Oriented Community, an Adaptive Reuse Incentive Area, Central City and Downtown Parking areas, and the Los Angeles State Enterprise Zone.

The proposed project is subject to the Downtown Design Guide and Downtown Street Standards.

The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. All of the street trees along Main and 12th Streets will be removed. A total of 5,434 cubic yards of soil will be exported from the project site.

Pursuant to LAMC Section 12.21 A.5(c), in each parking area or garage devoted to parking for dwelling uses, in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars.

According to the applicant:

> Strict application of the zoning code would result in providing less residential parking than what is required by code as fewer spaces would fit within the maximum three levels of above-grade podium allowed per the Downtown Design Guidelines. The project team analyzed several potential parking layouts to minimize the variance request, but all other parking layouts were less efficient than the proposed design and would have required additional podium floors in excess of the Downtown Design Guidelines to accommodate code-required parking space. Other parking arrangements considered include Standard Parking Bay Widths for One-Way Traffic and Double Loades Aisles, Standard Parking Bay and Aisle Widths for One-Way Traffic and Single Loaded Aisles, Standard Parking Bay and Aisle Widths for Two-Way Traffic and Double Loaded Aisles, and Standard Parking Bay and Aisle Widths for Two-Way Traffic and Single Loaded Aisles. A letter report, dated February 2, 2022, prepared by KOA Corporation (“KOA Report”) has been provided to the City Planning Department (which is incorporated herein by this reference). That letter report assesses the efficiency and potential loss of parking of each alternative parking design. KOA found that:
>
> > *“If the upper levels of parking were to be redesigned to conform to standard parking stall, aisle, and bay width dimensional requirements within the Project site’s constrained envelope, each level of parking would lose approximately between 25 to 40 parking space capacity. This would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies.”*

> … the depth of the Project Site from the Main St frontage to the alley tapers significantly from north to south and is less than the prevailing lot depth of standard lots throughout Downtown LA. As such, at the Project Site it is not possible to park with the required number of parking stalls at standard stall dimensions within the maximum allowed levels of parking podium, and, due to the insufficiency of lot depth, the Project is not able to provide required standard size parking stalls for the proposed development.

The applicant's request has merit. The applicant has demonstrated, through submitted evidence, that several different parking configurations have been considered to achieve code compliance, however, due to the shallow and tapered depth of the lot, they all are unable to realize full compliance, resulting in a practical difficulty. Providing the code-required standard-sized parking stalls would require the construction of additional parking levels, involving substantial additional costs and/or the need to request additional discretionary actions, resulting in an unnecessary hardship in an area where parking standards are increasingly relaxed, waived, or reduced through incentives, policies, and discretionary action in conjunction with the development of residential uses. The applicant is otherwise fully compliant with the developmental requirements and limitations of the lot.

Among general purpose of the zoning ordinance is "… to encourage the most appropriate use of land …" (Los Angeles Municipal Code Section 12.03). It is undeniable that the demand for housing has outpaced the production of housing across the city. Over the last couple of decades, a concerted effort has been made to incentivize increased housing production in the downtown area of the city. The project proposes to redevelop property containing a parking lot and one-story commercial buildings with 363 new dwelling units, with 12,500 square feet of ground-level commercial/retail space. The proposed project is a more appropriate use of land than the current use, and denial of the request would jeopardize the feasibility of project; to require compliance with the letter of the regulation would be inconsistent with encouraging the most appropriate use of land. Inasmuch as the project will provide the number of required parking spaces in conjunction with the project, and the project being located within the transit-, employment-, service-, and commercial-rich downtown Los Angeles, the strict application of the provisions of the zoning ordinance would result in the practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.

2. **There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property, comprised of eight lots, is a level, irregularly shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The depth of the lot tapers from approximately 120 feet along the southwest to approximately 112 feet along the northeast. The site abuts a 12-foot-wide public alley to the west.

Los Angeles Municipal Code Section 12.21 A.5(c) requires that in each parking area or garage devoted to parking for dwelling uses, in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars. The project proposes a total of 363 dwelling units and 363 parking stalls for the residential use. The applicant requests a Zone Variance to permit 100 percent of the residential parking spaces to be designed as compact parking stalls.

According to the applicant:

> The project team analyzed several potential parking layouts to minimize the variance request, but all other parking layouts were less efficient than the proposed design and would have required additional podium floors in excess of the Downtown Design Guidelines to accommodate code-required parking space. Other parking arrangements considered include Standard Parking Bay Widths for One-Way Traffic and Double Loades Aisles, Standard Parking Bay and Aisle Widths for One-Way Traffic and Single Loaded Aisles, Standard Parking Bay and Aisle Widths for Two-Way Traffic and Double Loaded Aisles, and Standard Parking Bay and Aisle Widths for Two-Way Traffic and Single Loaded Aisles. A letter report, dated February 2, 2022, prepared by KOA Corporation ("KOA Report") has been provided to the City Planning Department (which is incorporated herein by this reference). That letter report assesses the efficiency and potential loss of parking of each alternative parking design. KOA found that:
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> > *"If the upper levels of parking were to be redesigned to conform to standard parking stall, aisle, and bay width dimensional requirements within the Project site's constrained envelope, each level of parking would lose approximately between 25 to 40 parking space capacity. This would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies."*
>
> … the depth of the Project Site from the Main St frontage to the alley tapers significantly from north to south and is less than the prevailing lot depth of standard lots throughout Downtown LA. As such, at the Project Site it is not possible to park with the required number of parking stalls at standard stall dimensions within the maximum allowed levels of parking podium, and, due to the insufficiency of lot depth, the Project is not able to provide required standard size parking stalls for the proposed development.

The zoning code is written on a city-wide basis and cannot take into account the many ways in which the circumstances of a particular lot may challenge a project when the regulations are applied to it. The zone variance is the process by which an applicant can present to a decision-maker those unusual or unique circumstances that result in conflict with the zoning code and obtain relief.

As demonstrated by the applicant's analysis, the project's ability to provide the code-required parking without the construction of additional parking levels is limited by the shallow dimensions of the tapering project site, resulting in a special circumstance. Generally, properties located in the C2 Zone are more regular shaped with even widths and depths. Construction of additional parking levels becomes increasingly complex under the requirements of the Downtown Design Guidelines and constructing subterranean parking would render the project infeasible.

Further, the property is located in a Community Plan which has been undergoing a lengthy update/revisioning process, including significant amendments to the Zoning Code. On September 23, 2021, a new Downtown Community Plan to replace the Central City and Central City North Community Plans was recommended by the City Planning Commission (Case No. CPC-201700432-CPU) to City Council. The new Plan and Zone Code amendments have yet to be considered or adopted by City Council. However, the Plan and Zone Code Amendments generally propose no parking minimums in the downtown area, including those encompassing the project site. If the new Community Plan is adopted, along with recommended Zoning Code amendments, the project will be wholly consistent with the development regulations and limitations applied to the property.

Therefore, the Zoning Administrator finds that the dimensions of the tapering project site results in a special circumstance applicable to the subject property that does not apply generally to other property in the same zone and vicinity.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

Generally, in conjunction with new construction, projects can provide the code-required automobile parking within their proposed project. The subject property is regulated by the same general parking requirements as all other multi-family residential projects across the city.

Unlike most parts of the city, the development regulations in the downtown area permits a much high intensity/density of development, with a de-emphasis on the role of automobile access and more regulation focusing on the pedestrian realm and experience in a project's design. Existing development incentives regarding parking revolve around the reduction of parking ratios, resulting in an overall lower parking obligation, but do not address requirements to provide standard-sized parking stalls versus compact parking stalls. Further, there are currently more small car (compact) vehicle owners than when the parking stall design requirements were adopted in 1972 and the parking ratio requirements were adopted in 1982, both of which are now than four decades old.

In the downtown area, automobile parking is provided on-grade, within parking podiums or structures, and in subterranean garages. The subject project will provide the total number of required parking stalls, but the limited dimensions of the property

in combination with development regulations results in either the request to provide all residential parking stalls as compact stalls, or a less inefficient parking layout that requires the construction of additional levels of parking. According to the applicant's consultant, providing the standard-sized parking stalls "… would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies." Parking stall design requirements are the same for suburban areas of the city as they are for the more urban downtown areas of the city.

Projects throughout the Central City Community Plan area have been granted variances to permit reduced and waived parking requirements, altered parking stall dimensions, and deviations from the requirement to provide a standard-sized parking stalls. Referenced above, Case No. ZA-2016-3025-ZV granted a reduction in the number of required parking spaces; Case No. ZA-2014-1439-CUB-CUX-ZV-2A granted a reduction in the number of required parking spaces; Case No. ZA 2016-0015(SPR)(ZV)(TDR) granted a variance to provide all residential parking spaces as compact parking stalls; Case No. CPC 2013-4134-TDR-MCUP-ZV-SPR-1A granted a variance to provide all residential parking spaces as compact parking stalls; and Case No. ZA 2005-1867(ZV)(CU)(YV)(ZAA)(SPR) granted a variance to provide all residential parking spaces as compact parking stalls. Not all of these properties are located within the same C2 Zone as the subject property, but they are all located within the downtown area and involved parking requirements associated with new residential development.

The project's special circumstance of having limited dimensions due to the relatively shallow depth and tapered shape of the project site, combined with the additional requirements and limitations of the Downtown Design Guidelines for sidewalk easements and building setback, required dedications to the adjacent public rights-of-way, and the necessary geometry, driveway aisles, and dimensions of the required parking stalls, results in practical difficulties with providing the required standard-sized parking stalls.

In the downtown area, there are substantial incentives to maximize development on any given property. Among these incentives are the ability to access transfer of floor area processes which allow for the construction of increased square-footage, and to decrease the number of required automobile parking stalls to be provided. The incentives to reduce overall parking requirements do not include regulations to alter the ratio of larger/longer standard-sized parking stalls versus smaller/shorter compact-sized stalls or that address the physical space requirements of providing the required parking spaces in conjunction with the large development that downtown policies and incentives seek to promote. Projects in the downtown area have been granted variances to address these issues.

These issues, combined with the limited dimensions of the relatively shallow depth and tapered shape of the project site, and the additional requirements and limitations of the Downtown Design Guidelines, has denied the subject property parking

requirements that reflect and respond to the more contemporary, dense/intense urban and pedestrian-oriented environment that it is located within.

For the reasons discussed above, the Zoning Administrator finds that such variance to provide all residential parking spaces as compact spaces is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances associated with the shallow depth and tapered shape of the lot and practical difficulties with designing a parking layout that includes the otherwise require standard-sized spaces is denied to the property in question.

4. **The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.**

The project requests only to be authorized to fulfill their parking requirement through the provision of compact-sized parking stalls, in lieu of having to provide standard-sized stalls. The project will provide appropriately dimensioned ADA parking stalls. The proposed driveways and automobile access to/from the adjacent public rights-of-way are still required to comply with Departments of Building and Safety and Transportation to ensure safe automobile ingress and egress from the property. Standard-sized cars that come to the property would need to find existing curbside parking or find accommodation within existing public parking lots. Granting the request has no impact on the provision or accessibility of emergency services to the property or surrounding area, does not create a dangerous or unhealthful condition, and no development rights on adjacent or adjoining properties are limited or impacted through the granting of the variance request. Therefore, granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

5. **The granting of the variance will not adversely affect any element of the general plan.**

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.

The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site. The project site is further located within the South

Park District within the Central City Community Plan, containing a mix of residential, medical, commercial and retail uses. The project is consistent with the following goals, objectives and policies of the Community Plan.

Objective 1-1 To promote development of residential units in South Park.

Objective 1-2 To increase the range of housing choices available to Downtown employees and residents.

There are no goals, objectives or policies concerning the provision of standard sized parking stalls versus compact sized parking stalls within governing policy documents, so the Zoning Administrator must interpret their intent and apply them to the request.

The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space.

As proposed, the applicant seeks a variance to permit 100 percent of the residential parking spaces to be designed as compact parking stalls. The project will result in the development of a substantial mixed-use, residential over ground-level commercial building in the South Park community of downtown Los Angeles. The project is located in a transit-rich area, with access to both local and regional public transit access, as well as close proximity to the dense commercial job opportunities found in the downtown area. The project is consistent with Community Plan objectives 1-1 and 1-2 through the development of the 363 dwelling units, adding to the housing choices available in the downtown and South Park areas. Denial of the requested variance would jeopardize the feasibility of the project and may result in either fewer units being constructed or no project at all. As such, granting the variance to permit all of the residential parking stalls to be compact stalls will not adversely affect any element of the general plan.

FLOOR AREA TRANSFER FNDINGS

In order for the transfer of floor area to be granted, all six of the legally mandated findings delineated in Section 14.5.7 A.3 of the Los Angeles Municipal Code must be made in the affirmative:

6. **That the project is proper in relation to the adjacent uses or the development of the community.**

The project site is located in the South Park neighborhood of the Central City Community Plan area. The site is surrounded by dense urban development comprised of a mix of residential, commercial, retail, light industrial, office, and surface parking land uses that characterize Downtown Los Angeles. The northeast adjoining properties are designated for Regional Commercial land uses, zoned C2-4D-SN, and developed with an on-grade surface parking lot fronting on Main Street and a two-level parking structure fronting on Broadway. The east adjoining properties, across Main Street, are designated for Regional Commercial and Light Industrial land uses, zoned [T][Q]C2-4D and M2-2D, and developed with one- and two-story wholesale, import, and retail shops. Many of these properties are part of an approval for the development of 379 dwelling units and 25,800 square feet of commercial space in an eight-story building. The south adjoining property, across the intersection of Main Steet and 12th Street, is designated for Light Industrial land uses, zoned M2-2D, and developed with a one-story wholesale, import, and retail shops. The southwest adjoining property, across 12th Street, is designated for Regional Commercial land uses, zoned C2-4D-O, and developed with a 214-unit, seven-story mixed-use building with ground-level retail space, constructed circa 2017. The west adjoining properties, fronting on Broadway and across an alleyway, is designated for Regional Commercial land uses, zoned C2-4D-O-SN, and developed with an on-grade surface parking lot and two two-story commercial buildings. A 139-room, 14-story hotel with ground floor restaurant was approved for construction on two of the lots.

The proposed project involves the demolition of four existing commercial and retail buildings and surface parking; and construction, use and maintenance of a 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. The proposed building will be 30 stories, or 340 feet above grade, in height including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. Access to the parking garage will be provided via one two-way driveway, located towards the northeast end of the building, which takes access from Main Street and the rear alleyway. In addition, there will be a second, internal, at-grade parking lot for accessible parking spaces, located toward the southwest end of the building, and accessed via a one-way semi-circular driveway from and to the rear alleyway.

Downtown Los Angeles is planned for greater height and density development than the rest of the City. Per the C2-4D-O Zone, there is no maximum height limit, and per Greater Downtown Housing Incentive Ordinance, the site is not limited to a maximum density. While the proposed building will be much taller than other existing commercial and office buildings on adjacent properties, the project is designed to ensure that it is in proper relation to the existing adjacent uses and the development of the community. The building will have a four-story podium that will be limited to a height of 50 feet from grade to the top of the podium roof, and the podium will span

across the entire street frontage along Main Street. While the residential tower will be 26 stories in height with a maximum height of 340 feet, as measured from grade to the highest point of roof structures, the tower is limited to a width 152 feet and located at the center of the podium, which allows for space and setback from 12th Street and adjacent buildings to the northeast of the project site.

The project site has a “D” Development Limitation that limits the Floor Area Ratio (FAR) to a maximum of 6:1, which allows a maximum floor area of 293,448 square feet for a project site with a pre-dedication lot area of 48,908 square feet. Pursuant to LAMC Section 14.5.7, the Applicant requests a Transfer of Floor Area Rights (TFAR) of less than 50,000 square feet to allow an increase of 49,999 square feet of floor area for a total of 343,447 square feet with a maximum FAR of 7.03:1 in lieu of 6:1 as otherwise permitted. The additional floor area provided by the TFAR is consistent with the density, intensity and massing envisioned for the general South Park neighborhood of Downtown Los Angeles, as well as goals and vision for Regional Center Commercial land use designation per the General Plan’s Framework Element. Further, the property is located within the 4D Height District, and the Regional Commercial land use references Footnote No. 3 on the Central City Community Plan Land Use Map which states that with an approved TFAR, Height District 4D would allow an FAR up to 13:1.

Lastly, the proposed design minimizes the appearance of bulk through architectural elements along the building’s facades that create depth, variation and articulation. Therefore, the proposed project is proper in relation to adjacent uses and development of the community.

7. **The project will not be materially detrimental to the character of development in the immediate neighborhoods.**

The site is designated and zoned for high density and intensity development. The C2-4D-O Zone does not have any height limitations and the Greater Downtown Housing Incentive Ordinance does not limit the maximum density permitted on-site or restrict setbacks. The proposed project will substantially improve the immediate neighborhood and the South Park District as a whole by providing a net increase of 363 dwelling units and 12,500 square feet ground-level of commercial and retail space on a site that is currently underutilized with four vacant commercial and retail buildings and surface parking. The project will provide a total of 39,601 square feet of open space, including an outdoor 27,160 square-foot roof deck on the fifth floor, an outdoor 2,541 square-foot roof deck on the 30th floor, and 9,900 square feet of indoor common open space on the fifth floor. Approximately 4,425 square feet of the outdoor open space will be planted with landscaping. Vehicular traffic will be able to access and exit the building from Main Street and alley in a way that reduces conflicts and respects other modes of transportation, including pedestrians and cyclists.

Additionally, the proposed building has been designed in conformance with the Downtown Design Guide, as it provides commercial uses at the street wall, incorporates pedestrian-oriented scale with building articulation, street level

entrances and a high level of glazing. Building entrances will be provided from all street frontages. Parking facilities are screened from view and loading and back-of-the-house uses are located along the alley to facilitate deliveries and maintenance away from 12th and Main Streets. The project will also provide a two-foot average sidewalk easement along Main Street and a three-foot average sidewalk easement along 12th Street per the Downtown Street Standards and dedicate two feet along 12th Street and four feet along the alley to meet the minimum standards per Mobility Plan 2035. Therefore, the proposed project is consistent with the character of the immediate neighborhood and Downtown as a whole and will not have detrimental impacts on the community.

8. **The project will be in harmony with the various elements and objectives of the General Plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The proposed project aligns with the goals and objectives of the following General Plan Elements: Framework, Housing, and Land Use. The project site is not subject to any specific plans.

Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The Framework Element stipulates that Regional Centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Region-serving retail commercial malls and retail services should be integrated where they complement and support the other uses in the regional center. The Framework Element also states that Downtown Los Angeles is an international center for finance and trade that serves the population of the five-county metropolitan region. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings.

The project is consistent with the following General Plan Framework Goals and Policies:

> ***GOAL 3F*** *Mixed-use centers that provide jobs, entertainment, culture and serve the region.*
>
> > ***Objective 3.10*** *Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.*
> >
> > > ***Policy 3.10.1*** *Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 and 3-6. Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.*
>
> ***GOAL 3G*** *A Downtown Center as the primary economic, governmental and social focal point of the region with an enhanced residential community.*
>
> > ***Objective 3.11*** *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The proposed project involves the demolition of four existing commercial and retail buildings and a surface parking lot, and the construction, use, and maintenance of a 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The project is consistent with the Framework Element goals, objectives and policy as it will redevelop an underutilized site with new housing and ground floor commercial and retail and provide jobs and entertainment that would serve the region. The proposed project will contribute to reinforcing the existing Regional and Downtown Center that accommodates both commercial and residential uses while being compatible with adjacent land uses that include commercial, retail and office. The new building would contribute to maintaining the Downtown Center as the primary economic and social focal point of the region with its ground floor commercial use and an enhanced residential community resulting from a net increase of 363 dwelling units. The increase in the maximum floor area will support the project to provide the continuation and expansion of housing and supporting commercial uses at a scale and intensity that supports the Downtown Center.

<u>Housing Element</u>

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. The project is consistent with the following Housing Element goal and policies.

> ***Goal 1****: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*
>
> > ***Objective 1.2****: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*
> >
> > > ***Policy 1.2.2****: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.*
> > >
> > > ***Policy 1.2.4****: Strengthen the capacity of housing providers to build Affordable Housing.*
> > >
> > > ***Policy 1.2.7****: Develop and facilitate the dedication of financial resources for new construction of Affordable Housing.*
>
> ***Goal 2****: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*
>
> > ***Objective 2.1****: Strengthen renter protections, prevent displacement and increase the stock of affordable housing*
> >
> > > ***Policy 2.1.3****: Provide resources that enable the creation of Affordable Housing from existing unrestricted housing, including facilitating community stewardship and control, tenant management and/or tenant ownership.*
>
> ***Goal 3****: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*
>
> > ***Objective 3.1****: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*
> >
> > > ***Policy 3.1.3****: Develop and implement design standards that promote quality residential development.*

***Objective 3.2**: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

***Policy 3.2.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Objective 3.3**: Promote disaster and climate resilience in citywide housing efforts.*

***Policy 3.3.1**: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

***Policy 3.3.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Policy 3.3.9**: Consider accommodating new residential uses, including live/work and mixed-use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing and jobs preservation priorities, and when sites have been appropriately tested and remediated, if necessary.*

The proposed project would expand housing opportunities for renters within the downtown area by redeveloping an underutilized site with vacant commercial and retail structures and surface parking to a mixed-use development with 363 new dwelling units and 12,500 square feet of ground floor commercial space, in a transit -rich area. The 363 dwelling units will consist of a unit mix that offers different housing options and sizes including 122 studios, 133 one-bedroom units, 96 two-bedroom units and 12 three-bedroom units. These aspects are consistent with Policies 1.2.2, 3.2.2, 3.3.1, 3.3.2, and 3.3.9. The requested TFAR of 49,999 square feet would expand opportunities for more housing units on site which is located within Regional and Downtown Centers. As part to the TFAR approval, the applicant Is required to make substantial contributions toward funding the development of future affordable dwellings, consistent with Policies 1.2.4, 1.2.7, and 2.1.3. The proposed building is designed with retail and commercial space along Main and 12th Streets and dwelling units with the residential tower. The proposed building is designed with a high level of glazing, articulation and changes in material that contributes to creating a lively and safe environment for residents as well as visitors. These characteristics are

consistent with Policy 3.1.3. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Plan 2035

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling. The project is consistent with the following Mobility Plan goal and policies.

> ***Policy 3.3*** *Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*
>
> ***Policy 3.4*** *Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*
>
> ***Policy 3.8*** *Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
>
> ***Policy 5.2*** *Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

The project is in close proximity to various transit options. The roadways adjacent to the project site are served by several lines managed by multiple transit operators that include the Los Angeles County Metropolitan Transportation Authority (Metro), Los Angeles Department of Transportation (LADOT) DASH and Commuter Express, Santa Monica Big Blue Bus (BBB), and the City of Gardena (GTrans). The site's proximity to the Pico Rail Station, approximately 0.6 miles west, and the 7th Street/Metro Center Station, approximately 0.9 miles north, provide transfer opportunities to other Metro rail services such as Amtrak, Metrolink and numerous other bus routes served by Metro, LADOT and municipal bus operators. The bus lines within a reasonable walking distance (approximately one-quarter mile) of the project include 2/302, 4, 10, 14, 37, 30/330, 33, 35, 38, 40, 45, 48, 55/355, 66, 70, 71, 76, 78, 79/378, 83, 90/91, 92, 94, 96, 733, 745, 770 and 794. The LADOT DASH line (DASH Downtown E) runs along Los Angeles Street, with the nearest bus stop located at E. 11th Street. Due to its proximity to the aforementioned bus stops and Metro stations, the project site is easily accessible and highly connected with the City's and the greater Los Angeles area's public transportation system.

The project will provide a total of 195 bicycle parking spaces, including 23 short-term and 172 long-term spaces. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-

square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

The mixed-use project, located within the downtown Los Angeles regional commercial center, would also result in low vehicle miles traveled (VMT). According to the Supplemental Vehicle Miles Traveled Analysis, prepared by Crain & Associated and dated November 21, 2019, and as reviewed by LADOT, both the residential portion and the commercial and retail component of the project are anticipated to have less-than-significant VMT impacts. Further, the project will include pedestrian safety features such as improved sidewalks adjacent to and within the project, the addition of pedestrian amenities, an on-site transit information kiosk, and an on-site concierge service to facilitate the use of transit, taxies, shuttles and transportation network companies. As such, the proposed project substantially conforms to the Mobility Plan of the General Plan.

Land Use Element – Central City Community Plan

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.

The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The project site is located within the South Park District within the Central City Community Plan, which houses a mix of residential, medical, commercial and retail uses. The project is consistent with the following goals, objectives and policies of the Community Plan.

> ***Objective 1-1****: To promote development of residential units in South Park.*
>
> ***Objective 1-2****: To increase the range of housing choices available to Downtown employees and residents.*
>
> > ***Policy 2-1.2****: To maintain a safe, clean, attractive and lively environment.*

The project is consistent with the Community Plan's vision of South Park as a mixed-use community with a concentration of residential and commercial uses, as it proposes 363 new dwelling units as well as 12,500 square feet of ground floor commercial space, in proximity to other auxiliary support services such as retail, commercial, and office uses that provide employment opportunities for area residents.

The Community Plan also anticipates the job growth in South Park to attract large commercial projects that combine commercial and residential development and take advantage of the benefits of the unique downtown location, such as close proximity to jobs, housing and transit options. The exterior façade design on the ground floor with a new storefront system with a high level of glazing would maintain a safe, clean, attractive and lively environment that would encourage pedestrian activity on the street. As such, the project substantially conforms to the Central City Community Plan.

9. **The project is consistent with any applicable adopted Redevelopment Plan.**

The project site is located within the City Center Redevelopment Plan, which was adopted by the Community Redevelopment Agency of Los Angeles (CRA/LA) in May 2002. On November 11, 2019, Ordinance No. 186,325 became effective, transferring the land use authority of the CRA/LA to the City of Los Angeles. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project Area. The project is consistent with the following objectives contained in Section 105 of the Redevelopment Plan.

> ***Objective 1.*** *To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.*
>
> ***Objective 4.*** *To promote the development and rehabilitation of economic enterprises including retail, commercial, services, sports and entertainment, manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.*
>
> ***Objective 5.*** *To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.*

The proposed development furthers the development of Downtown as a major center of the Los Angeles metropolitan region by providing high density housing with a mix of commercial uses. The project includes the redevelopment of an underutilized site with 363 new dwelling units and 12,500 square feet of ground-level commercial space in South Park, a District envisioned for high density development with regional commercial uses. As such, the project is substantially consistent with the Redevelopment Plan.

10. **The Transfer serves the public interest by providing public benefits in accordance with Subparagraph (b)(1) of this subdivision.**

LAMC Section 14.5.7 A.3(b)(1) states that the Transfer shall provide public benefits equivalent in value to the dollar amount otherwise required for a Public Benefit Payment, in conformance with Section 14.5.9 of the Code. Pursuant to LAMC Section 14.5.9, the Public Benefit Payment under any Transfer Plan shall equal: (1) the sale price of the Receiver Site, if it has been purchased through an unrelated third-party transaction within 18 months of the date of submission of the request for approval of the Transfer, or an Appraisal, if it has not; (2) divided by the Lot Area (prior to any dedications) of the Receiver Site; (3) further divided by the High-Density Floor Area Ratio Factor; (4) multiplied by 40 percent; and (5) further multiplied by the number of square feet of Floor Area Rights to be transferred to the Receiver Site.

The project site consists of eight lots (Lots 34-41 of Tract 2289). Two lots (Lots 36 and 37) were purchased within 18 months of the TFAR application submission date of December 13, 2018, for a total sales price of $5,400,000, and the remaining six lots (Lots 34, 35, and 38-41) were purchased outside of 18 months of the TFAR application submission date with an appraised value of $26,900,000, per the Appraisal Report prepared by CBRE dated December 11, 2018, and revised on May 12, 2021. Based on the formula set forth in LAMC Section 14.5.9 C, the applicant is required to provide a Public Benefit Payment of $1,765,183.

A Public Benefit Payment may be provided by any combination of the payment of monies to the Transfer of Floor Area Rights Public Benefit Payment Trust Fund or by the direct provision of Public Benefits by the Applicant, provided that at least 50 percent of the Public Benefit Payment must consist of cash payment by the Applicant to the Public Benefit Payment Trust Fund. The Public Benefit Payment must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable childcare; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements.

The applicant proposes to allocate 50 percent of the $1,765,183 Public Benefit Payment, $882,592, towards the TFAR Public Benefit Payment Trust Fund and the remaining 50 percent towards the Los Angeles Housing Department's Affordable Housing Trust Fund. The project approval has been conditioned to require compliance with the Transfer of Floor Area Ordinance including the payment of appropriate fees.

11. **The project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and any additional findings as may be required by CEQA.**

The City of Los Angeles (City), as the Lead Agency, prepared a Sustainable Communities Environmental Assessment (SCEA), dated September 2021, and a

Mitigation Monitoring and Reporting Program (MMRP) under Case No. ENV-2018-7379-SCEA for the following project:

> Demolition of four existing commercial/retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses. The Proposed Project would include a four-story above grade parking podium with ground floor retail/commercial uses and an amenity deck and a 26-story residential tower above the amenity deck. The Proposed Project would provide a total of 373 vehicle parking spaces and 195 bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC) requirements. Primary vehicular access for residential and commercial uses would be provided from Main Street and from the adjacent alley. The Proposed Project would provide approximately 39,601 square feet of open space pursuant to the LAMC requirements. In total, the Proposed Project would include 343,447 square feet of total floor area resulting in a floor area ratio (FAR) of 7.03:1. The Proposed Project would remove nine (9) existing non-protected street trees in the right-of-way surrounding the Project Site: eight (8) trees along Main Street and one (1) tree along 12th Street. The Proposed Project would require approximately 5,434 cubic yards (cy) of soil to be exported and 5,434 cy of soil to be imported to/from the Project Site.

The Initial Study identified significant impacts related to Noise and included mitigation measures to reduce impacts to less-than-significant levels.

The SCEA was published for public comments for 30 days between September 30, 2021 and November 1, 2021. During the public comment review period of the SCEA, the Department of City Planning received written comments from the following parties:

- Lozeau Drury, LLP, October 4, 2021
- Adams Broadwell Joseph & Cardozo, October 8, 2021
- Marta Stanton, October 8, 2021
- Kinsinger Environmental Consulting, October 29, 2021
- Lozeau Drury, LLP, November 1, 2021
- Mitchell M. Tsai, November 1, 2021

On November 11, 2021, the City prepared a Responses to Comments to address all comment letters submitted for the SCEA. Based on a thorough review of the comments submitted, the issues raised in the comment letters do not provide substantial evidence to support a fair argument that significant environmental impact is likely to occur. The SCEA, as published, satisfies the legal requirements of CEQA, and no further analysis is warranted. As such, the whole of the record supports the conclusion that the project would result in impacts below a level of significance with

mitigation measures, as analyzed in the SCEA. The SCEA was adopted by the Los Angeles City Council on February 2, 2022 (Council File No. 21-1053).

SITE PLAN REVIEW FNDINGS

The following is a delineation of the findings related to the applicant's request for Site Plan Review for a proposed project resulting in an increase of 50 or more dwelling units pursuant to Section 16.05 of the Los Angeles Municipal Code.

The proposed project is subject to the Downtown Street Standards and Downtown Design Guide. Per Figure 3-1 Retail Streets of the Downtown Design Guide, neither Main nor 12th Streets are considered Retail Streets. Pursuant to Section 1.B of the Downtown Design Guide, projects must comply with the letter of every standard, but in cases where special circumstances make complete compliance with the standard impractical, the project must demonstrate a clear alternative approach that achieves the overall objectives of the Design Guide. Whether the design of a project as a whole is justified will be determined through required Findings in the appropriate Section of the Municipal Code (typically under Site Plan Review pursuant to LAMC Section 16.05) to be considered by the decision maker. Findings supporting alternative approaches to compliance with the Design Guide for a project as a whole shall constitute full compliance with the Design Guide and will not require adjustments to be obtained under LAMC Section 12.22 A.30(e).

12. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan and any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The proposed project aligns with the goals and objectives of the following General Plan Elements: Framework, Housing, and Land Use. The project site is not subject to any specific plans.

Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies

for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The Framework Element stipulates that Regional Centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Region-serving retail commercial malls and retail services should be integrated where they complement and support the other uses in the regional center. The Framework Element also states that Downtown Los Angeles is an international center for finance and trade that serves the population of the five-county metropolitan region. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings.

The project is consistent with the following General Plan Framework Goals and Policies:

> ***GOAL 3F*** *Mixed-use centers that provide jobs, entertainment, culture and serve the region.*
>
> > ***Objective 3.10*** *Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.*
> >
> > > ***Policy 3.10.1*** *Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 and 3-6. Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.*
>
> ***GOAL 3G*** *A Downtown Center as the primary economic, governmental and social focal point of the region with an enhanced residential community.*
>
> > ***Objective 3.11*** *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The proposed project involves the demolition of four existing commercial and retail buildings and a surface parking lot, and the construction, use, and maintenance of a 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The project is consistent with the Framework Element goals, objectives and policy as it will redevelop an underutilized site with new housing and ground floor commercial and retail and provide jobs and

entertainment that would serve the region. The proposed project will contribute to reinforcing the existing Regional and Downtown Center that accommodates both commercial and residential uses while being compatible with adjacent land uses that include commercial, retail and office. The new building would contribute to maintaining the Downtown Center as the primary economic and social focal point of the region with its ground floor commercial use and an enhanced residential community resulting from a net increase of 363 dwelling units. The increase in the maximum floor area will support the project to provide the continuation and expansion of housing and supporting commercial uses at a scale and intensity that supports the Downtown Center.

Housing Element

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. The project is consistent with the following Housing Element goal and policies.

> ***Goal 1****: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*
>
> > ***Objective 1.2****: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*
> >
> > > ***Policy 1.2.2****: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.*
> > >
> > > ***Policy 1.2.4****: Strengthen the capacity of housing providers to build Affordable Housing.*
> > >
> > > ***Policy 1.2.7****: Develop and facilitate the dedication of financial resources for new construction of Affordable Housing.*
>
> ***Goal 2****: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*
>
> > ***Objective 2.1****: Strengthen renter protections, prevent displacement and increase the stock of affordable housing*
> >
> > > ***Policy 2.1.3****: Provide resources that enable the creation of Affordable Housing from existing unrestricted housing, including*

facilitating community stewardship and control, tenant management and/or tenant ownership.

***Goal 3**: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*

***Objective 3.1**: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*

***Policy 3.1.3**: Develop and implement design standards that promote quality residential development.*

***Objective 3.2**: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

***Policy 3.2.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Objective 3.3**: Promote disaster and climate resilience in citywide housing efforts.*

***Policy 3.3.1**: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

***Policy 3.3.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Policy 3.3.9**: Consider accommodating new residential uses, including live/work and mixed-use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing and jobs preservation priorities, and when sites have been appropriately tested and remediated, if necessary.*

The proposed project would expand housing opportunities for renters within the downtown area by redeveloping an underutilized site with vacant commercial and retail structures and surface parking to a mixed-use development with 363 new dwelling units and 12,500 square feet of ground floor commercial space, in a transit -rich area. The 363 dwelling units will consist of a unit mix that offers different housing

options and sizes including 122 studios, 133 one-bedroom units, 96 two-bedroom units and 12 three-bedroom units. These aspects are consistent with Policies 1.2.2, 3.2.2, 3.3.1, 3.3.2, and 3.3.9. The requested TFAR of 49,999 square feet would expand opportunities for more housing units on site which is located within Regional and Downtown Centers. As part to the TFAR approval, the applicant Is required to make substantial contributions toward funding the development of future affordable dwellings, consistent with Policies 1.2.4, 1.2.7, and 2.1.3. The proposed building is designed with retail and commercial space along Main and 12th Streets and dwelling units with the residential tower. The proposed building is designed with a high level of glazing, articulation and changes in material that contributes to creating a lively and safe environment for residents as well as visitors. These characteristics are consistent with Policy 3.1.3. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Plan 2035

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling. The project is consistent with the following Mobility Plan goal and policies.

> ***Policy 3.3*** *Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*
>
> ***Policy 3.4*** *Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*
>
> ***Policy 3.8*** *Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
>
> ***Policy 5.2*** *Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

The project is in close proximity to various transit options. The roadways adjacent to the project site are served by several lines managed by multiple transit operators that include the Los Angeles County Metropolitan Transportation Authority (Metro), Los Angeles Department of Transportation (LADOT) DASH and Commuter Express, Santa Monica Big Blue Bus (BBB), and the City of Gardena (GTrans). The site's proximity to the Pico Rail Station, approximately 0.6 miles west, and the 7th Street/Metro Center Station, approximately 0.9 miles north, provide transfer opportunities to other Metro rail services such as Amtrak, Metrolink and numerous other bus routes served by Metro, LADOT and municipal bus operators. The bus lines within a reasonable walking distance (approximately one-quarter mile) of the project

include 2/302, 4, 10, 14, 37, 30/330, 33, 35, 38, 40, 45, 48, 55/355, 66, 70, 71, 76, 78, 79/378, 83, 90/91, 92, 94, 96, 733, 745, 770 and 794. The LADOT DASH line (DASH Downtown E) runs along Los Angeles Street, with the nearest bus stop located at E. 11th Street. Due to its proximity to the aforementioned bus stops and Metro stations, the project site is easily accessible and highly connected with the City's and the greater Los Angeles area's public transportation system.

The project will provide a total of 195 bicycle parking spaces, including 23 short-term and 172 long-term spaces. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

The mixed-use project, located within the downtown Los Angeles regional commercial center, would also result in low vehicle miles traveled (VMT). According to the Supplemental Vehicle Miles Traveled Analysis, prepared by Crain & Associated and dated November 21, 2019, and as reviewed by LADOT, both the residential portion and the commercial and retail component of the project are anticipated to have less-than-significant VMT impacts. Further, the project will include pedestrian safety features such as improved sidewalks adjacent to and within the project, the addition of pedestrian amenities, an on-site transit information kiosk, and an on-site concierge service to facilitate the use of transit, taxies, shuttles and transportation network companies. As such, the proposed project substantially conforms to the Mobility Plan of the General Plan.

Land Use Element – Central City Community Plan

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.

The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The project site is located within the South Park District within the Central City Community Plan, which houses a mix of residential, medical, commercial and retail

uses. The project is consistent with the following goals, objectives and policies of the Community Plan.

> ***Objective 1-1****: To promote development of residential units in South Park.*
>
> ***Objective 1-2****: To increase the range of housing choices available to Downtown employees and residents.*
>
> > ***Policy 2-1.2****: To maintain a safe, clean, attractive and lively environment.*

The project is consistent with the Community Plan's vision of South Park as a mixed-use community with a concentration of residential and commercial uses, as it proposes 363 new dwelling units as well as 12,500 square feet of ground floor commercial space, in proximity to other auxiliary support services such as retail, commercial, and office uses that provide employment opportunities for area residents.

The Community Plan also anticipates the job growth in South Park to attract large commercial projects that combine commercial and residential development and take advantage of the benefits of the unique downtown location, such as close proximity to jobs, housing and transit options. The exterior façade design on the ground floor with a new storefront system with a high level of glazing would maintain a safe, clean, attractive and lively environment that would encourage pedestrian activity on the street. As such, the project substantially conforms to the Central City Community Plan.

13. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The subject property, comprised of eight lots, is a level, irregularly-shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The site abuts a 12-foot-wide public alley to the west.

The project site is located within the Central City Community Plan area, which designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Development "D" Limitation in Ordinance No. 164,307, Subarea 2880 limits the maximum Floor Area Ratio (FAR) of the site to 6:1, unless a Transfer of Floor Area is authorized.

The northeast adjoining properties are designated for Regional Commercial land uses, zoned C2-4D-SN, and developed with an on-grade surface parking lot fronting on Main Street and a two-level parking structure fronting on Broadway. The east adjoining properties, across Main Street, are designated for Regional Commercial

and Light Industrial land uses, zoned [T][Q]C2-4D and M2-2D, and developed with one- and two-story wholesale, import, and retail shops. Many of these properties are part of an approval for the development of 379 dwelling units and 25,800 square feet of commercial space in an eight-story building. The south adjoining property, across the intersection of Main Steet and 12th Street, is designated for Light Industrial land uses, zoned M2-2D, and developed with a one-story wholesale, import, and retail shops. The southwest adjoining property, across 12th Street, is designated for Regional Commercial land uses, zoned C2-4D-O, and developed with a 214-unit, seven-story mixed-use building with ground-level retail space, constructed circa 2017. The west adjoining properties, fronting on Broadway and across an alleyway, is designated for Regional Commercial land uses, zoned C2-4D-O-SN, and developed with an on-grade surface parking lot and two two-story commercial buildings. A 139-room, 14-story hotel with ground floor restaurant was approved for construction on two of the lots.

The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of 373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. All of the street trees along Main and 12th Streets will be removed. A total of 5,434 cubic yards of soil will be exported from the project site.

Height

The Framework Element of the General Plan states that regional centers are for the development of typically high-density places whose physical form is substantially differentiated from the lower density neighborhoods of the City, where regional centers are characterized by 6- to 20-story (or higher) buildings as determined in the community plan. The project site is designated for Regional Commercial land uses within the South Park District of the Central City Community Plan. While the immediately adjacent properties are developed with buildings that are much shorter than the proposed building, the adjoining and adjacent properties are generally zoned C2-4D-O, C2-4D-O-SN, and M2-2D which contain no height restrictions. As such, future development on adjoining and adjacent properties retain the potential to be just as tall, if not taller, than the proposed building.

The Downtown Design Guide (Design Guide) defines a “tower” as being any building over 150 feet in height. Any portion of a building that is above 150 feet is subject to the tower standards in the Design Guide, which requires that any portion of a tower above 150 feet to be spaced from all existing, proposed, or possible future towers, both on the same block and across the street, as illustrated in Figure 6-2 and described in Table 6-2 of the Design Guide.

At 1140 South Broadway, located across the rear alleyway, the construction, use, and maintenance of a proposed 198-foot tall, 14-story, Hyatt Centric hotel, containing 139 guest rooms, was approved (Case No. ZA-2018-3288-CUB-SPR-1A) on October 4, 2019.

As illustrated on Sheets 0.04 and 0.05, the project tower is proposed to be offset or staggered from the tower proposed at 1140 South Broadway. According to scenario (g), of Figure 6-2 of the Design Guide, this is a permissible configuration, subject to applicable building codes. The proposed tower is separated from the 1140 South Broadway tower by approximately 71 feet, where the project's top floor, rooftop, rooftop access, rooftop amenity room, and rooftop mechanical equipment are located at a height above 150 feet and maintain sightline distances of greater than 40 feet between the two buildings as required in Table 6-2. Therefore, the proposed building height is consistent with the height and separation between development in regional centers that is envisioned in the General Plan, and the proposed development will be compatible with future development on these surrounding properties as well.

Bulk/Massing

The project site is zoned C2-4D-O. The "D" Development Limitation imposed by Ordinance No. 164,307, Subarea 2880, limits the maximum Floor Area Ratio (FAR) of the site to 6:1, with exceptions for transfers of floor area. The project seeks a Transfer of Floor Area Rights to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 FAR in lieu of the maximum 6:1 FAR as otherwise permitted.

The Design Guide requires large projects to be broken into a series of appropriately scaled buildings for pedestrian scale and walkability. The Design Guide requires projects to provide a 20-foot-wide passageway so that no building is more than 300 feet in length. The project proposes an alternative approach of having a continuous building with approximately 422 feet of building frontage along Main Street without the required passageway break. According to the applicant, the proposed amenity deck faces south to take advantage of maximum sunlight, and the ideal location of the residential tower is to the north of the primary amenities to minimize shade. However, due to the long and thin shape of the project site, the amenity deck must wrap around the residential tower, providing significant amenities on the deck to the north of the tower. Per the applicant, if a passageway was to be added to the site design, it would sever one portion of the amenities from the other, resulting in less on-site open space on the amenity deck and necessitating inefficient, unnecessary corridors, stairs or elevators to connect amenity sections. Additionally, given the programming and location of surrounding proposed projects, including the Hyatt Centric Hotel and a development located at 1100 South Main Street, there is no adjacent desirable link with which to connect a passageway.

The project minimizes the appearance of bulk through the podium and tower design. The building will have a four-story podium that is limited to a height of 50 feet from grade to the top of the podium roof. The podium will span across the entire street frontage along Main Street and 12th Street, while the residential tower will be limited

to a width 152 feet and located at the center of the podium, allowing for space and setback from 12th Street and adjacent buildings to the north and west of the project site. The building massing is further modulated and articulated through trellis structures and metal louvers on the ground floor and projecting balconies on upper levels.

The intent and purpose of the building break standard in the Design Guide is to design building massing to reinforce the street wall with well-scaled elements or structures that are sensitive to the neighborhood context. Instead of a 20-foot-wide passageway to break the proposed building into two separate buildings, the project proposes various design elements to reduce the scale of one large development project. The project minimizes the appearance of bulk through the podium and tower design through the use of different materials, design, and colors for the podium and residential tower to provide an effect of having three individual building blocks rather than one continuous massing. Specifically, the parking podium facades to the north and south of the residential tower facing Main Street will be designed with dark gray vertical metal louver panels that alternate between solid panels and louver panels with alternating angled direction. In contrast, the middle span of the podium will be more similar to the façade of the residential tower located in the middle of the podium. As shown in elevations and renderings of Exhibit “A,” these alternating materials and design elements help break up the massing and bulk of the proposed building.

The Design Guide states that a passageway is meant to provide clear connection to abutting common areas. However, there are no distinct public or common areas located to the west of the project site, as the site abuts an alley that is used for loading and vehicular traffic. As such, even if the project proposes a passageway, it would not lead to any abutting common areas. Therefore, the proposed alternative approach meets the intent and achieves the overall objective of the Design Guide.

Section 6.B of the Design Guide requires projects to provide street walls in relationship to the back of sidewalk as specified in Table 6-1. For the proposed project located in the South Park District, north of Pico, fronting on non-Retail Streets, a minimum of 80 percent of the project frontage must be lined with building street wall at the back of the sidewalk easement for a minimum of 45 feet in height, for both 12th and Main Streets. As shown in Exhibit “A,” along Main Street, 357 linear feet of the 422-foot building frontage (approximately 84 percent) will provide a street wall at the back of the sidewalk easement for a minimum height of 50 feet, and along 12th Street, 101 linear feet of the 116-foot building frontage along (approximately 87 percent) will provide a street wall at the back of the sidewalk easement for a minimum height of 50 feet.

Setbacks

The proposed building is not subject to any setbacks per the Greater Downtown Housing Incentive Ordinance. The Downtown Street Standards and Section 3.A.1 of the Downtown Design Guide requires an average two-foot sidewalk easement along Main Street, and an average three-foot sidewalk easement along 12th Street. As shown on Sheet A0.01.1 of Exhibit “A,” the project proposes an average sidewalk

easement of 2.20 feet along Main Street and 3.04 feet along 12th Street and therefore complies with the sidewalk easement requirements.

The Downtown Design Guide states that adjacent to retail (either on Retail Streets or adjacent to ground floor space designed for retail use in other locations) in the South Park District, the building street wall must be located at a maximum of five feet at the back of the required average sidewalk width. The project proposes commercial/retail uses on the ground floor along both Main Street and 12th Street. A majority of the building will observe zero-foot setbacks from the back of the required average sidewalk easements along Main Street and 12th Street. The a small portion of the southeast corner of the building at the intersection of Main and 12th Streets as well as approximately 65 feet of the podium along Main Street will observe a setback that is greater than five feet; however, these setbacks respond to the building function and create visual interest as permitted by the Downtown Design Guide.

Ground Floor Use and Treatment

The Downtown Design Guide has several standards that are designed to activate street fronts along all Downtown streets and enhance building orientation, building entrances and storefront articulation to sustain street level interest and promote pedestrian traffic. The project has been conditioned to comply with the following standards of the Design Guide:

- The building's primary entrance shall be located on a public street.
- At least one building entrance shall be provided along each street frontage.
- Provide well-marked entrances to cue access and use.
- The treatment of primary building entrances or lobbies for mixed-use buildings shall be accentuated and differentiated from other building uses at the street front through changes in building massing, material, treatment and/or articulation.
- Awnings and canopies shall be constructed of woven fabric, glass, metal or other permanent material compatible with the building architecture.
- Electrical transformers, mechanical equipment and other equipment shall not be located along the ground floor street wall of 12th Street or Main Street.
- Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls and other elements that are not pedestrian-oriented shall not be located within 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

The Downtown Design Guide requires that along non-Retail Streets, such as Main and 12th Streets, at least 75 percent of the ground floor street frontage shall be designed to accommodate active uses, which may include retail, professional office, live-work uses, building lobbies, recreation rooms, common areas, gathering or

assembly spaces, cultural facilities, and courtyards. As shown on Sheet A1.01 of Exhibit “A,” the project proposes active uses for approximately 351 feet of the 422-foot street frontage along Main Street (approximately 83 percent), and active uses for approximately 93 feet of the 118-foot street frontage along 12th Street (approximately 78 percent). As such, the project complies with this standard.

The Downtown Design Guide also requires that wall openings shall comprise at least 50 percent of the street level façade. As shown on Sheet A2.04 of Exhibit “A,” wall openings will comprise approximately 70 percent on Main Street and approximately 61 percent on 12th Street; as such, the project complies with this standard.

Parking/Loading

The project proposes a total of 373 parking spaces within a ground-level and three-level podium parking garage above ground level. Access to the parking garage will be provided via one two-way driveway, located towards the northeast end of the building, which takes access from Main Street and the rear alleyway. In addition, there will be a second, internal, at-grade parking lot for accessible parking spaces, located toward the southwest end of the building, and accessed via a one-way semi-circular driveway from and to the rear alleyway. A loading area will be provided via the alley to the rear of the building and will not visible from Main or 12th Streets.

The Downtown Design Guide discourages parking podiums in Downtown; however, if they are provided, all above-ground parking must be integrated into the design of the building façade so that it is not visible from the street. Parking levels must be enclosed by the curtain wall or by other enhanced materials (screened) to minimize the appearance of the parking level. The Downtown Design Guide further stipulates that a maximum of three levels of podium parking shall be permitted, and any parking above the third parking level fronting on a public street must be lined with habitable floor area and/or enclosed with a curtain wall or integrated into the building façade.

The project proposes podium parking with three levels above the ground floor level, which does not exceed the number of parking floor levels permitted. As illustrated on Sheet A2.03 of Exhibit “A”, the parking podium façade facing Main Street will be screened mostly with solid metal panels as well as vertical metal louver panels that alternate in angled direction to allow for natural ventilation, and will also have some frosted glazing and horizontal metal louvers for additional screening. As illustrated on Sheet A2.01 of Exhibit “A,” the parking podium façade facing 12th Street will be screened mostly with frosted glazing, in addition to horizontal louvers, gray metal panels, solid metal panels, and vertical louver panels. The north elevation of the parking podium faces an abutting private property will be screened with gray metal metals and painted plaster without any openings; the west elevation faces an alley and will have dark gray colored solid wall with openings to provide natural ventilation.

In accordance with LAMC Section 12.21 A.16, the project will provide 17 short-term and 166 long-term bicycle parking spaces for the residential use and 6 short-term and 6 long-term bicycle parking spaces for the commercial use. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public

right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and into the night sky.

Landscaping

The project will provide landscaping in the public right-of-way, on the amenity deck on the fifth floor, and on the roof deck. The project will plant a total of 91 trees in the public right-of-way and throughout the project site in compliance with LAMC Section 12.21 G. Approximately 7,424 square feet out of 29,695 square feet of the common outdoor open space will be planted with landscaping. The amenity deck on the fifth floor and the roof deck will be attractively landscaped with various trees, groundcover, grasses and hedges, as shown in the landscape plan in Exhibit “A.” The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways, include an automated irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center. Additionally, the landscape plan must indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

Trash Collection

Trash storage and collection is proposed to be enclosed on the ground floor level, adjacent to the alley, and is therefore not visible from the drive aisle or public view. The project is conditioned to avoid trash collection interfering with traffic on any public street.

Solar Panels

The project is conditioned to comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety. Additionally, the project is conditioned to power generators used during the construction process through electric or solar. Solar generator and electric generator equipment must be located as far away from sensitive uses as feasible.

Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

14. **Any residential project provides recreation and service amenities to improve habitability for its residents and minimizes the impacts on neighborhood properties.**

The project will provide a total of 39,601 square feet of usable open space for its residents, including a 27,160-square-foot outdoor amenity deck on the fifth floor, 9,900 square feet of indoor recreation rooms on the fifth floor, and a 2,541-square-foot roof deck on the 30th floor. These common open space areas would provide recreation and service amenities such as a pool, barbeque area, benches, and recreation rooms. While not being counted towards the usable open space requirement, the project will also provide private balconies in the dwelling units. The applicant has submitted a landscape plan, prepared by a landscape architect, showing that the common open space areas will be attractively landscaped with various trees, groundcover, grasses and hedges. As such, the project will provide recreation and service amenities to improve habitability for its residents and minimize the impacts on neighborhood properties.

ADDITIONAL MANDATORY FINDINGS

15. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is outside of the flood zone.

Inquiries regarding this matter should be directed to Nuri Cho, Planning Staff for the Department of City Planning at (213) 978-1177.

JONATHAN A. HERSHEY, AICP
Associate Zoning Administrator

JAH:DL:NC

cc: Councilmember Kevin de León
Fourteenth District
Adjacent Property Owners
Interested Parties

Exhibit E

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☑ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: ZA-2018-7378-ZV-TDR-SPR

Project Address: 1123-1161 South Main Street and 111 West 12th Street

Final Date to Appeal: 03/07/2022

2. APPELLANT

Appellant Identity: (check all that apply)
❒ Representative ❒ Property Owner
❒ Applicant ❒ Operator of the Use/Site

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
Supporters Alliance for Environmental Responsibility

☐ Person affected by the determination made by the **Department of Building and Safety**

❒ Representative ❒ Owner ❒ Aggrieved Party
❒ Applicant ❒ Operator

3. APPELLANT INFORMATION

Appellant's Name: Supporters Alliance for Environmental Responsibility

Company/Organization:

Mailing Address: 4399 Santa Anita Ave, Ste 2005

City: El Monte State: CA Zip: 91731

Telephone: (510) 836-4200 E-mail: richard@lozeaudrury.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☑ Self ☐ Other:

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Victoria Yundt

Company: Lozeau Drury LLP

Mailing Address: 1939 Harrison Street, Suite 150

City: Oakland State: CA . Zip: 94612

Telephone: (510) 836-4200 E-mail: victoria@lozeaudrury.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☑ Yes ☐ No

If Yes, list the condition number(s) here: All conditions

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- ☑ The reason for the appeal
- ☑ How you are aggrieved by the decision
- ☑ Specifically the points at issue
- ☑ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Victoria Yundt Date: 3/3/2022

GENERAL APPEAL FILING REQUIREMENTS

B. ***ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES***

1. Appeal Documents

a. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

- ☐ Appeal Application (form CP-7769)
- ☐ Justification/Reason for Appeal
- ☐ Copies of Original Determination Letter

b. Electronic Copy

- ☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

- ☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
- ☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

- ☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
- ☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC
Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.

- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.

- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

☐ **1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement
☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

☐ **2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement
☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

Justification/Reason for Appeal

Main Street Tower Project

ZA-2018-7378-ZV-TDR-SPR (ENV-2018-7379-SCEA)

I. REASON FOR THE APPEAL

The Sustainable Communities Environmental Assessment ("SCEA") prepared for the Main Street Tower Project (VTT-82463; ZA-2018-7378-ZV-TDR-SPR; ENV-2018-7379-SCEA) ("Project") fails to comply with the California Environmental Quality Act ("CEQA"). In particular, the SCEA fails to adequately analyze the Project's environmental impacts and fails to incorporate all feasible mitigation measures from prior environmental impact reports for air quality. For these reasons, the City of Los Angeles ("City") must prepare an environmental impact report ("EIR") for the Project.

Furthermore, the Zone Variance, Transfer of Floor Area Rights, and Site Plan Review approvals (ZA-2018-7378-ZV-TDR-SPR) were in error because (1) the City must fully comply with CEQA prior to any approvals in furtherance of the Project, and (2) the findings are not supported by substantial evidence. Therefore, the City must set aside the Site Plan Review entitlements and prepare and circulate an EIR prior to considering approvals for the Project.

II. SPECIFICALLY THE POINTS AT ISSUE

The specific points at issue are set forth in the attached comment letter dated December 7, 2021. A revised EIR must be prepared to remedy these issues. Furthermore, proper CEQA review must be complete *before* the City approves the Project's entitlements. (*Orinda Ass'n. v. Bd. of Supervisors* (1986) 182 Cal.App.3d 1145, 1171 ["No agency may approve a project subject to CEQA until the entire CEQA process is completed and the overall project is lawfully approved."].)

III. HOW YOU ARE AGGRIEVED BY THE DECISION

Members of appellant Supporters Alliance for Environmental Responsibility ("SAFER") live and/or work in the vicinity of the proposed Project. They breathe the air, suffer traffic congestion, and will suffer other environmental impacts of the Project unless it is properly mitigated.

IV. WHY YOU BELIEVE THE DECISION-MAKER ERRED OR ABUSED THEIR DISCRETION

The Associate Zoning Administrator adopted the SCEA and approved a Zone Variance, Transfer of Floor Area Rights, and Site Plan Review for the Project despite expert evidence in the record establishing substantial evidence that the SCEA fails to adequately analyze the Project's environmental impacts and fails to incorporate all feasible mitigation measures to reduce the Project's impacts. The Department of City Planning should therefore have prepared a EIR and circulated the document prior to consideration of approvals for the Project.

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Via E-mail

City of Los Angeles
Department of City Planning
Attn: Nuri Cho, City Planner
200 North Spring Street, Room 621
Los Angeles, CA, 90012
Nuri.Cho@lacity.org

December 7, 2021

RE: Comment on Sustainable Communities Environmental Assessment for the Main Street Tower Project (ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR; VTT-82463)

Dear City of Los Angeles Zoning Administrator, Deputy Advisory Agency, and Ms. Cho:

I am writing on behalf of the Supporters Alliance for Environmental Responsibility ("SAFER") concerning the Sustainable Communities Environmental Assessment ("SCEA") prepared for the Main Street Tower Project (ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR; VTT-82463), including all actions related or referring to the proposed construction of a 30-story mixed-use building with 363 residential dwelling units, 12,500 square feet of ground floor commercial/retail uses, and a four-story parking podium providing 373 vehicle parking spaces, located at 1123-1161 S. Main Street and 111 W. 12th Street in the City of Los Angeles ("Project"), to be heard at the Zoning Administrator and Deputy Advisory Agency public hearing that is scheduled for December 8, 2021.

After reviewing the SCEA with the assistance of Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, and air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise ("SWAPE"), SAFER requests that the Planning Division refrain from taking any action on the Project and SCEA at this time because (1) the SCEA fails to incorporate all feasible mitigation measures from prior environmental impact reports for air quality; and (2) the SCEA's conclusions about the Project's impacts to air quality are not supported by substantial evidence. In addition, we request that the City prepare an environmental impact report ("EIR") for the Project pursuant to the CEQA, Public Resources Code ("PRC") section 21000, et seq.

Mr. Offerman's comment and curriculum vitae are attached as Exhibit A hereto and is incorporated herein by reference in its entirety. SWAPE's comment and the consultants'

curriculum vitae are attached as Exhibit B hereto and are incorporated herein by reference in their entirety.

PROJECT DESCRIPTION

The proposed Project would result in the demolition of four existing commercial and retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial and retail uses. Specifically, the Project would include the following developments:

- Construct a four-story above grade parking podium with ground floor retail and commercial uses and an amenity deck;
- Construct a 26-story residential tower above the amenity deck; and
- Provide a total of 373 vehicle parking spaces and 195 bicycle parking spaces in accordance with the Los Angeles Municipal Code ("LAMC") requirements.

According to the Applicant, primary vehicular access for residential and commercial uses would be provided from Main Street and from the adjacent alley. The Project would provide approximately 39,601 square feet of open space pursuant to the LAMC requirements. In total, the Proposed Project would include 343,447 square feet of total floor area resulting in a floor area ratio ("FAR") of 7.03:1. Additionally, the proposed Project would remove nine (9) existing non-protected street trees in the right-of-way surrounding the Project site: eight (8) trees along Main Street and one (1) tree along 12th Street. The Project would require approximately 5,434 cubic yards (cy) of soil to be exported and 5,434 cy of soil to be imported to/from the Project Site.

The Project's discretionary requests include:

(1) Pursuant to LAMC Sections 17.03, 17.06, and 17.15, Vesting Tentative Tract Map No. 82463 to create one master ground lot for a mixed-use project containing 363 residential units and for the export of approximately 5,434 cy of soil and import of approximately 5,434 cy of soil;
(2) Pursuant to LAMC Section 12.27, a Zone Variance to permit 100 percent of the parking stalls required for residential uses to be designed and maintained as compact stalls in lieu of standard spaces;
(3) Pursuant to LAMC Section 14.5.7, a Transfer of Floor Area Rights (TFAR) for a transfer of 49,999 square feet of floor area to allow a total floor area of 343,447 square feet with a Floor Area Ratio (FAR) of 7.03:1; and
(4) Pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of 50 or more dwelling units.

(SCEA, p. 2-1).

The Project site is located in the Central City Community Plan area within the City of Los Angeles ("City"). The Project site encompasses eight parcels and includes approximately

48,908 square feet of gross lot area (1.12 acres) and approximately 46,874 square feet of lot area after dedications (1.07 acres). The Project site is generally bound by 12th Street to the south; Main Street to the east; a surface parking lot to the north; and an alleyway to the west.

A Sustainable Communities Environmental Assessment ("SCEA") has been prepared for the proposed Project pursuant to Section 21155.2 of the California Public Resources Code ("PRC").

LEGAL BACKGROUND

Sustainable Communities Environmental Assessment under SB 375

The California Legislature passed SB 375, also known as the Sustainable Communities and Climate Protection Act, in an effort to integrate transportation and land use planning to reduce greenhouse gas ("GHG") emissions. (*See* California Senate Bill 375, Chapter 728, section 1(a).) SB 375 required the state Air Resources Board to develop regional emission reduction targets for cars and light trucks. (Gov. Code § 65080(b)(2)(A).) In addition, federally-designated metropolitan planning organizations that prepare regional transportation plans were required to include in those plans a "sustainable communities strategy" to achieve the emission targets. (Gov. Code § 65080(b)(2)(B).)

CEQA allows for the streamlining of environmental review for "transit priority projects" meeting certain criteria. (Pub. Res. Code §§ 21155, 21155.1, 21155.2.) To qualify as a transit priority project, a project must:

> (1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75;
> (2) provide a minimum net density of at least 20 dwelling units per acre; and
> (3) be within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan.

(Pub. Res. Code § 21155(b).) A transit priority project is eligible for CEQA's streamlining provisions where:

> [The transit priority project] is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, for which the State Air Resources Board . . . has accepted a metropolitan planning organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets.

(Pub. Res. Code § 21155(a).) In 2016, the Southern California Association of Governments ("SCAG") adopted the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy ("2016–2040 RTP/SCS"), which was accepted by the California Air Resources Board

("CARB") on June 28, 2016. In 2020, the Southern California Association of Governments' ("SCAG") Regional Council formally adopted the Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy ("2020–2045 RTP/SCS"), which was accepted by CARB on October 30, 2020, and was certified on May 7, 2020.

If "all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081" are applied to a transit priority project, the project is eligible to conduct environmental review using a Sustainable Communities Environmental Assessment ("SCEA"). (Pub. Res. Code § 21155.2.) A SCEA must contain an initial study which "identif[ies] all significant or potentially significant impacts of the transit priority project . . . based on substantial evidence in light of the whole record." (Pub. Res. Code § 21155.2(b)(1).) The initial study must also "identify any cumulative effects that have been adequately addressed and mitigated pursuant to the requirements of this division in prior applicable certified environmental impact reports." (*Id.*) The SCEA must then "contain measures that either avoid or mitigate to a level of insignificance all potentially significant or significant effects of the project required to be identified in the initial study." (Pub. Res. Code §21155(b)(2).) The SCEA is not required to discuss growth inducing impacts or any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (Pub. Res. Code § 21159.28(a).)

After circulating the SCEA for public review and considering all comments, a lead agency may approve the SCEA with findings that all potentially significant impacts have been identified and mitigated to a less-than-significant level. (Pub. Res. Code § 21155(b)(3), (b)(4), (b)(5).) A lead agency's approval of a SCEA must be supported by substantial evidence. (Pub. Res. Code §21155(b)(7).)

DISCUSSION

I. The SCEA is not adequate under CEQA because it fails to require all feasible mitigation measures from the 2016–2040 RTP/SCS and 2020–2045 RTP/SCS.

CEQA is clear that a SCEA is only appropriate where "all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable environmental impact reports and adopted in findings made pursuant to Section 21081" are applied to the Project. (Pub. Res. Code § 21155.2.) In 2016, SCAG adopted the 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report ("2016–2040 RTP/SCS PEIR"), including a Mitigation Monitoring and Reporting Program ("MMRP"). Similarly, in 2020, SCAG Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy Program Environmental Impact Report ("2020–2045 RTP/SCS PEIR"), which also included a MMRP. Both MMRPs included regional mitigation measures to be implemented by SCAG and project-level mitigation measures to be applied by lead agencies to specific projects (such as the Project here).

Despite CEQA's clear directive that *all* feasible mitigation measures from prior EIRs

must be applied to a project to qualify for a SCEA, multiple feasible mitigation measures from the 2016–2020 RTP/SCS PEIR and the 2020–2045 RTP/SCS PEIR are not being applied to the Project. In particular, mitigation measures related to air quality were not adopted, including the 2016–2040 RTP/SCS PEIR's Mitigation Measure ("MM") AIR-2(b) and the 2020–2045 RTP/SCS PEIR's MM-AQ-1.

As one example regarding air quality, the 2016–2040 RTP/SCS PEIR required that mitigation diesel construction equipment meet CARB's Tier 4 certified engines or cleaner. (2016–2040 RTP/SCS PEIR, MM-AIR-2(b).) Similarly, the 2020–2045 RTP/SCS PEIR required that a project "use Tier 4 Final equipment or better for all engines above 50 horsepower (hp). In the event that construction equipment cannot meet to Tier 4 Final engine certification, the Project representative or contractor must demonstrate through future study with written findings supported by substantial evidence that is approved by SCAG before using other technologies/strategies." (2020–2045 RTP/SCS PEIR, MM-AQ-1.) However, the SCEA does not require Tier 4 equipment to mitigate the Project's air quality impacts. Instead, the SCEA's claims that the Project will comply with existing regulations that have been identified and are required by the Southern California Air Quality Management District ("SCAQMD") and CARB. Rather than apply all feasible mitigation measures as required by CEQA, the SCEA claims that compliance with SCAQMD and CARB regulations will be consistent with the PEIRs' mitigation measures. (SCEA, pp. 4-6 to 4-13, 6-26 to 6-28.)

The SCEA fundamentally misconstrues the requirements for a SCEA by not requiring *all* feasible mitigation measures from the PEIRs. For air quality, the SCEA concludes that because of the Project's compliance with SCAQMD and CARB regulations that the Project "already substantially conforms with" the 2020–2045 RTP/SCS PEIR's MM-AQ-1. (SCEA, p. 4-6; *see also id.*, pp. 6-26 to 6-28.) However, such a conclusion does not explain why feasible mitigation from the prior PEIRs was not included. The proper question is not whether the prior PEIRs required application of these measures. Rather, the question is whether the mitigation measures identified in the PEIRs are feasible for this Project. If a measure from the PEIRs is feasible for this Project, it must be applied in order for the Project to qualify for a SCEA. Because the SCEA here fails to apply all feasible mitigation from the PEIRs, the SCEA is improper and the City must instead prepare an EIR.

II. The SCEA's conclusions regarding the Project's air quality impacts are not supported by substantial evidence.

Indoor air quality expert Francis "Bud" Offermann, PE, CIH, and air quality experts Matt Hagemann, P.G., C.Hg., and Paul E. Rosenfeld, Ph.D., of the Soil/Water/Air Protection Enterprise ("SWAPE") reviewed the SCEA and found that the SCEA's conclusions as to the Project's air quality impacts were not supported by substantial evidence. Mr. Offermann found that the SCEA failed to address and mitigate the human health impacts from indoor emissions of formaldehyde. Mr. Offermann's comment and CV are attached as Exhibit A. SWAPE found that SCEA failed to properly model the Project's emissions and failed to properly evaluate the Project's heath risk impacts from emissions of diesel particulate matter. SWAPE's comment and CVs are attached as Exhibit B.

A. The SCEA failed to discuss or mitigate the Project's significant indoor air quality impacts.

The SCEA fails to discuss, disclose, analyze, and mitigate the significant health risks posed by the Project from formaldehyde, a toxic air contaminant ("TAC"). Certified Industrial Hygienist, Francis "Bud" Offermann, PE, CIH, conducted a review of the Project, the SCEA, and relevant documents regarding the Project's indoor air emissions. Mr. Offermann is one of the world's leading experts on indoor air quality, in particular emissions of formaldehyde, and has published extensively on the topic. As discussed below and set forth in Mr. Offermann's comments, the Project's emissions of formaldehyde to air will result in very significant cancer risks to future residents of the Project's residential component and employees in the Project's commercial and office components. Mr. Offermann's expert opinion demonstrates the Project's significant health risk impacts, which the City has a duty to investigate, disclose, and mitigate in the SCEA prior to approval. Mr. Offermann's comment and curriculum vitae are attached as Exhibit A.

Formaldehyde is a known human carcinogen and listed by the State as a TAC. SCAQMD has established a significance threshold of health risks for carcinogenic TACs of 10 in a million and a cumulative health risk threshold of 100 in a million. The SCEA fails to acknowledge the significant indoor air emissions that will result from the Project. Specifically, there is no discussion of impacts or health risks, no analysis, and no identification of mitigations for significant emissions of formaldehyde to air from the Project.

Mr. Offermann explains that many composite wood products typically used in home and apartment building construction contain formaldehyde-based glues which off-gas formaldehyde over a very long time period. He states, "The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and particle board. These materials are commonly used in residential, office, and retail building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims." (Ex. A, pp. 2-3.)

Mr. Offermann found that future residents of the Project's residential units will be exposed to a cancer risk from formaldehyde of approximately 120 per million, ***even assuming that*** all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. (Ex. A, pp. 3-4.) This is more than 12 times SCAQMD's CEQA significance threshold of 10 per million. (*Id*.)

Mr. Offermann found that future employees of the Project's commercial spaces will be exposed to a cancer risk from formaldehyde of approximately 17.7 per million, ***even assuming that*** all materials are compliant with the California Air Resources Board's formaldehyde airborne toxics control measure. (Ex. A, p. 5.) This exceeds SCAQMD's CEQA significance thresholds 10 per million. (*Id*.)

Mr. Offermann concludes that these significant environmental impacts must be analyzed and mitigation measures should be imposed to reduce the risk of formaldehyde exposure. (Ex. A, pp. 5-6, 12-13.) He prescribes a methodology for estimating the Project's formaldehyde emissions in order to do a more project-specific health risk assessment. (*Id*., pp. 6-11.) Mr. Offermann also suggests several feasible mitigation measures, such as requiring the use of no-added-formaldehyde composite wood products, which are readily available. (*Id*., p. 12.) Mr. Offermann also suggests requiring air ventilation systems which would reduce formaldehyde levels. (*Id*., p. 12-13.) Since the SCEA does not analyze this impact at all, none of these or other mitigation measures have been considered.

When a Project exceeds a duly adopted CEQA significance threshold, as here, this alone establishes substantial evidence that the project will have a significant adverse environmental impact. Indeed, in many instances, such air quality thresholds are the only criteria reviewed and treated as dispositive in evaluating the significance of a project's air quality impacts. (*See, e.g. Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960 [County applies Air District's "published CEQA quantitative criteria" and "threshold level of cumulative significance"]; *see also Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 ["A 'threshold of significance' for a given environmental effect is simply that level at which the lead agency finds the effects of the project to be significant"].)

The California Supreme Court made clear the substantial importance that an air district significance threshold plays in providing substantial evidence of a significant adverse impact. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 327 ["As the [South Coast Air Quality Management] District's established significance threshold for NOx is 55 pounds per day, these estimates [of NOx emissions of 201 to 456 pounds per day] constitute substantial evidence supporting a fair argument for a significant adverse impact."].) Since expert evidence demonstrates that the Project will exceed the SCAQMD's CEQA significance threshold, there is substantial evidence that an "unstudied, ***potentially significant environmental effect[]***" exists. (*See Friends of Coll. of San Mateo Gardens v. San Mateo Cty. Cmty. Coll. Dist.* (2016) 1 Cal.5th 937, 958 [emphasis added].) As a result, the City must address this impact and identify enforceable mitigation measures prior to approving the SCEA. (*See* Pub. Res. Code § 21155.2(b)(5) [SCEA must mitigate all impacts to level of insignificance].)

The failure of the SCEA to address the Project's formaldehyde emissions is contrary to the California Supreme Court's decision in *California Building Industry Ass'n v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal.4th 369, 386 ("*CBIA*"). In that case, the Supreme Court expressly holds that potential adverse impacts to future users and residents from pollution generated by a proposed project ***must be addressed*** under CEQA. At issue in *CBIA* was whether the Air District could enact CEQA guidelines that advised lead agencies that they must analyze the impacts of adjacent environmental conditions on a project. The Supreme Court held that CEQA does not generally require lead agencies to consider the environment's effects on a project. (*CBIA*, 62 Cal.4th at 800-01.) However, to the extent a project may exacerbate existing environmental conditions at or near a project site, those would still have to be considered pursuant to CEQA. (*Id*. at 801.) In so holding, the Court expressly held that CEQA's statutory

language required lead agencies to disclose and analyze "impacts on ***a project's users or residents*** that arise ***from the project's effects*** on the environment." (*Id*. at 800 [emphasis added].)

The carcinogenic formaldehyde emissions identified by Mr. Offermann are not an existing environmental condition. Those emissions to the air will be from the Project. People will be residing in and working in the Project's buildings once built and emitting formaldehyde. Once built, the Project will begin to emit formaldehyde at levels that pose significant direct and cumulative health risks. The Supreme Court in *CBIA* expressly finds that this type of air emission and health impact by the project on the environment and a "project's users and residents" must be addressed in the CEQA process. The existing TAC sources near the Project site would have to be considered in evaluating the cumulative effect on future residents of both the Project's TAC emissions as well as those existing off-site emissions.

The Supreme Court's reasoning is well-grounded in CEQA's statutory language. CEQA expressly includes a project's effects on human beings as an effect on the environment that must be addressed in an environmental review. "Section 21083(b)(3)'s express language, for example, requires a finding of a 'significant effect on the environment' (§ 21083(b)) whenever the 'environmental effects of a project will cause substantial adverse effects *on human beings*, either directly or indirectly.'" (*CBIA*, 62 Cal.4th at 800.) Likewise, "the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme." (*Id*. [citing e.g., PRC §§ 21000, 21001].) It goes without saying that the future residents and employees at the Project are human beings and their health and safety must be subject to CEQA's safeguards.

The City has a duty to investigate issues relating to a project's potential environmental impacts. (*See County Sanitation Dist. No. 2 v. County of Kern*, (2005) 127 Cal.App.4th 1544, 1597–98. ["[U]nder CEQA, the lead agency bears a burden to investigate potential environmental impacts."].) The proposed buildings will have significant impacts on air quality and health risks by emitting cancer-causing levels of formaldehyde into the air that will expose future residents and employees to cancer risks potentially in excess of SCAQMD's threshold of significance for cancer health risks of 10 in a million. Currently, outside of Mr. Offermann's comments, the City does not have any idea what risks will be posed by formaldehyde emissions from the Project or the residences. As a result, the City must include an analysis and discussion in an EIR which discloses and analyzes the health risks that the Project's formaldehyde emissions may have on future residents and employees and identifies appropriate mitigation measures.

B. <u>The SCEA cannot be relied upon to determine the significance of the Project's air quality impacts because the SCEA's air model underestimated the Project's emissions</u>.

SWAPE's review of the SCEA found that it underestimated the Project's emissions and therefore cannot be relied upon to determine the significant of the Project's air quality impacts. The SCEA relies on emissions calculated from the California Emissions Estimator Model

Version CalEEMod.2016.3.2 ("CalEEMod"). (Ex. B, p. 1.) This model, which is used to generate a project's construction and operational emissions, relies on recommended default values based on site specific information related to a number of factors (*Id.*, pp. 1-2.) CEQA requires that any changes to the default values must be justified by substantial evidence. (*Id.*)

SWAPE reviewed the Project's CalEEMod output files and found that the values input into the model were inconsistent with information provided in the SCEA. (Ex. B, p. 2.) This results in an underestimation of the Project's emissions. (*Id.*) As a result, the SCEA's air quality analysis cannot be relied upon to estimate the Project's emissions.

Specifically, SWAPE found that the following values used in the SCEA's air quality analysis were either inconsistent with information provided in the SCEA or otherwise unjustified:

1. Overestimated Building Construction and Architectural Coating Phase Lengths. (Ex. B, pp. 2-3.)
2. Unsubstantiated Reduction to Gas Fireplaces (Ex. B, p. 3.)
3. Unsubstantiated Reduction to Acres of Grading Value (Ex. B, pp. 3-4)
4. Unsubstantiated Reduction to Worker Trip Numbers (Ex. B, pp. 4-5.)
5. Underestimated Operational Vehicle Trip Rates (Ex. B, pp. 5-6.)
6. Incorrect Application of an Area-Related Operational Mitigation Measure (Ex. B, p. 6.)

As a result of these errors in the SCEA, the Project's construction and operational emissions are underestimated and cannot be relied upon to determine the significance of the Project's air quality impacts.

C. <u>The SCEA inadequately analyzed the Project's impact on human health from emissions of diesel particulate matter</u>.

The SCEA concluded that the Project would result in a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis ("HRA") for Project construction and operation. (Ex. B, p. 7.) The SCEA improperly concludes that the Project would generate less-than-significant construction-related health risk impact due to "the short-term construction duration and compliance with CARB regulations would result in negligible amounts of toxic air contaminant ("TAC")." (*Id.*) Furthermore, the SCEA also improperly "concludes that the Project would result in a less-than-significant operational health risk impact because the proposed land uses do not involve TAC emissions." (*Id.*) However, SWAPE found that the SCEA's analysis of the Project's health risks were inadequate for several reasons. (*Id.*, pp. 7-8.)

First, the SCEA fails to quantitatively evaluate construction-related and operational TACs or make a reasonable effort to connect these emissions to potential health risk impacts to nearby existing sensitive receptors. (Ex. B, pp. 7-8.) SWAPE identifies potential emissions from

both the exhaust stacks of construction equipment and daily vehicle trips. (*Id.*, p. 7.) In failing to connect TAC emissions to potential health risks to nearby receptors, the Project fails to meet the CEQA requirement that projects correlate increases in project-generated emissions to adverse impacts on human health caused by those emissions. (*Id.*, p. 8; *see also Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.)

Second, the California Department of Justice recommends the preparation of a quantitative HRA pursuant to the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent guidance document in 2015 describing which types of projects warrant preparation of an HRA. (*See* "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* http://oehha.ca.gov/air/hot_spots/hotspots2015.html.) OEHHA recommends that projects lasting at least 2 months be evaluated for cancer risks to nearby sensitive receptors, a time period which this Project easily exceeds. (Ex. B, p. 8.) The OEHHA document also recommends that if a project is expected to last over 6 months, the exposure should be evaluated throughout the project using a 30-year exposure duration to estimate individual cancer risks. (*Id.*) Based on its extensive experience, SWAPE reasonably assumes that the Project will last at least 30 years, and therefore recommends that health risk impacts from the project be evaluated. (*Id.*) An EIR is therefore required to analyze these impacts. (*Id.*)

Lastly, the SCEA's claim that there will be a less than significant impact without having conducted a qualified construction or operational HRA for nearby sensitive receptors also fails under CEQA requirements. (Ex. B, p. 8.) Thus, an EIR should be prepared to quantify the cumulative excess cancer risk posed by the Project's construction and operation to nearby, existing receptors, and compare it to the SCAQMD threshold of 10 in one million. (*Id.*)

D. <u>The health risks from construction and operation of the Project exceed SCAQMD's significance threshold</u>.

SWAPE prepared a screening-level health risk assessment to evaluate potential DPM impacts from the construction and operation of the Project, as opposed to the SCEA's failure to conduct any HRA analysis. (Ex. B, pp. 8-12.) SWAPE used AERSCREEN, the leading screening-level air quality dispersion model. (*Id*., pp. 8-9.) SWAPE used a sensitive receptor distance of 50 meters and analyzed impacts to individuals at different stages of life based on OEHHA and SCAQMD guidance. (*Id*., pp. 10-12.)

SWAPE found that the excess cancer risk for 3rd trimester of pregnancy, infants, children, and adults at the closest, sensitive receptor located approximately 50 meters away, over the course of Project construction and operation, is approximately 15.1, 366, 134, and 13.1 in one million. (Ex. B, p. 11.) Moreover, SWAPE found that the excess cancer risk over the course of a residential lifetime is approximately 518 in one million. (*Id*.) The 3rd trimester of pregnancy, infant, child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million. (*Id.*, pp. 11-12.) Because a SCEA is only appropriate where all impacts have been

mitigated to a level of insignificance, the City must prepare a revised SCEA to mitigate this impact. However, given the substantial evidence of a significant health risk impact from the Project's construction-related and operational emissions, the City should prepare an EIR that includes an HRA.

CONCLUSION

For the foregoing reasons, an EIR for the Project should be prepared, or at the very least, the SCEA for the Project should be revised prior to any further action on the Project by the Planning Division. Thank you for considering these comments.

Sincerely,



Victoria Ann Yundt
LOZEAU DRURY LLP

Exhibit A

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From: Francis J. Offermann PE CIH

Subject: Indoor Air Quality: Main Street Tower Project, Los Angeles, CA
(IEE File Reference: P-4516)

Pages: 19

Indoor Air Quality Impacts

Indoor air quality (IAQ) directly impacts the comfort and health of building occupants, and the achievement of acceptable IAQ in newly constructed and renovated buildings is a well-recognized design objective. For example, IAQ is addressed by major high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014). Indoor air quality in homes is particularly important because occupants, on average, spend approximately ninety percent of their time indoors with the majority of this time spent at home (EPA, 2011). Some segments of the population that are most susceptible to the effects of poor IAQ, such as the very young and the elderly, occupy their homes almost continuously. Additionally, an increasing number of adults are working from home at least some of the time during the workweek. Indoor air quality also is a serious concern for workers in hotels, offices and other business establishments.

The concentrations of many air pollutants often are elevated in homes and other buildings relative to outdoor air because many of the materials and products used indoors contain and release a variety of pollutants to air (Hodgson et al., 2002; Offermann and Hodgson,

2011). With respect to indoor air contaminants for which inhalation is the primary route of exposure, the critical design and construction parameters are the provision of adequate ventilation and the reduction of indoor sources of the contaminants.

Indoor Formaldehyde Concentrations Impact. In the California New Home Study (CNHS) of 108 new homes in California (Offermann, 2009), 25 air contaminants were measured, and formaldehyde was identified as the indoor air contaminant with the highest cancer risk as determined by the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), No Significant Risk Levels (NSRL) for carcinogens. The NSRL is the daily intake level calculated to result in one excess case of cancer in an exposed population of 100,000 (i.e., ten in one million cancer risk) and for formaldehyde is 40 µg/day. The NSRL concentration of formaldehyde that represents a daily dose of 40 µg is 2 µg/m^3, assuming a continuous 24-hour exposure, a total daily inhaled air volume of 20 m^3, and 100% absorption by the respiratory system. All of the CNHS homes exceeded this NSRL concentration of 2 µg/m^3. The median indoor formaldehyde concentration was 36 µg/m^3, and ranged from 4.8 to 136 µg/m^3, which corresponds to a median exceedance of the 2 µg/m^3 NSRL concentration of 18 and a range of 2.3 to 68.

Therefore, the cancer risk of a resident living in a California home with the median indoor formaldehyde concentration of 36 µg/m^3, is 180 per million as a result of formaldehyde alone. The CEQA significance threshold for airborne cancer risk is 10 per million, as established by the South Coast Air Quality Management District (SCAQMD, 2015).

Besides being a human carcinogen, formaldehyde is also a potent eye and respiratory irritant. In the CNHS, many homes exceeded the non-cancer reference exposure levels (RELs) prescribed by California Office of Environmental Health Hazard Assessment (OEHHA, 2017b). The percentage of homes exceeding the RELs ranged from 98% for the Chronic REL of 9 µg/m^3 to 28% for the Acute REL of 55 µg/m^3.

The primary source of formaldehyde indoors is composite wood products manufactured with urea-formaldehyde resins, such as plywood, medium density fiberboard, and

particleboard. These materials are commonly used in building construction for flooring, cabinetry, baseboards, window shades, interior doors, and window and door trims.

In January 2009, the California Air Resources Board (CARB) adopted an airborne toxics control measure (ATCM) to reduce formaldehyde emissions from composite wood products, including hardwood plywood, particleboard, medium density fiberboard, and also furniture and other finished products made with these wood products (California Air Resources Board 2009). While this formaldehyde ATCM has resulted in reduced emissions from composite wood products sold in California, they do not preclude that homes built with composite wood products meeting the CARB ATCM will have indoor formaldehyde concentrations below cancer and non-cancer exposure guidelines.

A follow up study to the California New Home Study (CNHS) was conducted in 2016-2018 (Singer et. al., 2019), and found that the median indoor formaldehyde in new homes built after 2009 with CARB Phase 2 Formaldehyde ATCM materials had lower indoor formaldehyde concentrations, with a median indoor concentrations of 22.4 $\mu g/m^3$ (18.2 ppb) as compared to a median of 36 $\mu g/m^3$ found in the 2007 CNHS. Unlike in the CNHS study where formaldehyde concentrations were measured with pumped DNPH samplers, the formaldehyde concentrations in the HENGH study were measured with passive samplers, which were estimated to under-measure the true indoor formaldehyde concentrations by approximately 7.5%. Applying this correction to the HENGH indoor formaldehyde concentrations results in a median indoor concentration of 24.1 $\mu g/m^3$, which is 33% lower than the 36 $\mu g/m^3$ found in the 2007 CNHS.

Thus, while new homes built after the 2009 CARB formaldehyde ATCM have a 33% lower median indoor formaldehyde concentration and cancer risk, the median lifetime cancer risk is still 120 per million for homes built with CARB compliant composite wood products. This median lifetime cancer risk is more than 12 times the OEHHA 10 in a million cancer risk threshold (OEHHA, 2017a).

With respect to the Main Street Tower Project, Los Angeles, CA the buildings consist of residential and commercial spaces.

The residential occupants will potentially have continuous exposure (e.g. 24 hours per day, 52 weeks per year). These exposures are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in residential construction.

Because these residences will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor residential formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu g/m^3$ (Singer et. al., 2020)

Assuming that the residential occupants inhale 20 m^3 of air per day, the average 70-year lifetime formaldehyde daily dose is 482 µg/day for continuous exposure in the residences. This exposure represents a cancer risk of 120 per million, which is more than 12 times the CEQA cancer risk of 10 per million. For occupants that do not have continuous exposure, the cancer risk will be proportionally less but still substantially over the CEQA cancer risk of 10 per million (e.g. for 12/hour/day occupancy, more than 6 times the CEQA cancer risk of 10 per million).

The employees of the commercial spaces are expected to experience significant indoor exposures (e.g., 40 hours per week, 50 weeks per year). These exposures for employees are anticipated to result in significant cancer risks resulting from exposures to formaldehyde released by the building materials and furnishing commonly found in offices, warehouses, residences and hotels.

Because the commercial spaces will be constructed with CARB Phase 2 Formaldehyde ATCM materials, and be ventilated with the minimum code required amount of outdoor air, the indoor formaldehyde concentrations are likely similar to those concentrations observed in residences built with CARB Phase 2 Formaldehyde ATCM materials, which is a median of 24.1 $\mu g/m^3$ (Singer et. al., 2020)

Assuming that the employees of commercial spaces work 8 hours per day and inhale 20 m^3 of air per day, the formaldehyde dose per work-day at the offices is 161 µg/day.

Assuming that these employees work 5 days per week and 50 weeks per year for 45 years (start at age 20 and retire at age 65) the average 70-year lifetime formaldehyde daily dose is 70.9 µg/day.

This is 1.77 times the NSRL (OEHHA, 2017a) of 40 µg/day and represents a cancer risk of 17.7 per million, which exceeds the CEQA cancer risk of 10 per million. This impact should be analyzed in an environmental impact report ("EIR"), and the agency should impose all feasible mitigation measures to reduce this impact. Several feasible mitigation measures are discussed below and these and other measures should be analyzed in an EIR.

Appendix A, Indoor Formaldehyde Concentrations and the CARB Formaldehyde ATCM, provides analyses that show utilization of CARB Phase 2 Formaldehyde ATCM materials will not ensure acceptable cancer risks with respect to formaldehyde emissions from composite wood products.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

The following describes a method that should be used, prior to construction in the environmental review under CEQA, for determining whether the indoor concentrations resulting from the formaldehyde emissions of specific building materials/furnishings selected exceed cancer and non-cancer guidelines. Such a design analyses can be used to identify those materials/furnishings prior to the completion of the City's CEQA review and project approval, that have formaldehyde emission rates that contribute to indoor

concentrations that exceed cancer and non-cancer guidelines, so that alternative lower emitting materials/furnishings may be selected and/or higher minimum outdoor air ventilation rates can be increased to achieve acceptable indoor concentrations and incorporated as mitigation measures for this project.

Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment

This formaldehyde emissions assessment should be used in the environmental review under CEQA to assess the indoor formaldehyde concentrations from the proposed loading of building materials/furnishings, the area-specific formaldehyde emission rate data for building materials/furnishings, and the design minimum outdoor air ventilation rates. This assessment allows the applicant (and the City) to determine, before the conclusion of the environmental review process and the building materials/furnishings are specified, purchased, and installed, if the total chemical emissions will exceed cancer and non-cancer guidelines, and if so, allow for changes in the selection of specific material/furnishings and/or the design minimum outdoor air ventilations rates such that cancer and non-cancer guidelines are not exceeded.

1.) Define Indoor Air Quality Zones. Divide the building into separate indoor air quality zones, (IAQ Zones). IAQ Zones are defined as areas of well-mixed air. Thus, each ventilation system with recirculating air is considered a single zone, and each room or group of rooms where air is not recirculated (e.g. 100% outdoor air) is considered a separate zone. For IAQ Zones with the same construction material/furnishings and design minimum outdoor air ventilation rates. (e.g. hotel rooms, apartments, condominiums, etc.) the formaldehyde emission rates need only be assessed for a single IAQ Zone of that type.

2.) Calculate Material/Furnishing Loading. For each IAQ Zone, determine the building material and furnishing loadings (e.g., m^2 of material/m^2 floor area, units of furnishings/m^2 floor area) from an inventory of all potential indoor formaldehyde sources, including flooring, ceiling tiles, furnishings, finishes, insulation, sealants, adhesives, and any products constructed with composite wood products containing urea-formaldehyde resins (e.g., plywood, medium density fiberboard, particleboard).

3.) Calculate the Formaldehyde Emission Rate. For each building material, calculate the formaldehyde emission rate (µg/h) from the product of the area-specific formaldehyde emission rate (µg/m^2-h) and the area (m^2) of material in the IAQ Zone, and from each furnishing (e.g. chairs, desks, etc.) from the unit-specific formaldehyde emission rate (µg/unit-h) and the number of units in the IAQ Zone.

NOTE: As a result of the high-performance building rating systems and building codes (California Building Standards Commission, 2014; USGBC, 2014), most manufacturers of building materials furnishings sold in the United States conduct chemical emission rate tests using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), or other equivalent chemical emission rate testing methods. Most manufacturers of building furnishings sold in the United States conduct chemical emission rate tests using ANSI/BIFMA M7.1 Standard Test Method for Determining VOC Emissions (BIFMA, 2018), or other equivalent chemical emission rate testing methods.

CDPH, BIFMA, and other chemical emission rate testing programs, typically certify that a material or furnishing does not create indoor chemical concentrations in excess of the maximum concentrations permitted by their certification. For instance, the CDPH emission rate testing requires that the measured emission rates when input into an office, school, or residential model do not exceed one-half of the OEHHA Chronic Exposure Guidelines (OEHHA, 2017b) for the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017). These certifications themselves do not provide the actual area-specific formaldehyde emission rate (i.e., µg/m^2-h) of the product, but rather provide data that the formaldehyde emission rates do not exceed the maximum rate allowed for the certification. Thus, for example, the data for a certification of a specific type of flooring may be used to calculate that the area-specific emission rate of formaldehyde is less than 31 µg/m^2-h, but not the actual measured specific emission rate, which may be 3, 18, or 30 µg/m^2-h. These area-specific emission rates determined from the product certifications of CDPH, BIFA, and other certification programs can be used as an initial estimate of the formaldehyde emission rate.

If the actual area-specific emission rates of a building material or furnishing is needed (i.e. the initial emission rates estimates from the product certifications are higher than desired), then that data can be acquired by requesting from the manufacturer the complete chemical emission rate test report. For instance if the complete CDPH emission test report is requested for a CDHP certified product, that report will provide the actual area-specific emission rates for not only the 35 specific VOCs, including formaldehyde, listed in Table 4-1 of the CDPH test method (CDPH, 2017), but also all of the cancer and reproductive/developmental chemicals listed in the California Proposition 65 Safe Harbor Levels (OEHHA, 2017a), all of the toxic air contaminants (TACs) in the California Air Resources Board Toxic Air Contamination List (CARB, 2011), and the 10 chemicals with the greatest emission rates.

Alternatively, a sample of the building material or furnishing can be submitted to a chemical emission rate testing laboratory, such as Berkeley Analytical Laboratory (https://berkeleyanalytical.com), to measure the formaldehyde emission rate.

4.) Calculate the Total Formaldehyde Emission Rate. For each IAQ Zone, calculate the total formaldehyde emission rate (i.e. µg/h) from the individual formaldehyde emission rates from each of the building material/furnishings as determined in Step 3.

5.) Calculate the Indoor Formaldehyde Concentration. For each IAQ Zone, calculate the indoor formaldehyde concentration (µg/m^3) from Equation 1 by dividing the total formaldehyde emission rates (i.e. µg/h) as determined in Step 4, by the design minimum outdoor air ventilation rate (m^3/h) for the IAQ Zone.

$$C_{in} = \frac{E_{total}}{Q_{oa}} \quad \text{(Equation 1)}$$

where:

C_{in} = indoor formaldehyde concentration (µg/m^3)

E_{total} = total formaldehyde emission rate (µg/h) into the IAQ Zone.

Q_{oa} = design minimum outdoor air ventilation rate to the IAQ Zone (m^3/h)

The above Equation 1 is based upon mass balance theory, and is referenced in Section

3.10.2 “Calculation of Estimated Building Concentrations” of the California Department of Health “Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers”, (CDPH, 2017).

6.) Calculate the Indoor Exposure Cancer and Non-Cancer Health Risks. For each IAQ Zone, calculate the cancer and non-cancer health risks from the indoor formaldehyde concentrations determined in Step 5 and as described in the OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines; Guidance Manual for Preparation of Health Risk Assessments (OEHHA, 2015).

7.) Mitigate Indoor Formaldehyde Exposures of exceeding the CEQA Cancer and/or Non-Cancer Health Risks. In each IAQ Zone, provide mitigation for any formaldehyde exposure risk as determined in Step 6, that exceeds the CEQA cancer risk of 10 per million or the CEQA non-cancer Hazard Quotient of 1.0.

Provide the source and/or ventilation mitigation required in all IAQ Zones to reduce the health risks of the chemical exposures below the CEQA cancer and non-cancer health risks.

Source mitigation for formaldehyde may include:

1.) reducing the amount materials and/or furnishings that emit formaldehyde
2.) substituting a different material with a lower area-specific emission rate of formaldehyde

Ventilation mitigation for formaldehyde emitted from building materials and/or furnishings may include:

1.) increasing the design minimum outdoor air ventilation rate to the IAQ Zone.

NOTE: Mitigating the formaldehyde emissions through use of less material/furnishings, or use of lower emitting materials/furnishings, is the preferred mitigation option, as mitigation with increased outdoor air ventilation increases initial and operating costs associated with the heating/cooling systems.

Further, we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers," (CDPH, 2017), and use the procedure described earlier above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Impact. Another important finding of the CNHS, was that the outdoor air ventilation rates in the homes were very low. Outdoor air ventilation is a very important factor influencing the indoor concentrations of air contaminants, as it is the primary removal mechanism of all indoor air generated contaminants. Lower outdoor air exchange rates cause indoor generated air contaminants to accumulate to higher indoor air concentrations. Many homeowners rarely open their windows or doors for ventilation as a result of their concerns for security/safety, noise, dust, and odor concerns (Price, 2007). In the CNHS field study, 32% of the homes did not use their windows during the 24-hour Test Day, and 15% of the homes did not use their windows during the entire preceding week. Most of the homes with no window usage were homes in the winter field session. Thus, a substantial percentage of homeowners never open their windows, especially in the winter season. The median 24-hour measurement was 0.26 air changes per hour (ach), with a range of 0.09 ach to 5.3 ach. A total of 67% of the homes had outdoor air exchange rates below the minimum California Building Code (2001) requirement of 0.35 ach. Thus, the relatively tight envelope construction, combined with the fact that many people never open their windows for ventilation, results in homes with low outdoor air exchange rates and higher indoor air contaminant concentrations.

The Main Street Tower Project is close to roads with moderate to high traffic (e.g., South Main Street, S. Broadway Street, West 11th Street, E 12th Street, etc., and thus the Project site is a sound impacted site.

According to the Noise Monitoring and Sensitive Receptor Location Map (Parker Environmental Consultants, 2021), the noise levels range from 62.5 dBA to 74.0 dBA L_{eq}.

As a result of the anticipated high outdoor noise levels, the current project will require a mechanical supply of outdoor air ventilation to allow for a habitable interior environment with closed windows and doors. Such a ventilation system would allow windows and doors to be kept closed at the occupant's discretion to control exterior noise within building interiors.

$PM_{2.5}$ Outdoor Concentrations Impact. An additional impact of the nearby motor vehicle traffic associated with this project, are the outdoor concentrations of $PM_{2.5}$. According to the Main Street Tower Project – Sustainable Communities Environmental Assessment (Parker Environmental Consultants, 2021), the Project is located in the South Coast Air Basin, which is a State and Federal non-attainment area for $PM_{2.5}$.

An air quality analyses should to be conducted to determine the concentrations of $PM_{2.5}$ in the outdoor and indoor air that people inhale each day. This air quality analyses needs to consider the cumulative impacts of the project related emissions, existing and projected future emissions from local $PM_{2.5}$ sources (e.g. stationary sources, motor vehicles, and airport traffic) upon the outdoor air concentrations at the Project site. If the outdoor concentrations are determined to exceed the California and National annual average $PM_{2.5}$ exceedence concentration of 12 $\mu g/m^3$, or the National 24-hour average exceedence concentration of 35 $\mu g/m^3$, then the buildings need to have a mechanical supply of outdoor air that has air filtration with sufficient removal efficiency, such that the indoor concentrations of outdoor $PM_{2.5}$ particles is less than the California and National $PM_{2.5}$ annual and 24-hour standards.

It is my experience that based on the projected high traffic noise levels, the annual average concentration of $PM_{2.5}$ will exceed the California and National $PM_{2.5}$ annual and 24-hour standards and warrant installation of high efficiency air filters (i.e. MERV 13 or higher) in all mechanically supplied outdoor air ventilation systems.

Indoor Air Quality Impact Mitigation Measures

The following are recommended mitigation measures to minimize the impacts upon indoor quality:

Indoor Formaldehyde Concentrations Mitigation. Use only composite wood materials (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins (CARB, 2009). CARB Phase 2 certified composite wood products, or ultra-low emitting formaldehyde (ULEF) resins, do not insure indoor formaldehyde concentrations that are below the CEQA cancer risk of 10 per million. Only composite wood products manufactured with CARB approved no-added formaldehyde (NAF) resins, such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

Alternatively, conduct the previously described Pre-Construction Building Material/Furnishing Chemical Emissions Assessment, to determine that the combination of formaldehyde emissions from building materials and furnishings do not create indoor formaldehyde concentrations that exceed the CEQA cancer and non-cancer health risks.

It is important to note that we are not asking that the builder "speculate" on what and how much composite materials be used, but rather at the design stage to select composite wood materials based on the formaldehyde emission rates that manufacturers routinely conduct using the California Department of Health "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers", (CDPH, 2017), and use the procedure described above (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Outdoor Air Ventilation Mitigation. Provide each habitable room with a continuous mechanical supply of outdoor air that meets or exceeds the California 2016 Building Energy

Efficiency Standards (California Energy Commission, 2015) requirements of the greater of 15 cfm/occupant or 0.15 cfm/ft^2 of floor area. Following installation of the system conduct testing and balancing to insure that required amount of outdoor air is entering each habitable room and provide a written report documenting the outdoor airflow rates. Do not use exhaust only mechanical outdoor air systems, use only balanced outdoor air supply and exhaust systems or outdoor air supply only systems. Provide a manual for the occupants or maintenance personnel, that describes the purpose of the mechanical outdoor air system and the operation and maintenance requirements of the system.

$PM_{2.5}$ Outdoor Air Concentration Mitigation. Install air filtration with sufficient $PM_{2.5}$ removal efficiency (e.g. MERV 13 or higher) to filter the outdoor air entering the mechanical outdoor air supply systems, such that the indoor concentrations of outdoor $PM_{2.5}$ particles are less than the California and National $PM_{2.5}$ annual and 24-hour standards. Install the air filters in the system such that they are accessible for replacement by the occupants or maintenance personnel. Include in the mechanical outdoor air ventilation system manual instructions on how to replace the air filters and the estimated frequency of replacement.

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APPENDIX A

INDOOR FORMALDEHYDE CONCENTRATIONS
AND THE
CARB FORMALDEHYDE ATCM

With respect to formaldehyde emissions from composite wood products, the CARB ATCM regulations of formaldehyde emissions from composite wood products, do not assure healthful indoor air quality. The following is the stated purpose of the CARB ATCM regulation - *The purpose of this airborne toxic control measure is to "reduce formaldehyde emissions from composite wood products, and finished goods that contain composite wood products, that are sold, offered for sale, supplied, used, or manufactured for sale in California".* In other words, the CARB ATCM regulations do not "assure healthful indoor air quality", but rather "reduce formaldehyde emissions from composite wood products".

Just how much protection do the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products? Definitely some, but certainly the regulations do not "*assure healthful indoor air quality"* when CARB Phase 2 products are utilized. As shown in the Chan 2019 study of new California homes, the median indoor formaldehyde concentration was of 22.4 $\mu g/m^3$ (18.2 ppb), which corresponds to a cancer risk of 112 per million for occupants with continuous exposure, which is more than 11 times the CEQA cancer risk of 10 per million.

Another way of looking at how much protection the CARB ATCM regulations provide building occupants from the formaldehyde emissions generated by composite wood products is to calculate the maximum number of square feet of composite wood product that can be in a residence without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy.

For this calculation I utilized the floor area (2,272 ft^2), the ceiling height (8.5 ft), and the number of bedrooms (4) as defined in Appendix B (New Single-Family Residence Scenario) of the Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions for Indoor Sources Using Environmental Chambers, Version 1.1, 2017, California Department of Public Health,

Richmond, CA. https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/EHLB/IAQ/Pages/VOC.aspx.

For the outdoor air ventilation rate I used the 2019 Title 24 code required mechanical ventilation rate (ASHRAE 62.2) of 106 cfm (180 m^3/h) calculated for this model residence. For the composite wood formaldehyde emission rates I used the CARB ATCM Phase 2 rates.

The calculated maximum number of square feet of composite wood product that can be in a residence, without exceeding the CEQA cancer risk of 10 per million for occupants with continuous occupancy are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 15 ft^2 (0.7% of the floor area), or
Particle Board – 30 ft^2 (1.3% of the floor area), or
Hardwood Plywood – 54 ft^2 (2.4% of the floor area), or
Thin MDF – 46 ft^2 (2.0 % of the floor area).

For offices and hotels the calculated maximum amount of composite wood product (% of floor area) that can be used without exceeding the CEQA cancer risk of 10 per million for occupants, assuming 8 hours/day occupancy, and the California Mechanical Code minimum outdoor air ventilation rates are as follows for the different types of regulated composite wood products.

Medium Density Fiberboard (MDF) – 3.6 % (offices) and 4.6% (hotel rooms), or
Particle Board – 7.2 % (offices) and 9.4% (hotel rooms), or
Hardwood Plywood – 13 % (offices) and 17% (hotel rooms), or
Thin MDF – 11 % (offices) and 14 % (hotel rooms)

Clearly the CARB ATCM does not regulate the formaldehyde emissions from composite wood products such that the potentially large areas of these products, such as for flooring, baseboards, interior doors, window and door trims, and kitchen and bathroom cabinetry, could be used without causing indoor formaldehyde concentrations that result in CEQA

cancer risks that substantially exceed 10 per million for occupants with continuous occupancy.

Even composite wood products manufactured with CARB certified ultra low emitting formaldehyde (ULEF) resins do not insure that the indoor air will have concentrations of formaldehyde the meet the OEHHA cancer risks that substantially exceed 10 per million. The permissible emission rates for ULEF composite wood products are only 11-15% lower than the CARB Phase 2 emission rates. Only use of composite wood products made with no-added formaldehyde resins (NAF), such as resins made from soy, polyvinyl acetate, or methylene diisocyanate can insure that the OEHHA cancer risk of 10 per million is met.

If CARB Phase 2 compliant or ULEF composite wood products are utilized in construction, then the resulting indoor formaldehyde concentrations should be determined in the design phase using the specific amounts of each type of composite wood product, the specific formaldehyde emission rates, and the volume and outdoor air ventilation rates of the indoor spaces, and all feasible mitigation measures employed to reduce this impact (e.g. use less formaldehyde containing composite wood products and/or incorporate mechanical systems capable of higher outdoor air ventilation rates). See the procedure described earlier (i.e. Pre-Construction Building Material/Furnishing Formaldehyde Emissions Assessment) to insure that the materials selected achieve acceptable cancer risks from material off gassing of formaldehyde.

Alternatively, and perhaps a simpler approach, is to use only composite wood products (e.g. hardwood plywood, medium density fiberboard, particleboard) for all interior finish systems that are made with CARB approved no-added formaldehyde (NAF) resins.

Exhibit B

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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December 2, 2021

Victoria Yundt
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Subject: Comments on the Main Street Tower Project (SCH No. 2021090599)

Dear Ms. Yundt,

We have reviewed the September 2021 Sustainable Communities Environmental Assessment ("SCEA") for the Main Street Tower Project ("Project") located in the City of Los Angeles ("City"). The Project proposes to demolish 28,110-SF of commercial/retail space and construct 330,974-SF of residential space, consisting of 363 dwelling units, 12,500-SF of commercial/retail space, as well as 373 parking spaces on the 1.12-acre site.

Our review concludes that the SCEA fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project are underestimated and inadequately addressed. An Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the surrounding environment.

Air Quality

Unsubstantiated Input Parameters Used to Estimate Project Emissions

The SCEA's air quality analysis relies on emissions calculated with CalEEMod.2016.3.2 (p. 6-17).[1] CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes

[1] CAPCOA (November 2017) CalEEMod User's Guide, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

be justified by substantial evidence. Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters are utilized in calculating the Project's air pollutant emissions and make known which default values are changed as well as provide justification for the values selected.

When reviewing the Project's CalEEMod output files, provided in the Air Quality Modeling Worksheets ("AQ Modeling Worksheets") as Appendix A to the SCEA, we found that several model inputs were not consistent with information disclosed in the SCEA. As a result, the Project's construction and operational emissions are underestimated. As such, an EIR should be prepared to include an updated air quality analysis that adequately evaluates the impacts that construction and operation of the Project will have on local and regional air quality.

Overestimated Building Construction and Architectural Coating Phase Lengths

Regarding the Project's anticipated building construction duration, the SCEA states:

> "The building construction phase consists of above grade structures and is expected to occur for approximately 18 months" (p. 2-32).

Furthermore, regarding the Project's anticipated architectural coating duration, the SCEA states:

> "The finishing/architectural coating phase is expected to occur over approximately four months" (p. 2-32).

As such, the model should have included building construction and architectural coating phase lengths of 18- and 4-months, respectively, in order to conduct the most conservative analysis. However, review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes the following construction schedule (see excerpt below) (Appendix A, pp. 445, 490, 755):

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days
1	Demolition	Demolition	6/12/2023	7/11/2023	5	22
2	Grading	Grading	7/12/2023	1/8/2024	5	129
3	Building Construction	Building Construction	1/9/2024	7/21/2025	5	400
4	Paving	Paving	7/22/2025	8/20/2025	5	22
5	Architectural Coating	Architectural Coating	8/21/2025	1/1/2026	5	96

As demonstrated in the excerpt above, the model includes overestimated building construction architectural coating phase lengths. Thus, the revised lengths are incorrect, and the model is inconsistent with the SCEA.

These inconsistencies present an issue, as construction-related emissions are improperly spread out over a longer period of time for the building construction and architectural coating phases. As such, the Project's peak daily emissions are underestimated. Thus, by including overestimated construction phase

lengths, the model underestimates the Project's construction-related emissions and should not be relied upon to determine Project significance.

Unsubstantiated Reduction to Gas Fireplaces

Review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes an unsubstantiated reduction to the default gas fireplace value (see excerpt below) (Appendix A, pp. 449, 484, 749).

Table Name	Column Name	Default Value	New Value
tblFireplaces	NumberGas	308.55	0.00

As you can see in the excerpt above, the model assumes that the Project would not include any gas fireplaces. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[2] According to the "User Entered Comments & Non-Default Data" table, the justification provided for this change is: "No woodstoves or fireplaces proposed" (Appendix A, pp. 448, 483, 748). However, the SCEA and associated documents fail to mention gas fireplaces or substantiate this reduction whatsoever. This is incorrect, as according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA."[3]

Here, as the SCEA and associated documents fail to provide substantial evidence to support the revised gas fireplace value, we cannot verify the change.

This unsubstantiated reduction presents an issue, as CalEEMod uses the number of gas fireplaces to calculate the Project's area-source operational emissions.[4] Thus, by including an unsubstantiated reduction to the default number of gas fireplaces, the model may underestimate the Project's area-source operational emissions and should not be relied upon to determine Project significance.

Unsubstantiated Reduction to Acres of Grading Value

Review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes a manual reduction to the default acres of grading value (see excerpt below) (Appendix A, pp. 449, 484, 749).

Table Name	Column Name	Default Value	New Value
tblGrading	AcresOfGrading	322.50	75.00

[2] CalEEMod User's Guide, *available at: :* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.
[3] CalEEMod Model 2013.2.2 User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/usersguideSept2016.pdf?sfvrsn=6, p. 12.
[4] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 40.

As you can see from the excerpt above, the acres of grading value was reduced by approximately 77%, from the default value of 322.5- to 75-acres. As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[5] According to the "User Entered Comments & Non-Default Data" table, the justification provided for this change is: "approximately 5,434 cy of soil for export and approximately 5,434 cy of soil for import for foundations" (Appendix A, pp. 448, 483, 748). However, this reduction remains unsupported for two reasons.

First, the justification provided by the "User Entered Comments & Non-Default Data" table references the amount of required material import and export, not the revised acres of grading value.

Second, the SCEA and associated documents fail to mention the acres of grading value or substantiate this reduction whatsoever. This is incorrect, as according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." [6]

Here, as the SCEA and associated documents fail to provide substantial evidence to support the revised acres of grading value, we cannot verify the change.

This unsubstantiated reduction presents an issue, as CalEEMod uses the acres of grading value to estimate the dust emissions associated with grading.[7] Thus, by including an unsubstantiated reduction to the default acres of grading value, the model may underestimate the Project's construction-related emissions and should not be relied upon to determine Project significance.

Unsubstantiated Reduction to Worker Trip Numbers

Review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes several changes to the default worker trip numbers (see excerpt below) (Appendix A, pp. 450, 485, 750).

Table Name	Column Name	Default Value	New Value
tblTripsAndVMT	WorkerTripNumber	18.00	10.00
tblTripsAndVMT	WorkerTripNumber	20.00	10.00

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[8] According to the "User Entered Comments & Non-Default Data" table, the justification provided for these changes is: "Assumes 14 cy haul truck capacity and approximately 30 miles to

[5] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9
[6] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 12.
[7] "Appendix A Calculation Details for CalEEMod." *available at:* http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 9.
[8] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 2, 9

disposal site" (Appendix A, pp. 448, 483, 748). However, these reductions remain unsupported for two reasons.

First, the justification provided by the "User Entered Comments & Non-Default Data" table references haul capacity and distance, not the revised worker trip numbers.

Second, the SCEA fails to mention the number of anticipated worker trips or substantiate these reductions whatsoever. This is incorrect, as according to the CalEEMod User's Guide:

> "CalEEMod was also designed to allow the user to change the defaults to reflect site- or project-specific information, when available, provided that the information is supported by substantial evidence as required by CEQA." [9]

Here, as the SCEA and associated documents fail to provide substantial evidence to support the revised worker trip numbers, we cannot verify the changes.

These unsubstantiated changes present an issue, as CalEEMod uses the worker trip numbers to estimate the construction-related emissions associated with on-road vehicles.[10] Thus, by including unsubstantiated changes to the default worker trip numbers, the model may underestimate the Project's mobile-source construction-related emissions and should not be relied upon to determine Project significance.

Underestimated Operational Vehicle Trip Rates

According to the SCEA, the proposed Project is expected to generate a net increase of 463 daily trips (p. 6-172). As such, the models associated with the existing site and proposed Project should have included trip rates that reflect the anticipated net increase of 463 vehicle trips. However, review of the CalEEMod output files demonstrates that the "Main Street Tower (Existing)" model includes 857.12 weekday, 1,002.96 Saturday, and 507.22 Sunday vehicle trips (see excerpt below) (Appendix A, pp. 428, 441, 737).

	Average Daily Trip Rate		
Land Use	Weekday	Saturday	Sunday
Regional Shopping Center	857.12	1,002.96	507.22
Total	857.12	1,002.96	507.22

Furthermore, review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes 1,072.48 weekday, 1,264.79 Saturday, and 830.48 Sunday vehicle trips (see excerpt below) (Appendix A, pp. 474, 509, 775).

[9] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 12.
[10] CalEEMod User Guide, *available at:* http://www.caleemod.com/, p. 34.

Land Use	Average Daily Trip Rate		
	Weekday	Saturday	Sunday
Apartments High Rise	711.48	842.16	617.10
Enclosed Parking with Elevator	0.00	0.00	0.00
Regional Shopping Center	361.00	422.63	213.38
Total	1,072.48	1,264.79	830.48

As demonstrated above, the model includes weekday, Saturday, and Sunday net increases of only 215.36-,[11] 261.83-,[12] and 323.26-vehicle trips, respectively.[13] As such, the trip rates inputted into the proposed model are underestimated and inconsistent with the information provided by the SCEA. By including underestimated operational vehicle trip rates, the models underestimate the Project's mobile-source operational emissions and should not be relied upon to determine Project significance.

Incorrect Application of an Area-Related Operational Mitigation Measure

Review of the CalEEMod output files demonstrates that the "Main Street Tower (Proposed)" model includes the following area-related operational mitigation measure (see excerpt below) (Appendix A, pp. 477, 512, 779):

6.1 Mitigation Measures Area

Use only Natural Gas Hearths

Use Low VOC Cleaning Supplies

As previously mentioned, the CalEEMod User's Guide requires any changes to model defaults be justified.[14] However, the "User Entered Comments & Non-Default Data" table fails to provide a justification for this change. Furthermore, the SCEA fails to mention or require the use of low VOC cleaning supplies whatsoever. As such, the inclusion of the "Use Low VOC Cleaning Supplies" mitigation measure in the model is unsupported. By including an operational mitigation measure without properly committing to its implementation, the model may underestimate the Project's operational emissions and should not be relied upon to determine Project significance.

[11] Calculated: 1,072.48 proposed weekday vehicle trips – 857.12 existing weekday vehicle trips = 215.36 net weekday vehicle trips.
[12] Calculated: 1,264.79 proposed Saturday vehicle trips – 1,002.96 existing Saturday vehicle trips = 261.83 net Saturday vehicle trips.
[13] Calculated: 830.48 proposed Sunday vehicle trips – 507.22 existing Sunday vehicle trips = 323.26 net Sunday vehicle trips.
[14] CalEEMod User's Guide, *available at:* http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 2, 9.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

The SCEA concludes that the Project would have a less-than-significant health risk impact without conducting a quantified construction or operational health risk analysis ("HRA") (p. 6-34 - 6-35). Regarding the health risk impacts associated with Project construction, the SCEA states:

> "Given the short-term construction schedule of approximately 30 months, the Proposed Project would not result in a long-term (i.e., 70-year) source of TAC emissions. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (30 out of 840 months of a 70-year lifetime), health risks associated with DPM emissions during construction would be less than significant. Moreover, the Proposed Project would be required to comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than 5 minutes at a location. In addition, as discussed above, the Proposed Project would not result in a localized significant impact. Therefore, the Proposed Project would result in a less than significant impact related to construction TACs" (p. 6-34 - 6-35).

As demonstrated above, the SCEA concludes that the Project would result in a less-than-significant construction-related health risk impact because the short-term construction duration and compliance with CARB regulations would result in negligible amounts of toxic air contaminant ("TAC") emissions. Furthermore, regarding the health risk impacts associated with Project operation, the SCEA states:

> "The Proposed Project consists of a mixed-use residential and commercial development. These uses would not support any land uses or activities that would involve the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants. As such no significant toxic airborne emissions would result from Proposed Project implementation. In addition, construction activities would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial concentrations of these emissions. Therefore, impacts associated with the release of toxic air contaminants would be less than significant" (p. 6-35).

As demonstrated above, the SCEA concludes that the Project would result in a less-than-significant operational health risk impact because the proposed land uses do not involve TAC emissions. However, the SCEA's evaluation of the Project's potential health risk impacts, as well as the subsequent less-than-significant impact conclusion, is incorrect for three reasons.

First, by failing to prepare a quantified construction and operational HRA, the Project is inconsistent with CEQA's requirement to correlate the increase in emissions that the Project would generate to the adverse impacts on human health caused by those emissions. This is incorrect, as construction of the proposed Project would produce diesel particulate matter ("DPM") emissions through the exhaust stacks of construction equipment over a potential construction period of approximately 30 months (p. 2-31). Furthermore, the SCEA indicates that the Project would generate approximately 463 net daily vehicle trips, which would generate additional exhaust emissions and continue to expose nearby sensitive receptors to DPM emissions during Project operation (p. 6-172). However, the SCEA fails to

evaluate Project-generated TACs or indicate the concentrations at which such pollutants would trigger adverse health effects. Thus, without making a reasonable effort to connect the Project's construction-related and operational TAC emissions to the potential health risks posed to nearby receptors, the SCEA is inconsistent with CEQA's requirement to correlate the increase in emissions generated by the Project with the potential adverse impacts on human health.

Second, the SCEA's conclusion is also inconsistent with the most recent guidance published by the Office of Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, as well as local air district guidelines. OEHHA released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments in February 2015.[15] This guidance document describes the types of projects that warrant the preparation of an HRA. The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors. As the Project's construction duration exceeds the 2-month requirement set forth by OEHHA, it is clear that the Project meets the threshold warranting a quantified HRA under OEHHA guidance. Furthermore, the OEHHA document recommends that exposure from projects lasting more than 6 months be evaluated for the duration of the project and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident ("MEIR"). Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, we recommend that health risk impacts from Project operation also be evaluated, as a 30-year exposure duration vastly exceeds the 6-month requirement set forth by OEHHA. These recommendations reflect the most recent state health risk policies, and as such, we recommend that an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions be included in an EIR for the Project.

Third, by claiming a less than significant impact without conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the SCEA fails to compare the excess health risk impact to the SCAQMD's specific numeric threshold of 10 in one million.[16] Thus, in accordance with the most relevant guidance, an assessment of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

Screening-Level Analysis Demonstrates Significant Impacts

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.[17] The model replaced SCREEN3, and AERSCREEN is included in the

[15] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.
[16] "South Coast AQMD Air Quality Significance Thresholds." SCAQMD, April 2019, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf.
[17] U.S. EPA (April 2011) AERSCREEN Released as the EPA Recommended Screening Model, http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

OEHHA[18] and the California Air Pollution Control Officers Associated ("CAPCOA")[19] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary HRA of the Project's construction and operational health risk impact to residential sensitive receptors using the annual PM_{10} exhaust estimates from the SCEA's CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life. The SCEA's CalEEMod model indicates that construction activities will generate approximately 468 pounds of DPM over the 933-day construction period.[20] The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{467.6\ lbs}{933\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.00263\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.00263 grams per second ("g/s"). Subtracting the 933-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's operational DPM for an additional 27.44 years. The SCEA's operational CalEEMod emissions indicate that operational activities will generate approximately 54 pounds of DPM per year throughout operation. Applying the same equation used to estimate the construction DPM rate, we estimated the following emission rate for Project operation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{53.6\ lbs}{365\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.000771\ g/s}$$

Using this equation, we estimated an operational emission rate of 0.000771 g/s. Construction and operation were simulated as a 1.12-acre rectangular area source in AERSCREEN, with approximate dimensions of 95- by 48-meters. A release height of three meters was selected to represent the height of stacks of operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban

[18] OEHHA (February 2015) Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments, https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.
[19] CAPCOA (July 2009) Health Risk Assessments for Proposed Land Use Projects, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.
[20] See Attachment B for calculations.

meteorological setting was selected with model-default inputs for wind speed and direction distribution. The population of Los Angeles was obtained from U.S. 2020 Census data.[21]

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project Site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant to be estimated by multiplying the single-hour concentration by 10%.[22] According to the SCEA the nearest sensitive receptor are multi-family residences located approximately 60 feet, or 18 meters, from the Project site (p. 6-165). However, review of the AERSCREEN output files demonstrates that the maximally exposed individual resident ("MEIR") is located approximately 50 meters from the Project site. Thus, the single-hour concentration estimated by AERSCREEN for Project construction is approximately 11.13 µg/m^3 DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 1.113 µg/m^3 for Project construction at the MEIR. For Project operation, the single-hour concentration estimated by AERSCREEN is 3.261 µg/m^3 DPM at approximately 50 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3261 µg/m^3 for Project operation at the MEIR.

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA, as recommended by SCAQMD.[23] Consistent with the 933-day construction schedule, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years), infantile stage of life (0 – 2 years), and the first 0.31 years of the child stage of life (2 – 16 years). The annualized average concentration for operation was used for the remainder of the 30-year exposure period, which makes up the latter 13.69 years of the child stage of life and the entire adult stage of life (16 – 30 years).

Consistent with OEHHA guidance, as recommended by SCAQMD, we used Age Sensitivity Factors ("ASF(s)") to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.[24] According to this guidance, the quantified cancer risk should be multiplied by a factor of ten during the third trimester of pregnancy and during the first two years of life (infant) as well as multiplied by a factor of three during the child stage of life (2 – 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used the 95th percentile breathing rates for infants.[25] Finally,

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[21] "Los Angeles." Data Commons, 2020, *available at:* https://datacommons.org/place/geoId/0644000.
[22] U.S. EPA (October 1992) Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised, http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf.
[23] "Supplemental Guidelines for Submission of Rule 1200 Health Risk Assessments (HRAs)." SDAPCD, July 2019, *available at:* https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Toxics_Program/APCD_1200_Supplemental_Guidelines.pdf.
[24] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.
[25] SCAQMD (Jun 2015) Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act, p. 19, http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6; *see also* OEHHA (Feb 2015) Risk Assessment Guidelines Guidance

consistent with OEHHA guidance, we used a Fraction of Time At Home ("FAH") Value of 1 for the 3rd trimester and infant receptors.[26] We used a cancer potency factor of 1.1 (mg/kg-day)$^{-1}$ and an averaging time of 25,550 days. The results of our calculations are shown in the tables below.

The Maximally Exposed Individual at an Existing Residential Receptor

Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Breathing Rate (L/kg-day)	Cancer Risk (without ASFs*)	ASF	Cancer Risk (with ASFs*)
3rd Trimester	Construction	0.25	1.113	361	1.51E-06	10	**1.51E-05**
Infant (Age 0 - 2)	Construction	2	1.113	1090	3.66E-05	10	**3.66E-04**
Child (Age 2 - 16)	*Construction*	*0.31*	*1.113*	*572*	*2.94E-06*		
	Operation	*13.69*	*0.3261*	*572*	*3.85E-05*		
	Total	14			4.14E-05	3	**1.24E-04**
Adult (Age 16 - 30)	Operation	14	0.3261	261	1.31E-05	1	**1.31E-05**
Lifetime		**30**			**9.26E-05**		**5.18E-04**

* We, along with CARB and SCAQMD, recommend using the more updated and health protective 2015 OEHHA guidance, which includes ASFs.

As demonstrated in the table above, the excess cancer risks for the 3rd trimester of pregnancy, infants, children, and adults at the MEIR located approximately 50 meters away, over the course of Project construction and operation, utilizing ASFs, are approximately 15.1, 366, 124, and 13.1 in one million, respectively. The excess cancer risk over the course of a residential lifetime (3 years), utilizing ASFs, is approximately 518 in one million. The 3rd trimester of pregnancy, infant, child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the SCEA.

Utilizing ASFs is the most conservative, health-protective analysis according to the most recent guidance by OEHHA and reflects recommendations from the air district. Results without ASFs are presented in the table above, although we do not recommend utilizing these values for health risk analysis. Regardless, the excess cancer risks for the 3rd trimester of pregnancy, infants, children, and adults at the MEIR located approximately 50 meters away, over the course of Project construction and operation, without ASFs, are approximately 1.51, 36.6, 41.4, and 13.1 in one million, respectively. The excess cancer risk over the course of a residential lifetime, without ASFs, is approximately 92.6 in one million. The infant,

Manual for Preparation of Health Risk Assessments, https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

[26] SCAQMD (Aug 2017) Risk Assessment Procedures for Rules 1401, 1401.1, and 212, p. 7, http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf.

child, adult, and lifetime cancer risks exceed the SCAQMD threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the SCEA. While we recommend the use of ASFs, the Project's cancer risk without ASFs, as estimated by SWAPE, exceeds the SCAQMD threshold regardless.

An agency must include an analysis of health risks that connects the Project's air emissions with the health risk posed by those emissions. Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level construction and operational HRA shown above is to demonstrate the link between the proposed Project's emissions and the potential health risk. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. Thus, an EIR should be prepared, including a quantified air pollution model as well as an updated, quantified refined health risk assessment which adequately and accurately evaluates health risk impacts associated with both Project construction and operation.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

Attachment A: Health Risk Calculations
Attachment B: AERSCREEN Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul E. Rosenfeld CV

Attachment A

Construction

2023	
Annual Emissions (tons/year)	0.0996
Daily Emissions (lbs/day)	0.545753425
Construction Duration (days)	202
Total DPM (lbs)	110.2421918
Total DPM (g)	50005.85819
Start Date	6/12/2023
End Date	12/31/2023
Construction Days	202
2024	
Annual Emissions (tons/year)	0.1093
Daily Emissions (lbs/day)	0.59890411
Construction Duration (days)	366
Total DPM (lbs)	219.1989041
Total DPM (g)	99428.6229
Start Date	12/31/2023
End Date	12/31/2024
Construction Days	366
2025	
Annual Emissions (tons/year)	0.0691
Daily Emissions (lbs/day)	0.378630137
Construction Duration (days)	365
Total DPM (lbs)	138.2
Total DPM (g)	62687.52
Start Date	12/31/2024
End Date	12/31/2025
Construction Days	365
2026	
Annual Emissions (tons/year)	0.00016
Daily Emissions (lbs/day)	0.000876712
Construction Duration (days)	1
Total DPM (lbs)	0.000876712
Total DPM (g)	0.397676712
Start Date	12/31/2025
End Date	1/1/2026
Construction Days	1

Total	
Total DPM (lbs)	467.6419726
Total DPM (g)	212122.3988
Total Construction Days	933
Emission Rate (g/s)	0.002631426
Release Height (meters)	3
Total Acreage	1.12
Max Horizontal (meters)	95.21
Min Horizontal (meters)	47.61
Initial Vertical Dimension (meters)	1.5
Setting	Urban
Population	3,898,747
Start Date	6/12/2023
End Date	12/31/2025
Total Construction Days	933
Total Years of Construction	2.56
Total Years of Operation	27.44

Operation

Emission Rate	
Annual Emissions (tons/year)	0.0268
Daily Emissions (lbs/day)	0.146849315
Emission Rate (g/s)	0.000770959
Release Height (meters)	3
Total Acreage	1.12
Max Horizontal (meters)	95.21
Min Horizontal (meters)	47.61
Initial Vertical Dimension (meters)	1.5
Setting	Urban
Population	3,898,747
Total Pounds of DPM	
Total DPM (lbs)	53.6

Start date and time 11/30/21 10:15:31

AERSCREEN 21112

Main Street Tower, Construction

Main Street Tower, Construction

---------- DATA ENTRY VALIDATION ----------

** AREADATA **	METRIC	ENGLISH
Emission Rate:	0.263E-02 g/s	0.209E-01 lb/hr
Area Height:	3.00 meters	9.84 feet
Area Source Length:	95.21 meters	312.37 feet
Area Source Width:	47.61 meters	156.20 feet
Vertical Dimension:	1.50 meters	4.92 feet
Model Mode:	URBAN	
Population:	3898747	
Dist to Ambient Air:	1.0 meters	3. feet

** BUILDING DATA **

No Building Downwash Parameters

** TERRAIN DATA **

No Terrain Elevations

Source Base Elevation: 0.0 meters 0.0 feet

Probe distance: 5000. meters 16404. feet

No flagpole receptors

No discrete receptors used

** FUMIGATION DATA **

No fumigation requested

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K -9.7 / 98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

Dominant Surface Profile: Urban

Dominant Climate Type: Average Moisture

Surface friction velocity (u*): not adjusted

DEBUG OPTION ON

AERSCREEN output file:

2021.11.30_Aerscreen_MainStreetTower_Construction.out

*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run

****

SURFACE CHARACTERISTICS & MAKEMET

Obtaining surface characteristics...

Using AERMET seasonal surface characteristics for Urban with Average Moisture

Season	Albedo	Bo	zo
Winter	0.35	1.50	1.000
Spring	0.14	1.00	1.000
Summer	0.16	2.00	1.000
Autumn	0.18	2.00	1.000

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 11/30/21 10:21:54

****

Running AERMOD

Processing Winter

Processing surface roughness sector 1

```
**************************************************
Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector   0

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector   5

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  10

    ********   WARNING MESSAGES   ********
               ***  NONE  ***
```

```
**************************************************

Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  15

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  20

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  25

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************
```

```
Processing wind flow sector   7

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  30

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

 *****************************************

  Running AERMOD

 Processing Spring

Processing surface roughness sector  1

**************************************************

Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   0

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   5
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  10

    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  15

    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  20
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   6


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  25


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   7


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  30


    ********   WARNING MESSAGES   ********

               ***  NONE  ***
 ****************************************


  Running AERMOD

 Processing Summer


Processing surface roughness sector  1
```

```
**************************************************

Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector   0

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector   5

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  10

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************
```

```
Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  15

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  20

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  25

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   7
```

```
 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  30


    ********   WARNING MESSAGES   ********

               ***  NONE  ***

 *****************************************


  Running AERMOD

 Processing Autumn


Processing surface roughness sector  1


**************************************************

Processing wind flow sector   1


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector   0


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   2


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector   5
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   3


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  10


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   4


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  15


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   5


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  20


    ********   WARNING MESSAGES   ********
```

```
               ***  NONE  ***

**************************************************
Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  25

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   7

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  30

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

FLOWSECTOR   ended 11/30/21 10:22:01

REFINE       started 11/30/21 10:22:01

 AERMOD Finishes Successfully for REFINE stage 3 Winter sector   0

    ********   WARNING MESSAGES   ********
```

*** NONE ***

REFINE ended 11/30/21 10:22:02

****

AERSCREEN Finished Successfully

With no errors or warnings

Check log file for details

****

Ending date and time 11/30/21 10:22:03

Concentration	Distance	Elevation	Diag	Season/Month	Zo sector	Date	H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O LEN	Z0	BOWEN	ALBEDO	REF WS	HT	REF TA	HT
0.87871E+01	1.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.10280E+02	25.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
* 0.11129E+02	50.00	0.00	15.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.54579E+01	75.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.34509E+01	100.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.24621E+01	125.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.18830E+01	150.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.15085E+01	175.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.12454E+01	200.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.10546E+01	225.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.90889E+00	250.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.79524E+00	275.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.70411E+00	300.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.62992E+00	325.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.56812E+00	350.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.51616E+00	375.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.47198E+00	400.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.43403E+00	425.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.40109E+00	450.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.37232E+00	475.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.34697E+00	500.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.32445E+00	525.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.30432E+00	550.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.28623E+00	575.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.26987E+00	600.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.25506E+00	625.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0							

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24162E+00 650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22935E+00 675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21813E+00 700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20784E+00 725.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19835E+00 750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18960E+00 775.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18149E+00 800.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17397E+00 825.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16697E+00 850.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16045E+00 875.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15481E+00 900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14909E+00 925.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14373E+00 950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13869E+00 975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13395E+00 1000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12948E+00 1025.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12526E+00 1050.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12128E+00 1075.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11751E+00 1100.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11394E+00 1125.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11055E+00 1150.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10733E+00 1175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10428E+00 1200.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10137E+00 1225.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.98595E-01 1250.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.95951E-01 1275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.93428E-01 1300.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.91017E-01 1325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.88713E-01 1350.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.86507E-01 1375.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.84395E-01 1400.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.82371E-01 1425.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.80429E-01 1450.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.78565E-01 1475.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.76775E-01 1500.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.75054E-01 1525.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.73399E-01 1550.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.71806E-01 1574.99 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.70272E-01 1600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.68793E-01 1625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.67368E-01 1650.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.65994E-01 1675.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.64667E-01 1700.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.63386E-01 1725.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.62148E-01 1750.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.60951E-01 1775.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.59793E-01 1800.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.58674E-01 1825.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.57590E-01 1850.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.56540E-01 1875.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.55523E-01 1900.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.54537E-01 1924.99 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.53581E-01 1950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.52654E-01 1975.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.51755E-01 2000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.50881E-01 2025.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.50033E-01 2050.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.49209E-01 2075.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.48408E-01 2100.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.47630E-01 2125.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.46873E-01 2150.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.46137E-01 2175.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.45421E-01 2200.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.44723E-01 2224.99 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.44044E-01 2250.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.43383E-01 2275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.42739E-01 2300.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.42111E-01 2325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.41499E-01 2350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40903E-01 2375.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40321E-01 2400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39754E-01 2425.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39199E-01 2450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.38658E-01 2475.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.38130E-01 2500.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.37613E-01 2525.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.37109E-01 2550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.36617E-01 2575.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.36136E-01 2600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.35665E-01 2625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.35205E-01 2650.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.34755E-01 2675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.34316E-01 2700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.33885E-01 2725.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.33464E-01 2750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.33052E-01 2775.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.32649E-01 2800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.32254E-01 2825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.31867E-01 2850.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.31488E-01 2875.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.31117E-01 2900.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.30754E-01 2925.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.30397E-01 2950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.30048E-01 2975.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.29706E-01 3000.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.29370E-01 3025.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.29041E-01 3050.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.28718E-01 3075.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.28402E-01 3100.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.28091E-01 3125.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.27787E-01 3150.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.27487E-01 3175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.27194E-01 3200.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.26906E-01 3225.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.26623E-01 3250.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.26345E-01 3275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.26072E-01 3300.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25804E-01 3325.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25541E-01 3350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25283E-01 3375.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25028E-01 3400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24779E-01 3425.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24533E-01 3450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24292E-01 3475.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24055E-01 3500.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23822E-01 3525.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23592E-01 3550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23367E-01 3575.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23145E-01 3600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22927E-01 3625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22712E-01 3650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22501E-01 3675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22293E-01 3700.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22089E-01 3725.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21887E-01 3750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21689E-01 3775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21494E-01 3800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21302E-01 3825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21113E-01 3850.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20927E-01 3875.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20744E-01 3900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20563E-01 3925.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20385E-01 3950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20210E-01 3975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20037E-01 4000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19867E-01 4025.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19700E-01 4050.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19534E-01 4075.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19372E-01 4100.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19211E-01 4125.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19053E-01 4149.99 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18897E-01 4175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18743E-01 4200.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18592E-01 4225.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18442E-01 4250.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18295E-01 4275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18149E-01 4300.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18006E-01 4325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17865E-01 4350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17725E-01 4375.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17587E-01 4400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17452E-01 4425.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17318E-01 4450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17185E-01 4475.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17055E-01 4500.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16926E-01 4525.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16799E-01 4550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16673E-01 4575.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16550E-01 4600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16427E-01 4625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16307E-01 4650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16188E-01 4675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16070E-01 4700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15954E-01 4725.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15839E-01 4750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15726E-01 4775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15614E-01 4800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15503E-01 4825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15394E-01 4850.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15286E-01 4875.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15179E-01 4900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15074E-01 4924.99 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14970E-01 4950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14867E-01 4975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14766E-01 5000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0

Start date and time 11/30/21 10:23:51

AERSCREEN 21112

Main Street Tower, Operation

Main Street Tower, Operation

---------- DATA ENTRY VALIDATION ----------

	METRIC	ENGLISH
** AREADATA **	---	---
Emission Rate:	0.771E-03 g/s	0.612E-02 lb/hr
Area Height:	3.00 meters	9.84 feet
Area Source Length:	95.21 meters	312.37 feet
Area Source Width:	47.61 meters	156.20 feet
Vertical Dimension:	1.50 meters	4.92 feet
Model Mode:	URBAN	
Population:	3898747	
Dist to Ambient Air:	1.0 meters	3. feet

** BUILDING DATA **

No Building Downwash Parameters

** TERRAIN DATA **

No Terrain Elevations

Source Base Elevation: 0.0 meters 0.0 feet

Probe distance: 5000. meters 16404. feet

No flagpole receptors

No discrete receptors used

** FUMIGATION DATA **

No fumigation requested

** METEOROLOGY DATA **

Min/Max Temperature: 250.0 / 310.0 K -9.7 / 98.3 Deg F

Minimum Wind Speed: 0.5 m/s

Anemometer Height: 10.000 meters

Dominant Surface Profile: Urban

Dominant Climate Type: Average Moisture

Surface friction velocity (u*): not adjusted

DEBUG OPTION ON

AERSCREEN output file:

2021.11.30_Aerscreen_MainStreetTower_Operation.out

*** AERSCREEN Run is Ready to Begin

No terrain used, AERMAP will not be run

****

SURFACE CHARACTERISTICS & MAKEMET

Obtaining surface characteristics...

Using AERMET seasonal surface characteristics for Urban with Average Moisture

Season	Albedo	Bo	zo
Winter	0.35	1.50	1.000
Spring	0.14	1.00	1.000
Summer	0.16	2.00	1.000
Autumn	0.18	2.00	1.000

Creating met files aerscreen_01_01.sfc & aerscreen_01_01.pfl

Creating met files aerscreen_02_01.sfc & aerscreen_02_01.pfl

Creating met files aerscreen_03_01.sfc & aerscreen_03_01.pfl

Creating met files aerscreen_04_01.sfc & aerscreen_04_01.pfl

Buildings and/or terrain present or rectangular area source, skipping probe

FLOWSECTOR started 11/30/21 10:33:55

****

Running AERMOD

Processing Winter

Processing surface roughness sector 1

```
**************************************************
Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector   0

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector   5

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  10

    ********   WARNING MESSAGES   ********
               ***  NONE  ***
```

```
**************************************************

Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  15

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  20

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  25

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************
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```
Processing wind flow sector   7

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Winter sector  30

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

 *****************************************

  Running AERMOD

 Processing Spring

Processing surface roughness sector  1

**************************************************

Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   0

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector   5
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  10

    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  15

    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************
Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  20
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   6


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  25


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   7


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Spring sector  30


    ********   WARNING MESSAGES   ********

               ***  NONE  ***
 ****************************************


  Running AERMOD

 Processing Summer


Processing surface roughness sector  1
```

```
**************************************************

Processing wind flow sector   1

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector   0

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   2

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector   5

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************

Processing wind flow sector   3

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  10

    ********   WARNING MESSAGES   ********

               ***  NONE  ***

**************************************************
```

```
Processing wind flow sector   4

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  15

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   5

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  20

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  25

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   7
```

```
 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Summer sector  30


    ********   WARNING MESSAGES   ********

               ***  NONE  ***

 *****************************************


  Running AERMOD

 Processing Autumn


Processing surface roughness sector  1


**************************************************

Processing wind flow sector   1


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector   0


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   2


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector   5
```

```
    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   3


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  10


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   4


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  15


    ********   WARNING MESSAGES   ********

               ***  NONE  ***


**************************************************

Processing wind flow sector   5


 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  20


    ********   WARNING MESSAGES   ********
```

```
               ***  NONE  ***

**************************************************
Processing wind flow sector   6

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  25

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

**************************************************
Processing wind flow sector   7

 AERMOD Finishes Successfully for FLOWSECTOR stage 2 Autumn sector  30

    ********   WARNING MESSAGES   ********
               ***  NONE  ***

FLOWSECTOR   ended 11/30/21 10:34:02

REFINE       started 11/30/21 10:34:02

 AERMOD Finishes Successfully for REFINE stage 3 Winter sector   0

    ********   WARNING MESSAGES   ********
```

*** NONE ***

REFINE ended 11/30/21 10:34:03

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AERSCREEN Finished Successfully

With no errors or warnings

Check log file for details

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Ending date and time 11/30/21 10:34:04

Concentration	Distance	Elevation	Diag	Season/Month	Zo sector	Date	H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O LEN	Z0	BOWEN	ALBEDO	REF WS	HT	REF TA	HT
0.25748E+01	1.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.30123E+01	25.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
* 0.32609E+01	50.00	0.00	15.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.15993E+01	75.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.10112E+01	100.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.72145E+00	125.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.55176E+00	150.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.44203E+00	175.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.36494E+00	200.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.30902E+00	225.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.26632E+00	250.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.23302E+00	275.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.20632E+00	300.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.18458E+00	325.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.16647E+00	350.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.15125E+00	375.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.13830E+00	400.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.12718E+00	425.00	0.00	5.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.11753E+00	450.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.10910E+00	475.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.10167E+00	500.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.95073E-01	525.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.89172E-01	550.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.83873E-01	575.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.79078E-01	600.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50	10.0	310.0	2.0
0.74740E-01	625.00	0.00	0.0	Winter	0-360	10011001	-1.30	0.043	-9.000	0.020	-999.	21.	6.0							

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.70799E-01 650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.67206E-01 675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.63918E-01 700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.60900E-01 725.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.58121E-01 750.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.55557E-01 775.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.53181E-01 800.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.50976E-01 825.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.48926E-01 850.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.47015E-01 875.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.45364E-01 900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.43687E-01 925.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.42115E-01 950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.40638E-01 975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.39249E-01 1000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.37940E-01 1025.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.36705E-01 1050.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.35537E-01 1075.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.34433E-01 1100.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.33386E-01 1125.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.32394E-01 1150.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.31451E-01 1175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.30555E-01 1200.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.29703E-01 1225.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.28890E-01 1250.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.28116E-01 1275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.27377E-01 1300.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.26670E-01 1325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25995E-01 1350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.25349E-01 1375.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24730E-01 1400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.24137E-01 1425.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23567E-01 1450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.23021E-01 1475.00 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.22497E-01 1500.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21993E-01 1525.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21507E-01 1550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.21041E-01 1574.99 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20591E-01 1600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.20158E-01 1625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19740E-01 1650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.19338E-01 1675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18949E-01 1700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18574E-01 1725.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.18211E-01 1750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17860E-01 1775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17521E-01 1800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.17193E-01 1825.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16875E-01 1850.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16568E-01 1875.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.16269E-01 1900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15981E-01 1925.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15701E-01 1950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15429E-01 1975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.15165E-01 2000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14909E-01 2025.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14661E-01 2050.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14419E-01 2075.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.14185E-01 2100.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13957E-01 2125.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13735E-01 2150.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13519E-01 2175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13309E-01 2200.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.13105E-01 2224.99 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12906E-01 2250.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12712E-01 2275.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12524E-01 2300.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12340E-01 2325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.12160E-01 2350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11986E-01 2375.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11815E-01 2400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11649E-01 2425.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11486E-01 2450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11328E-01 2475.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11173E-01 2500.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.11022E-01 2525.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10874E-01 2550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10730E-01 2575.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10589E-01 2600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10451E-01 2625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10316E-01 2650.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10184E-01 2675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.10055E-01 2700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.99292E-02 2725.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.98058E-02 2750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.96850E-02 2775.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.95668E-02 2800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.94511E-02 2825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.93378E-02 2850.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.92268E-02 2875.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.91181E-02 2900.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.90115E-02 2925.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.89071E-02 2950.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.88048E-02 2975.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.87045E-02 3000.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.86062E-02 3025.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.85098E-02 3050.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.84152E-02 3075.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.83224E-02 3100.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.82314E-02 3125.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.81421E-02 3150.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.80545E-02 3174.99 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.79685E-02 3199.99 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.78840E-02 3225.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.78011E-02 3250.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.77197E-02 3275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.76398E-02 3300.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.75613E-02 3325.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.74842E-02 3350.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.74084E-02 3375.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.73339E-02 3400.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.72607E-02 3425.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.71888E-02 3450.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.71181E-02 3475.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.70486E-02 3500.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.69803E-02 3525.00 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.69131E-02 3550.00 0.00 25.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.68470E-02 3575.00 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.67820E-02 3600.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.67181E-02 3625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.66552E-02 3650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.65933E-02 3675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.65325E-02 3700.00 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.64725E-02 3724.99 0.00 20.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.64135E-02 3750.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.63555E-02 3775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.62983E-02 3800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.62421E-02 3825.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.61867E-02 3849.99 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.61321E-02 3875.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.60784E-02 3900.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.60255E-02 3925.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.59733E-02 3950.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.59220E-02 3975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.58714E-02 4000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.58216E-02 4025.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.57724E-02 4050.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.57240E-02 4075.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.56763E-02 4100.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.56293E-02 4125.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.55830E-02 4150.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.55373E-02 4175.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.54922E-02 4200.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.54478E-02 4225.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.54040E-02 4250.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.53608E-02 4275.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.53182E-02 4300.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.52762E-02 4325.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.52347E-02 4350.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.51939E-02 4375.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.51535E-02 4400.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.51137E-02 4425.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.50745E-02 4450.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.50357E-02 4475.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.49975E-02 4500.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.49597E-02 4525.00 0.00 10.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.49225E-02 4550.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.48857E-02 4575.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.48494E-02 4600.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.48136E-02 4625.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.47782E-02 4650.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.47433E-02 4675.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0

1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.47088E-02 4700.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.46748E-02 4725.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.46412E-02 4750.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.46079E-02 4775.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.45751E-02 4800.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.45427E-02 4825.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.45107E-02 4850.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.44791E-02 4875.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.44479E-02 4900.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.44170E-02 4924.99 0.00 15.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.43865E-02 4950.00 0.00 5.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.43564E-02 4975.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0
0.43266E-02 5000.00 0.00 0.0 Winter 0-360 10011001 -1.30 0.043 -9.000 0.020 -999. 21. 6.0
1.000 1.50 0.35 0.50 10.0 310.0 2.0

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International*

Conferences on Soils Sediment and Water. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*.. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 5-14-2021
Trial, October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty, Plaintiff vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No.: No. 18-L-6845
Rosenfeld Deposition, 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe, Plaintiff vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail, Defendants
Case No.: No. 17-cv-8517
Rosenfeld Deposition, 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al., Plaintiff vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case Number CV20127-094749
Rosenfeld Deposition: 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al *Plaintiffs*, vs. CNA Insurance Company et al.
Case Number 1:17-cv-000508
Rosenfeld Deposition: 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, *Plaintiff,* vs. Marathon Petroleum, LP, *Defendant.*
Case No.: 1716-CV10006
Rosenfeld Deposition. 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs,* vs. United States Metals Refining Company et. al. *Defendant.*
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs,* vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" *Defendant.*
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case No.: 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No.: 1923
Rosenfeld Deposition, 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case: No 1:19-cv-00315-RHW
Rosenfeld Deposition, 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs,* vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., *Plaintiffs*, vs. International Paper Company, *Defendant*.
Civil Action Number 2:09-cv-232-WHA-TFM
Rosenfeld Deposition: July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., *Plaintiffs*, vs. Drummond Company Inc., et al., *Defendants*
Civil Action No. CV 2008-2076
Rosenfeld Deposition: September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., *Plaintiffs*, vs. Citgo Petroleum Corporation, et al., *Defendants*.
Case Number 2:07CV1052
Rosenfeld Deposition: July 2009

Exhibit F

APPLICATIONS:

APPEAL APPLICATION

Instructions and Checklist

Related Code Section: Refer to the City Planning case determination to identify the Zone Code section for the entitlement and the appeal procedure.

Purpose: This application is for the appeal of Department of City Planning determinations authorized by the Los Angeles Municipal Code (LAMC).

A. APPELLATE BODY/CASE INFORMATION

1. APPELLATE BODY

☐ Area Planning Commission ☑ City Planning Commission ☐ City Council ☐ Director of Planning
☐ Zoning Administrator

Regarding Case Number: ZA-2018-7378-ZV-TDR-SPR

Project Address: 1123-1161 S. Main Street; 111 W. 12th Street

Final Date to Appeal: 03/07/2022

2. APPELLANT

Appellant Identity: (check all that apply)
❒ Representative ❒ Property Owner
❒ Applicant ❒ Operator of the Use/Site

☑ Person, other than the Applicant, Owner or Operator claiming to be aggrieved
United Broadway, LLC

☐ Person affected by the determination made by the **Department of Building and Safety**

☑ Representative ❒ Owner ❒ Aggrieved Party
❒ Applicant ❒ Operator

3. APPELLANT INFORMATION

Appellant's Name: c/o Kamran Benji

Company/Organization: United Broadway, LLC

Mailing Address: 6300 Wilshire Blvd Suite 1420, Los Angeles, CA 90048

City: Los Angeles State: CA Zip: 90048

Telephone: (213) 749-1447 E-mail: kamran@bluearchinv.com

a. Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☑ Self ☐ Other:

b. Is the appeal being filed to support the original applicant's position? ☐ Yes ☑ No

4. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Matthew Hayden

Company: Hayden Planning

Mailing Address: 10100 Venice Boulevard

City: Los Angeles State: CA . Zip: 90232

Telephone: (310) 614-2964 E-mail: matthew@haydenplanning.com

5. JUSTIFICATION/REASON FOR APPEAL

a. Is the entire decision, or only parts of it being appealed? ☑ Entire ☐ Part

b. Are specific conditions of approval being appealed? ☐ Yes ☑ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

☑ The reason for the appeal ☑ How you are aggrieved by the decision

☑ Specifically the points at issue ☑ Why you believe the decision-maker erred or abused their discretion

6. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Kamran Benji Date: 3/7/2022

GENERAL APPEAL FILING REQUIREMENTS

B. ***ALL CASES REQUIRE THE FOLLOWING ITEMS - SEE THE ADDITIONAL INSTRUCTIONS FOR SPECIFIC CASE TYPES***

1. Appeal Documents

a. Three (3) sets - The following documents are required for each appeal filed (1 original and 2 duplicates) Each case being appealed is required to provide three (3) sets of the listed documents.

☐ Appeal Application (form CP-7769)
☐ Justification/Reason for Appeal
☐ Copies of Original Determination Letter

b. Electronic Copy

☐ Provide an electronic copy of your appeal documents on a flash drive (planning staff will upload materials during filing and return the flash drive to you) or a CD (which will remain in the file). The following items must be saved as individual PDFs and labeled accordingly (e.g. "Appeal Form.pdf", "Justification/Reason Statement.pdf", or "Original Determination Letter.pdf" etc.). No file should exceed 9.8 MB in size.

c. Appeal Fee

☐ Original Applicant - A fee equal to 85% of the original application fee, provide a copy of the original application receipt(s) to calculate the fee per LAMC Section 19.01B 1.
☐ Aggrieved Party - The fee charged shall be in accordance with the LAMC Section 19.01B 1.

d. Notice Requirement

☐ Mailing List - All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC
☐ Mailing Fee - The appeal notice mailing fee is paid by the project applicant, payment is made to the City Planning's mailing contractor (BTC), a copy of the receipt must be submitted as proof of payment.

SPECIFIC CASE TYPES - APPEAL FILING INFORMATION

C. DENSITY BONUS / TRANSIT ORIENTED COMMUNITES (TOC)

1. Density Bonus/TOC
Appeal procedures for Density Bonus/TOC per LAMC Section 12.22.A 25 (g) f.

NOTE:
- Density Bonus/TOC cases, only the *on menu or additional incentives* items can be appealed.

- Appeals of Density Bonus/TOC cases can only be filed by adjacent owners or tenants (must have documentation), and always only appealable to the Citywide Planning Commission.

☐ Provide documentation to confirm adjacent owner or tenant status, i.e., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, drivers license, bill statement etc.

D. WAIVER OF DEDICATION AND OR IMPROVEMENT

Appeal procedure for Waiver of Dedication or Improvement per LAMC Section 12.37 I.

NOTE:
- Waivers for By-Right Projects, can only be appealed by the owner.

- When a Waiver is on appeal and is part of a master land use application request or subdivider's statement for a project, the applicant may appeal pursuant to the procedures that governs the entitlement.

E. TENTATIVE TRACT/VESTING

1. Tentative Tract/Vesting - Appeal procedure for Tentative Tract / Vesting application per LAMC Section 17.54 A.

NOTE: Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.

☐ Provide a copy of the written determination letter from Commission.

F. BUILDING AND SAFETY DETERMINATION

☐ **1.** Appeal of the *Department of Building and Safety* determination, per LAMC 12.26 K 1, an appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with LAMC Section 19.01B 2, as stated in the Building and Safety determination letter, plus all surcharges. (the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code)

b. Notice Requirement
☐ Mailing Fee - The applicant must pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt as proof of payment.

☐ **2.** Appeal of the *Director of City Planning* determination per LAMC Section 12.26 K 6, an applicant or any other aggrieved person may file an appeal, and is appealable to the Area Planning Commission or Citywide Planning Commission as noted in the determination.

a. Appeal Fee
☐ Original Applicant - The fee charged shall be in accordance with the LAMC Section 19.01 B 1 a.

b. Notice Requirement
☐ Mailing List - The appeal notification requirements per LAMC Section 12.26 K 7 apply.
☐ Mailing Fees - The appeal notice mailing fee is made to City Planning's mailing contractor (BTC), a copy of receipt must be submitted as proof of payment.

G. NUISANCE ABATEMENT

1. Nuisance Abatement - Appeal procedure for Nuisance Abatement per LAMC Section 12.27.1 C 4

NOTE:
- Nuisance Abatement is only appealable to the City Council.

a. Appeal Fee

☐ Aggrieved Party the fee charged shall be in accordance with the LAMC Section 19.01 B 1.

2. Plan Approval/Compliance Review

Appeal procedure for Nuisance Abatement Plan Approval/Compliance Review per LAMC Section 12.27.1 C 4.

a. Appeal Fee

☐ Compliance Review - The fee charged shall be in accordance with the LAMC Section 19.01 B.

☐ Modification - The fee shall be in accordance with the LAMC Section 19.01 B.

NOTES

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.

***Please note** that the appellate body must act on your appeal within a time period specified in the Section(s) of the Los Angeles Municipal Code (LAMC) pertaining to the type of appeal being filed. The Department of City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
☐ Determination authority notified	☐ Original receipt and BTC receipt (if original applicant)	

RE: CASE NO. ZA-2018-7378-ZV-TDR-SPR
1123-1161 S. Main Street / 111 W. 12th Street

We are filing this appeal of the above referenced case for a proposed new mixed use development (the "Project") located at 1123-1161 S. Main Street / 111 W. 12th Street, Los Angeles, CA 90026 (the "Subject Property") on behalf of my Client, United Broadway, LLC, the owner of directly abutting property, for the following reasons:

Background

On March 5, 2020, United Broadway, LLC received final approvals granting a Site Plan Review and Conditional Use to allow the construction, use, and maintenance of a new 139-room hotel on property located at 1138-1140 S. Broadway, which is directly north across the alley from and abutting the Subject Property / proposed Project. The hotel is currently in plan check. United Broadway, LLC has spoken directly with the applicant and requested they revise their design to avoid negative effects on the use and enjoyment of their abutting site – to no avail. United Broadway, LLC further submitted letters (10/29/21, 12/7/21, 12/8/2021, 2/1/2022) and commented at the Project's public hearing about these issues requesting the Zoning Administrator address them, but they were not, and the Project was still approved.

Design Impacts

United Broadway, LLC's hotel at 1138-1140 S. Broadway is within 500 feet of the proposed Project, and one of the directly impacted properties that the Zoning Administrator must take into special consideration when reviewing the proposed Project. The proposed Project – a 30-story tower design, will block views, cast shade, and negatively affect the use and enjoyment of the hotel. There are at least two alternative design strategies available to the applicant that would easily remedy the situation. These are 1) relocating the tower portion of the proposed Project southerly to avoid impacts on the hotel; or 2) reducing the bulk and mass of the proposed project by distributing the Project's floor area more evenly across the Subject Property to avoid impacts on the hotel.

Often in development, there are limited choices available. That is not the case in the instant situation. The applicant has 8 lots, nearly a full city block, on which to plan and design their proposed Project. The applicant's Project is being done after the hotel, and they are fully aware of United Broadway, LLC's concern, so there is time to accommodate these issues and develop an appropriate Project. Finally, except for one small (vacant), building, the rest of the Subject Property's northerly boundary is developed with parking uses. There would be no impacts to these properties if the Project's tower element were shifted away from the hotel. The hotel is the only impacted development on the Project's northerly boundary. Thus, it is appropriate to revise the proposed Project to eliminate impacts to the use and enjoyment of the hotel property.

In granting the subdivision approval for the Project to allow the merger of the 8 lots into one master ground lot, the Deputy Advisory Agency erred in it's discretion. The approved subdivision facilitates the design and development of the proposed project, which exacerbates the impacts of the Project on the hotel property. The Vesting Tentative Tract Map and should not be granted until the Project is properly revised, and we have appealed this decision.

Further comments:

Zone Variance

The whole reason for the Zone Variance is moot. The Subject Property is being fully redeveloped and subdivided, so the applicant's purported hardship's providing parking are completely self-imposed. There are no special circumstances applicable to the subject property to make the finding necessary to grant the entitlement request – the hotel is located in the same zone on similarly sized lots and provided all Zoning Code required parking. Further, granting of the Zone Variance would be materially detrimental to hotel property because it supports the applicant's Project design, which will block and shade guest's views. The proposed Project should be able to fully comply with the Zoning Code's parking requirements and so the Zone Variance request should be denied.

Site Plan Review

To grant the Site Plan Review for the proposed Project, the decision maker must find:

> That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.

As indicated above, the Project's building (tower) arrangement, height, bulk, and setbacks are not compatible with the hotel abutting the Subject Property northerly. The tower would be better situated southerly, away from the hotel. Therefore, the Site Plan Review should not be granted for the Project's current design.

Transfer of Development Rights

This proposed Project entitlement request simply adds 50,000 more square feet of development to the Subject Property, which further exacerbates the impacts on the abutting hotel property. There is no reason to increase the Subject Property's floor area. In fact, reducing it will allow the applicant to develop a more reasonable project that would be more compatible with abutting property to the north.

Exhibit G

November 11, 2021
[vial email: nuri.cho@lacity.org]

Ms. Nuri Cho, City Planner
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

Re: RESPONSES TO COMMENT LETTERS RECEIVED ON THE MAIN STREET TOWER PROJECT SCEA [ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR, and VTT-82463]

Dear Ms. Cho,

On behalf of Frontier Holdings West, LLC (Applicant), Parker Environmental Consultants has reviewed the comment letters submitted in response to the Sustainable Communities Environmental Assessment (SCEA) that was prepared for the Main Street Tower Project (Proposed Project). The SCEA was published on September 30, 2021; and the public comment period ended on November 1, 2021. During the review period the Lead Agency received comment letters from the following entities:

- Adams Broadwell Joseph & Cardozo (representing the Coalition for Responsible Equitable Economic Development ("CREED LA")
- Lozeau Drury, LLP (representing Supporters Alliance for Environmental Responsibility ("SAFER")
- Kinsinger Environmental Consulting (representing United Broadway LLC)
- Mitchell M. Tsai (representing the Southwest Regional Council of Carpenters ("Southwest Carpenters" or "SWRCC")
- Marta Stanton (representing the Goldman Family Trust)

Provided herein are detailed responses to comments included in these comment letters. The attached document includes transcribed text from each comment letter, followed by detailed responses to each comment. A copy of the comment letters are attached for your reference. Based on a thorough review of these comments and the responses provided herein, the SCEA satisfies the legal requirements of CEQA, and no further analysis is warranted.

Pursuant to Public Resource Code (PRC) Section 21082.2 (b), "[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an

environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment." Section 21082.2(c) also provides that "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." As discussed in greater detail below, the issues raised in the comment letters do not provide substantial evidence to support a fair argument that a significant environmental impact is likely to occur.

Should you have any questions regarding any of the responses please contact me at (661) 257-2282 or by email at shane@parkerenvironmental.com.

Sincerely,



Shane E. Parker, Principal

Attachments:
A. Responses to Comment Letters

COMMENT LETTER NO. 1

Adams Broadwell Joseph & Cardozo
Attorneys at Law
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
October 8, 2021

COMMENT 1.1

Dear Mr. Bertoni, Ms. Wolcott, and Ms. Cho:

We are writing on behalf of Coalition for Responsible Equitable Economic Development ("CREED LA") to request *immediate access* to any and all documents referenced or relied upon in the Draft Sustainable Communities Environmental Assessment ("SCEA"), prepared for the Main Street Tower Project (Case No. ENV-2018-7379-SCEA) ("Project"), proposed by Frontier Holdings West, LLC. *This request excludes a copy of the Draft SCEA and its appendices. This request also excludes any other documents that are currently available under the Project's name on the City of Los Angeles website, as of today's date*.[1]

The Project proposes to demolish four existing commercial/retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses. The Proposed Project would include a four-story above grade parking podium with ground floor retail/commercial uses and an amenity deck and a 26-story residential tower above the amenity deck. The Project site is located at 1123-1161 S. Main Street and 111 W. 12th Street, Los Angeles, California 90015.

Our request for all documents referenced or relied upon in the Draft SCEA and its appendices is made pursuant to the California Environmental Quality Act (CEQA), which requires that all documents referenced in an environmental review document be made available to the public for the entire comment period and that public notice and circulation of an SCEA comment period be provided in the same manner as for an environmental impact report.[2]

I will be contacting you to arrange for the review/duplication/transmission of the requested records soon. In the interim, if you have any questions or concerns regarding this request, my contact information is:

Sheila Sannadan
Adams Broadwell Joseph & Cardozo

[1] *https://planning.lacity.org accessed October 7, 2021.*
[2] *See Pub. Resources Code §§ 21092(b)(1), 21155.2((b)(3); 14 Cal. Code Reg. § 15087(c)(5).*

601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080-7037
Email: ssannadan@adamsbroadwell.com
Phone: (650) 589-1660

Thank you for your assistance with this matter.

Sincerely,
Sheila M. Sannadan
Legal Assistant

CC: Beatrice Pacheco, Chief Clerk
Email: Beatrice.pacheco@lacity.org

RESPONSE TO COMMENT 1.1

The commenter's request for access to any and all documents referenced or identified in the Draft SCEA was addressed by lead agency staff during the review period. Additionally, it should be noted that the reference documents for the SCEA are identified in Section 8 of the SCEA. The electronic pdf copy of the SCEA as posted on the Department of City Planning's website and with the State of California's Office of Planning and Research (OPR) includes hyperlinks and web addresses where appropriate providing immediate access to documents that are available online. No further response is required.

COMMENT LETTER NO. 2

Supporters Alliance for Environmental Responsibility
Lozeau Drury, LLP
Richard Drury
1939 Harrison Street, Suite 150
Oakland, CA 94612
November 1, 2021

COMMENT 2.1

Dear Ms. Cho:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Sustainable Communities Environmental Assessment ("SCEA") prepared for the Main Street Tower Project (ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR; VTT-82463), including all actions related to or referring to the proposed construction of a 30-story mixed-use building with 363 residential dwelling units, 12,500 square feet of ground floor commercial/retail uses, and a four-story parking podium providing 373 vehicle parking spaces, located at 1123-1161 S. Main Street and 111 W. 12th Street in the City of Los Angeles ("Project").

After reviewing the SCEA, we conclude the SCEA fails as an informational document, and that there is a fair argument that the Project may have adverse environmental impacts. Therefore, we request that the City of Los Angeles ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq.

We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.,* 60 Cal. App. 4th 1109, 1121 (1997).

RESPONSE TO COMMENT 2.1

This comment identifies the commenter as a representative of SAFER and provides an abbreviated restatement of the Proposed Project description. The comment concludes the SCEA fails as an informational document and that there is a fair argument that the Project may have adverse environmental impacts, but provides no specific evidence to support these claims. The comment's request for the City to prepare an EIR is without merit. The comment states it reserves the right to supplement the comments during the review of the Final EIR for the Project and at the public hearings. However, there will be no review of a Final EIR as the Project is proceeding by way of a SCEA. Overall, the comment does not identify any specific shortcomings of the SCEA, and no specific response is therefore required. Furthermore, the SCEA complied fully with all of

CEQA's mandates and the comment presents no information or substantial evidence about any specific impact area No further response is required.

COMMENT LETTER NO. 3

Supporters Alliance for Environmental Responsibility
Lozeau Drury, LLP
Molly Greene
1939 Harrison Street, Suite 150
Oakland, CA 94612
October 4, 2021

COMMENT 3.1

Dear Ms. Cho, Mr. Bertoni, and Ms. Wolcott:

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Main Street Tower Project (ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR & VTT-82463), including all actions related to or referring to the proposed construction of a 30-story mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses, consisting of a 26-story residential tower above a 4-story parking podium providing 373 vehicle parking spaces, located at 1123-1161 S. Main Street and 111 W. 12th Street in the City of Los Angeles ("Project").

We hereby request that the City of Los Angeles ("City") send by electronic mail, if possible of U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
    - Notices of any public hearing held pursuant to CEQA.
    - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
    - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notice of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury
Stacey Oborne
Molly Greene
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
richard@lozeaudrury.com
stacey@lozeaudrury.com
molly@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

RESPONSE TO COMMMET 3.1

The commenter's request to be notified of future notices and events pertaining to the approval of this Project is noted for the record. The commenter's contact information has been added to the Project mailing list.

COMMENT LETTER NO. 4

Kinsinger Environmental Consulting
Debbie Kinsinger
5700 Baltimore Drive, Suite 53
La Mesa, CA 91942
October 29, 2021

COMMENT 4.1

Dear Ms. Cho,

The following comments regarding the insufficiency of the above referenced CEQA documents are submitted on behalf of United Broadway LLC.

Project Description Summary of Understanding

Based on the Sustainable Communities Environmental Analysis (SCEA) it is our understanding that the Main Street Tower Project (Project) would result in the demolition of four existing commercial/retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses.

The Proposed Project would include a four-story above grade parking podium with ground floor retail/commercial uses and an amenity deck and a 26-story residential tower above the amenity deck. The Proposed Project would provide a total of 373 vehicle parking spaces and 195 bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC) requirements.

Primary vehicular access for residential and commercial uses would be provided from Main Street and from the adjacent alley. The Proposed Project would provide approximately 39,601 square feet of open space pursuant to the LAMC requirements. In total, the Proposed Project would include 343,447 square feet of total floor area resulting in a floor area ratio (FAR) of 7.03:1.

- The Proposed Project would remove nine (9) existing non-protected street trees in the right-of-way surrounding the Project Site: eight (8) trees along Main Street and one (1) tree along 12th Street.
- The Proposed Project would require approximately 5,434 cubic yards (cy) of soil to be exported and 5,434 cy of soil to be imported to/from the Project Site.
- The Project's discretionary requests include:

- (1) Pursuant to LAMC Sections 17.03, 17.06, and 17.15, Vesting Tentative Tract Map No. 82463 to create one master ground lot for a mixed-use project containing 363 residential units and for the export of approximately 5,434 cubic yards of soil;
- (2) Pursuant to LAMC Section 12.27, a Zone Variance to permit 100 percent of the parking stalls required for residential uses to be designed and maintained as compact stalls in lieu of standard spaces;
- (3) Pursuant to LAMC Section 14.5.7, a Transfer of Floor Area Rights (TFAR) for a transfer of 49,999 square feet of floor area to allow a total floor area of 343,447 square feet with a Floor Area Ratio (FAR) of 7.03:1; and
- (4) Pursuant to LAMC Section 16.05, a Site Plan Review for a development project which creates, or results in an increase of 50 or more dwelling units.

RESPONSE TO COMMENT 4.1

The above comment identifies the commenter as a representative of United Broadway LLC and includes an abbreviated restatement of the Proposed Project description. No further response is required.

COMMENT 4.2

Summary of Project's SCEA Comments

Traffic

Ensure that "LA Vison Zero traffic death" design elements are incorporated at the Initial Study stage. It may be difficult to adequately incorporate these elements without considering traffic circulation at the Initial Study stage. The SCEA must address concerns about conflicts between bicycle traffic and vehicles and meeting the Vision Zero goal of traffic deaths.

The SCEA must study one-way traffic for the alley as an alternative to reduce vehicle/bicycle traffic conflicts. Most hotel traffic will be vehicular. As this project is also a transit-oriented project and there is a growing population of bicycle commuters in the last three to four years as electric assist bicycles have become widely adopted. An initial study needs to consider all elements of the "Zero Vision Toolkit" to defend the vehicle/bicycle circulation element. It should consider:

- One-way traffic in the alley.
- Circular "one-way" vehicular ingress and egress from the parking podium
- Separate bicycle and pedestrian ingress/egress form vehicular ingress/egress
- Separate bicycle ingress/egress from pedestrian ingress/egress

Include signalization features and traffic calming features to further protect cyclists and pedestrians

- Pedestrian level lighting especially at the alley and vehicular ingress/egress

- Curb extensions
- Raised crosswalks
- Protected left turn
- Bicycle striping/sharrows and alley sharrows

In addition, the deferral of approval of the construction worksite traffic plan to a later date violates CEQA as it does not allow for public review and comment. The construction worksite plan must consider bicycle safety as well as pedestrian and vehicle safety.

RESPONSE TO COMMENT 4.2

The Proposed Project's consistency with the City's Vison Zero plan was addressed in the Project's Non-CEQA Transportation Impact Analysis dated June 4, 2019. As noted in the Transportation Impact Analysis, the Project would take measures to align with the City's Vision Zero Initiative. Vision Zero was launched by Executive Order Number 10 in August 2015 with the goals of reducing traffic fatalities by 20 percent by 2017 and eliminating all traffic fatalities citywide by 2025. Vision Zero specifically seeks to implement traffic safety treatments at intersections and along roadway segments to improve safety for pedestrians, bicyclists, and other vulnerable road users. Development projects proposed on a roadway identified as part of the City's High Injury Network (HIN) should be designed to enhance safety. The Project is not located on a HIN roadway.

As noted on page 6-202 of the SCEA, the Proposed Project includes specific project design features to ensure consistency with the City's goals and policies related to pedestrian safety. Specifically, PDF-TRAFFIC-3 includes the following:

> **PDF-TRAFFIC-3 Pedestrian Safety.** The Proposed Project shall include the following features to improve pedestrian facilities and to provide a safe and walkable pedestrian environment, to increase the number of walking trips, and provide for on-site facilities to reduce the need to make vehicle trips off-site.
>
> - Improve sidewalks adjacent to and within the Project.
> - Add pedestrian amenities such as: landscaping and setbacks, shade, benches, pedestrian- scale lighting, etc., along Main Street and 12th Street.
> - Provide pedestrian-scale retail commercial uses along street frontages.
> - Provide an on-site transit information kiosk.
> - Provide on-site concierge service to facilitate use of transit, taxis, shuttles, and transportation network companies.

COMMENT 4.3

Noise

The project doesn't include the Hyatt Centric hotel in its noise analysis. The standards for sensitive receptors for noise and vibration include residences, schools, motels, hotels, libraries, religious institutions, hospitals. The Hyatt Centric hotel will be on the opposing side of the alley from the Main Street Tower project and the Prosper (sic) Hotel is at the Southwest corner of 11th and Main St. Neither are shown on the Sensitive Receptor Locator map or Related Projects table. The SCEA analysis must include the Hyatt Centric and Prosper (sic) Hotel in the analysis.

RESPONSE TO COMMENT 4.3

The Hyatt Centric hotel is not included as an existing use in the SCEA's noise impact analysis because it has not yet been constructed. It was not included in the baseline environmental conditions in the SCEA, as Section 15125 of the State CEQA Guidelines provides the following guidance for establishing the baseline:

> *"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."*

Consistent with this guidance, the Hyatt Centric hotel was not addressed as an existing land use in the Project vicinity. The Hyatt Centric Hotel was, however, properly identified as a related project for purposes of addressing cumulative impacts in the SCEA. The Hyatt Centric Hotel was identified as Related Project No. 26 in Table 2.6, Related Projects, on page 2-36 of the SCEA. The potential for cumulative noise impacts to occur as a result of the Proposed Project and Related Project No. 26 were addressed in the SCEA on page 6-176.

The commenter's assertion that the Proper Hotel was not addressed in the SCEA is incorrect. The Proper Hotel, located at 1100 S. Broadway, is identified as Noise Sensitive Receptor No. 2 in Figure 6.2 and Table 6.19. As noted in Table 6.19 the Proper Hotel is located 100 feet north of the Project Site at the southeast corner of Broadway and 11th Street. As summarized in Table 6.20, Estimated Exterior Construction Noise at Nearest Sensitive Receptors, on page 6-167, the Project's unmitigated construction noise levels at the Proper Hotel would exceed the significance criteria by 2.1 dBA. However, with implementation of noise mitigation measures MM-N-1 through MM-N-5, construction noise impacts would be reduced to less than significant levels. The Proposed Project's operational noise impacts would be less than significant with no mitigation measures required.

COMMNET 4.4

Air Quality and Greenhouse Gas

The Air Quality and Greenhouse Gas criteria for this project in the technical studies are designed to meet the CARB 19% reduction from 2005 emissions by 2035.

> "Based on our commitment to the Paris Agreement, this plan [pLAn] charts a new course for Los Angeles emission reduction targets – the 2019 Green New Deal Pathway – which calls for cutting greenhouse gas emissions (GHGs) to 50% below 1990 levels by 2025; 73% below 1990 levels by 2035; and becoming carbon neutral by 2050. By following the 2019 Green New Deal Pathway, L.A. cuts an additional 30% in GHG emissions above and beyond our 2015 pLAn and ensures L.A. stays within its carbon budget between now and 2050." – Los Angeles City pLAn

We are in a global climate emergency. The City's pLAn commits to achieve carbon neutrality by 2050, as well as meeting the 2025 and 2035 benchmarks. These are the benchmarks that must be utilized at the planning level within the Initial Study.

Conclusion

Given the above-described deficiencies, the use of a SCEA for this project is inappropriate as it cannot be determined that the project will not result in significant unavoidable environmental impacts.

RESPONSE TO COMMENT 4.4

The commenter's assertion that the GHG reduction goals set forth in the Los Angeles City pLAn (L.A.'s Green New Deal) apply directly to the Proposed Project is incorrect. L.A.'s Green New Deal sets forth *citywide* goals and policies to achieve GHG emissions that are 50% below 1990 levels by 2025; 73% below 1990 levels by 2035; and becoming carbon neutral by 2050. As stated on page 6-58 of the SCEA, L.A.'s Green New Deal establishes accelerated goals for a cleaner environment and a stronger economy, with commitment to equity as its foundation and sets the following targets for a sustainable city:

- Supply 55 percent renewable energy by 2025; 80 percent by 2036; and 100 percent by 2045;
- Source 70 percent of our water locally by 2035, and capture 150,000 acre ft/yr (AFY) of stormwater by 2035;
- Reduce building energy use per square foot for all types of buildings 22 percent by 2025;
- 34 percent by 2035; and 44 percent by 2050;
- Reduce Vehicle Miles Traveled per capita by at least 13 percent by 2025, 39 percent by 2035, and 45 percent by 2050;
- Ensure 57 percent of new housing units are built within 1,500 feet of transit by 2025; and
- 75 percent by 2035;

- Increase landfill diversion rate to 90 percent by 2025; 95 percent by 2035, and 100 percent by 2050;
- Increase the percentage of zero emission vehicles in the city to 25 percent by 2025; 80 percent by 2035; and 100 percent by 2050;
- Create 300,000 green jobs by 2035; and 400,000 by 2050;
- Convert all city fleet vehicles to zero emission where technically feasible by 2028;
- Reduce municipal GHG emissions 55 percent by 2025 and 65 percent by 2035 from 2008 baseline levels, reaching carbon neutral by 2045.

As clearly set forth in the bullet points above, the City's targets are applicable to various City Departments and the LADWP and are implemented through Ordinances and Building Code updates. L.A.'s Green New Deal does not provide any mandates for individual projects to achieve specific benchmarks that are in line with the citywide GHG emission reduction goals. As discussed in the SCEA, although the Proposed Projects' GHG emissions are quantified for informational purposes, the determination of a significant GHG impact is based on whether the Proposed Project's design features are substantially consistent with the applicable policies and/or regulations outlined in the Scoping Plan, SB 375, SCAG's Connect SoCal, and the L.A. Green Building Code. As indicated on pages 6-98 through 6-104 of the SCEA, the Proposed Project's design features and compliance with regulatory measures would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including SB 32, SB 375, the L.A. Green Building Code, and CARB's 2017 Scoping Plan aimed at achieving 40 percent below 1990 GHG emission levels by 2030. Thus, the Proposed Project's GHG impact would be less than significant. Although LA's Green New Deal applies to City departments and not individual projects, the Proposed Project is consistent with the City's overall goals for achieving the specific GHG targets for a sustainable City. For example, the Project would use electricity provided by the LADWP who is mandated to achieve a certain renewable percentage in its energy sourcing. Further, the Project VMT analysis shows that the Project's VMT impacts are less than significant as the Project's household VMT per capita and work VMT per capita are below the thresholds of significance for the Central Area Planning Commission (APC) area. The Project Site is located within an infill development site within a TPA as defined by CEQA and is within one half-mile of a major, existing transit stop. The Project Site's close to high density housing would also serve to further minimize VMT impacts. Additionally, as further discussed in Sections 6.VI, Energy, and 6.VIII, Greenhouse Gas Emissions, of the SCEA, the Proposed Project would comply with all regulations and policies aimed at reducing energy consumption and greenhouse gas emissions, reducing the reliance on fossil fuels, and promoting energy-efficiency standards and transportation. The Project would be required to comply with energy conservation standards pursuant to Title 24 of the California Administrative Code as well as the L.A. Green Building Code, which mandates numerous conservation measures, beyond those required by Title 24. The L.A. Green Building Code requires projects to achieve a 20 percent reduction in wastewater generation, requires energy efficient lighting, requires low-flow plumbing fixtures and the installation of ENERGY STAR-rated appliances, and mandates construction waste and operational waste recycling programs. Thus, compliance with Title 24 and the L.A. Green Building

Code would reduce the Proposed Project's energy consumption resulting in an overall reduction in GHG emissions.

COMMENT LETTER NO. 5

Mitchell M. Tsai
139 South Hudson Avenue, Suite 200
Pasadena, CA 91101
November 1, 2021

COMMENT 5.1

Dear Nuri Cho,

On behalf of the Southwest Regional Council of Carpenters ("**Southwest Carpenters**" or "**SWRCC**"), my Office is submitting these comments on the City of Los Angeles's ("**City**" or "**Lead Agency**") Sustainable Communities Environmental Assessment ("**SCEA**") (SCH No. 2021090599) for the Main Street Tower Project ("**Project**").

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project's environmental impacts.

The Southwest Carpenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

SWRCC incorporates by reference all comments raising issues regarding the SCEA submitted prior to approval of the SCEA for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, SWRCC requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("PRC") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to

mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

RESPONSE TO COMMENT 5.1

The above comment identifies that the commenter is representing the Southwest Carpenter's and requests to be informed of future notices by mail. The commenter's information has been added to the project mailing list. No further response is required.

COMMENT 5.2

The City should require the Applicant provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. (sic) As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

> [A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

> … labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California's workforce can positively affect returns on

> climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.[3]

Recently, on May 7, 2021, the South Coast Air Quality Management District found that the "[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component" can result in air pollutant reductions.[4]

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to "promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions."[5]

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City "[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . ."[6] In addition, the City of Hayward requires all projects 30,000 square feet or larger to "utilize apprentices from state-approved, joint labor-management training programs."[7]

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

> People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.[8]

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply

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[3] *California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, available at https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf*

[4] *South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, available at http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10*

[5] *City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, available at https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf*

[6] *City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, available at https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf.*

[7] *City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).*

[8] *California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, available at https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf*

placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.[9] Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

> In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing." The city's First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

The City should also require the Project to be built to standards exceeding the current 2019 California Green Building Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

Sincerely,

Mitchell M. Tsai

Attorneys for Southwest Regional Council of Carpenters:

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

[9] *Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? Journal of the American Planning Association 72 (4), 475-490, 482, available at http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf.*

RESPONSE TO COMMENT 5.2

The commenter's suggestion that the Applicant be required to provide additional community benefits such as requiring local hire and use of a skilled and trained workforce is noted for the record and will be forwarded to the decision makers for their consideration.

Responses to SWAPE's letter (Exhibit A) are addressed below in responses to comments 5a.1 through 5a.10.

With regard to the commenter's suggestion that the Project be required to exceed the standards in the current 2019 California Green Building Code, the Project will be required to meet the building standards set forth in the L.A. Green Building Code. As amended by Ordinance 186,488 in 2019, the L.A. Green Code incorporates by reference portions of the 2019 Edition of the CALGreen Code. Specific mandatory requirements and elective measures are provided for three categories: (1) low-rise residential buildings; (2) non-residential and high-rise residential buildings; and (3) additions and alterations to non-residential and high-rise residential buildings. Chapter IX, Article 9, Division 5 includes mandatory measures for newly constructed non-residential and high-rise residential buildings. The L.A. Green Building Code includes some requirements that are more stringent than State requirements such as increased requirements for electric vehicle charging spaces and water efficiency, which results in potentially greater energy demand reductions from improved transportation fuel efficiency and water efficiency. Specific measures in the L.A. Green Building Code intended to improve building energy efficiency and conserve energy are included as LAMC Sections 99.04.201 through 99.04.505 for residential mandatory measures and as LAMC Sections 99.05.201 through 99.05.504 for non-residential mandatory measures. These energy efficiency measures include renewable energy, indoor and outdoor water uses, water reuse systems, waste reduction, pollutant control, and interior moisture control measures. (SCEA at page 6-58)

COMMENT LETTER NO. 5a

Soil Water Air Protection Enterprise
Matt Hagemann, P.G., C.Hg.
Paul Rosenfeld, PhD
2656 29th Street, Suite 201
Santa Monica, CA 90405
March 8, 2021

COMMENT 5a.1

Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."[10] CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.[11]

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[12]

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled ("VMT") associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission

[10] *"California Emissions Estimator Model." CAPCOA, 2017, available at: http://www.aqmd.gov/caleemod/home.*
[11] *"California Emissions Estimator Model." CAPCOA, 2017, available at: http://www.aqmd.gov/caleemod/home.*
[12] *"CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.*

factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.[13]

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

"$VMT_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$

Where :

n = Number of land uses being modeled"[14]

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

"$\text{Emissions}_{pollutant} = VMT * EF_{running\ pollutant}$

Where:

$\text{Emissions}_{pollutant}$ = emissions form vehicle running for each pollutant

VMT – vehicle miles traveled

$EF_{running,pollutant}$ = emission factor for running emissions."[15]

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

RESPONSE TO COMMENT 5a.1

This comment provides background information from the CalEEMod User Guide and appendices and explains how construction worker vehicle emissions are calculated. It is acknowledged that reducing the vehicle trip length would logically reduce vehicle emissions. However, such a requirement is not technically feasible as it is highly unlikely that 100 percent of the construction workforce resides within the suggested 10 mile radius of the Project Site. Furthermore, based on the findings presented in the SCEA's GHG analysis, the Proposed Project's GHG emissions are

[13] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.*

[14] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.*

[15] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.*

less than significant without mitigation. Thus, there is no nexus to require additional mitigation measures under CEQA.

COMMENT 5a.2

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.[16] In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act ("CEQA") requires that such changes be justified by substantial evidence.[17] The default number of construction-related worker trips is calculated by multiplying the number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.[18] Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively."[19] Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.[20] The operational home-to-work vehicle trip lengths are:

> "[B]ased on the ***location*** and urbanization selected on the project characteristic screen. These values were ***supplied by the air districts or use a default average for the state***. Each district (or county) also assigns trip lengths for urban and rural settings" (emphasis added).[21]

[16] *"CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.*

[17] *CalEEMod User Guide, available at: http://www.caleemod.com/, p. 1,9.*

[18] *"CalEEMod User's Guide." CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.*

[19] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.*

[20] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.*

[21] *"Appendix A Calculation Details for CalEEMod." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.*

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).[22]

Worker Trip Length by Air Basin		
Air Basin	**Rural (miles)**	**Urban (miles)**
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	**16.47**	**11.17**
Minimum	**10.80**	**10.80**
Maximum	**19.80**	**14.70**
Range	**9.00**	**3.90**

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8-miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7-miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

RESPONSE TO COMMENT 5a.3

This comment provides background information on the CalEEMod calculation methodology and default data regarding vehicle lengths. As demonstrated in this comment, typical trip lengths

[22] *"Appendix D Default Data Tables." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D86.*

throughout different air basins in California average 11.17 miles and can range from 10.8 miles to 14.7 miles. The GHG emissions analysis in the SCEA is based on the CalEEMod default trip length of 14.7 miles for the South Coast Air Basin. No modifications to the construction worker trip lengths were made. As such, the GHG analysis presented in the SCEA represent a conservative analysis for purposes of estimating vehicle emissions during construction.

COMMENT 5a.4

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan ("Project") located in the City of Claremont ("City"). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County (sic). As a result, the Project has a default worker trip length of 14.7 miles.[23] In an effort to evaluate the potential for a local hire provision to reduce the Project's construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO_2e)	3,623
Amortized Construction GHG Emissions (MT CO_2e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO2e)	3,024
Amortized Construction GHG Emissions (MT CO_2e/year)	100.80
% Decrease in Construction-related GHG Emissions	***17%***

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the

[23] *"Appendix D Default Data Tables." CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.*

significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

RESPONSE TO COMMENT 5a.4

The commenter's argument that a local hire mandate could reduce vehicle emissions during the Project's construction period is noted for the record. However, as stated in the commenter's own remarks, this argument does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As described by the commenter, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project's urbanization level and location. The Project Site is located within an infill development site within a TPA as defined by CEQA. The Project Site it is within one half-mile of a major, existing transit stop and is close to high density housing. As such, based on these geographic features it is likely that a majority of the Project's workforce would reside within a relatively short distance to the Project Site and/or have access to transit that would result in reduced air emissions as compared to the default and conservative assumptions used in the air quality modeling presented in the SCEA.

COMMENT LETTER NO. 6

Goldman Family Trust
Marta Stanton
1109-1111 Main Street
Los Angeles, CA 90015
October 8, 2021

COMMENT 6.1

Dear Nuri Cho,

I am the trustee of the Goldman Family Trust, the owner of 1109-1111 Main Street, Los Angeles, CA 90015. I am writing to submit the following requests: 1). All damages to the nearby lots, including damage to sidewalks and streets, are repaired and restored after the demolition and construction of the Main Street Tower Project; and 2) All required soil safety measures are taken to prevent damage or sinkholes to the nearby lots. Thank you for your consideration.

Sincerely, Marta I. Stanton, Attorney At Law

RESPONSE TO COMMENT 6.1

This comment is noted for the record and will be forwarded to the decision makers for their consideration. As a standard condition of approval generally imposed by the Department of City Planning (DCP) a Certificates of Occupancy for the subject property will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.) as required herein, are completed to the satisfaction of the City Engineer. This condition would include repairing any damage on adjacent lots or within the right-of-way that is caused by construction vehicles or construction related activity.

Regarding “soil safety measures,” the Proposed Project would comply with the approved Geology Report and all recommendations from the Department of Building and Safety as well as all applicable regulatory measures to ensure that there is no damage to nearby lots or to the creation of sink holes.

December 8, 2021
[vial email: nuri.cho@lacity.org]

Ms. Nuri Cho, City Planner
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 763
Los Angeles, CA 90012

Re: RESPONSES TO COMMENT LETTERS RECEIVED ON THE MAIN STREET TOWER PROJECT SCEA [ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR, and VTT-82463]

Dear Ms. Cho,

On behalf of Frontier Holdings West, LLC (Applicant), Parker Environmental Consultants has reviewed the following three comment letters that were submitted in response to the Main Street Tower Sustainable Communities Environmental Assessment (SCEA) on December 7, 2021:

- Gaines & Stacey, (representing United Broadway LLC), December 7, 2021.
- Kinsinger Environmental Consulting (representing United Broadway LLC), December 7, 2021.
- Lozeau Drury, LLP (representing Supporters Alliance for Environmental Responsibility ("SAFER"), December 7, 2021.

The above comment letters were submitted to the hearing officer one day prior to the Zoning Administrator's hearing scheduled for December 8, 2021. As such, we had limited time to review and respond to the main comments and technical issues presented in these letters. Provided below is an abbreviated restatement of the issues and comments raised in the comment letters (in bold text) followed by technical responses that clarify or respond to the issues raised.

Gaines & Stacey (on Behalf of United Broadway), December 7, 2021

1. **Project analysis fails to identify or describe our client's approved, adjacent hotel project as a surrounding land use and sensitive receptor (on air quality, noise, traffic).**

Response: This same comment was provided to the City during the SCEA public comment period. As set forth in the City's December 1, 2021 Letter to File responding to comments received on the SCEA, the Hyatt Centric hotel is not included as an existing use in the SCEA's noise impact analysis because it has not yet been constructed and as such it was not included in the baseline environmental conditions in the SCEA. Section 15125 of the State CEQA Guidelines provides the following guidance for establishing the baseline:

> *"An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant."*

Consistent with this guidance, the Hyatt Centric hotel was not addressed as an existing land use in the Project vicinity. The Hyatt Centric Hotel was, however, properly identified as a related project for purposes of addressing cumulative impacts in the SCEA. The Hyatt Centric Hotel was identified as Related Project No. 26 in Table 2.6, Related Projects, on page 2-36 of the SCEA. The potential for cumulative noise impacts to occur as a result of the Proposed Project and Related Project No. 26 were addressed in the SCEA on page 6-176.

2. **Given the failure of the SCEA to even identify the adjacent hotel site in its analysis, significant new information exists which discloses a new substantial environmental impact.**

Response: While the comments provided by Gaines and Stacey claim that the SCEA is deficient in how it addressed impacts related to the approved but not yet constructed Hyatt Centric hotel, the comments do not provide any substantive analysis or supporting detail to substantiate this claim. Pursuant to Public Resources Code (PRC) Section 21082.2(c) "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence." Moreover, as noted above, the SCEA analysis does account for the Hyatt Centric hotel as a related project in the cumulative impact analysis. That analysis determined less than significant impacts.

Kinsinger (on behalf of United Broadway), December 7, 2021

1. **Due to undisclosed significant AQ impacts the project is required to be conducted as a "streamlined Environmental Impact Report (EIR)" with a "substantial evidence" standard of review.**

Response: The SCEA analysis includes a detailed Air Quality analysis demonstrates that a less than significant air quality impact. While Kinsinger claims that a significant air quality impact would occur if the model was run differently, their comments do not provide any analysis or quantification of emissions that demonstrate the Project's air quality emissions would exceed the SCAQMD's significance thresholds. The substantial evidence standard that applies to EIRs and Streamlined EIRs also applies to the SCEA. In this case, the commenter has not provided any substantial

evidence to support a finding of significance. To the contrary the SCEA includes a detailed air quality analysis based on the quantification of emissions using CARB's CalEEMod emissions modeling software as recommended by the SCAQMD.

2. **Air quality modeling defaults were replaced with values that artificially and erroneously reduced Toxic Air Contaminants (TAC) to a level less-than-significant.**

Response: The default values that were changed in the CalEEMod model were justified in the CalEEmod worksheets (SCEA Appendix A) and/or are otherwise disclosed in the text of the SCEA's environmental analysis. The CalEEMod User's Guide expressly calls for use of project-specific data when available, as they are more accurate than the default inputs based on general data collected across California. Also, it should be noted that the CalEEMod analysis addresses the five criteria pollutants identified in the SCAQMD's CEQA Air Quality Handbook. Potential impacts associated with toxic air contaminants were not included in the air quality modeling - rather they were addressed relative to the qualitative screening criteria for determining whether a detailed Health Risk Assessment is required. The Project is not an industrial facility that requires an operating permit by the SCAQMD; rather, it is a predominantly residential project (363 residences) with limited commercial uses (12,500 square feet of retail). As such, a detailed HRA is not required for the project's approval. Further, as stated in the SCEA, the SCAQMD recommends the preparation of an HRA for projects that generate over 100 heavy duty diesel trucks per day (or over 40 diesel trucks with refrigerating units). As the Project would not generate heavy duty diesel trucks that exceed this screening criteria, no further analysis is required or warranted.

3. **Requests live air quality monitoring during construction**

Response: Based on the SCEA's findings that the Project's air quality impacts from construction would be less than significant without the need for mitigation measures, there is no reason to condition the Project to provide live air quality monitoring during construction. Such a requirement is not standard practice for development projects in the SCAQMD's jurisdiction. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors (CEQA Guidelines Section 15204). The commenter has not provided any substantial evidence to support a finding of significance regarding construction air emissions.

4. **The failure to include a stand-alone air quality technical study in the SCEA/TPA appendix is an egregious abuse of the streamlining provisions and represents a failure to disclose "reasonably foreseeable" effects according to CEQA.**

Response: The SCEA analysis includes a detailed Air Quality analysis that supports a finding of less than significant impacts. The analysis describes the regulatory setting, the applicable thresholds of significance, the analytical methodology and modeling assumptions, and provides a quantification of air quality emissions relative to the threshold values. The entirety of the AQ

analysis is contained in the SCEA (pages 6-10 through 6-36) which is supported by the air quality modeling worksheets in Appendices A (AQ: daily summer and winter conditions) and F (annualized emissions for GHG). There is no CEQA requirement for a "stand alone" technical study per se; the SCEA provides all of the necessary analysis and technical back up. Nothing more is required to be disclosed for a reader to understand the analysis and less than significant impact determination. The commenter has not provided any substantial evidence to support a finding of significance or identified any missing analysis.

5. **Because a properly conducted Air Quality Analysis would have generated significant impacts, a health risk assessment should have been conducted. In this instance, a live Dispersion Model Analysis would be required to substantiate the Health Risk Analysis (HRA).**

Response: This comment is speculation and fails to provide any substantiation that a HRA would yield significant impacts if one was prepared using their data input assumptions. The commenter did not provide technical analysis that supports a conclusion that the Project would result in a significant health and safety impact related to toxic air contaminant (TAC) emissions. PRC Section 21082.2(c) "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence."

6. To correct the deficiencies in the SCEA, at the very minimum, the project proponent must:

a. Conduct a new (not revised) air quality analysis with a qualified consultant

Response: A new air quality analysis is not warranted based on the speculative and unsubstantiated comments. (PRC Section 21082.2(c) "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence.") Parker Environmental Consultants is a qualified and reputable consulting firm and is on the City's qualified list of consultants for preparing CEQA documents in the City of Los Angeles. The staff at Parker Environmental have over 35 collective years in conducting CEQA air quality and greenhouse gas emissions analyses for projects throughout southern California. **(https://parkerenvironmental.com/)**

b. Include the supporting technical study in the SCEA appendices

Response: As noted above, the entirety of the AQ analysis is contained in the SCEA (pages 6-10 through 6-36) which is supported by the air quality modeling worksheets in Appendices A (AQ: daily summer and winter conditions) and F (annualized emissions for GHG). There is no CEQA

requirement for a "stand alone" technical study per se; the SCEA provides all of the necessary analysis and technical back up. Nothing more is required to be disclosed for a reader to understand the analysis and less than significant impact determination. The commenter has not provided any substantial evidence to support a finding of significance or identified any missing analysis.

c. Disclose the author of the air quality analysis

Response: Parker Environmental prepared the Air Quality and Greenhouse Gas modeling and technical analysis sections. Preparers of the environmental analysis and technical studies are listed on page 7-1 of the SCEA (Section 7. Preparers and Persons Consulted).

7. The new air quality analysis should:

a. Assess cumulative impacts to include the project's future residents as sensitive receptors. The evaluation would be for impacts from cumulative TACS at the project site and around the project site.

Response: Cumulative impacts were addressed per SCAQMD's guidance. The SCAQMD recommends that a project's potential contribution to cumulative impacts should be assessed utilizing the same significance criteria as those for project specific impacts. Therefore, according to the SCAQMD, individual development projects that generate construction or operational emissions that exceed the SCAQMD recommended daily thresholds for project-specific impacts would also cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in non-attainment. Because the construction-related and operational daily emissions associated with Proposed Project would not exceed the SCAQMD's recommended thresholds as set forth in the SCEA (pages 6-10 through 6-36), these emissions associated with the Proposed Project would not be cumulatively considerable.

b. Substantiate the rationale for any deviations from standard defaults in the model output.

Response:

As discussed in the CalEEMod User's Guide (Pages 30 through 31), the construction tab contains default information obtained from a survey conducted by SCAQMD of construction sites with a range of project types and sizes and provides a default construction equipment list and phase length data based on the total lot acreage of a project. The Guide states: "If the user has more detailed site-specific equipment and phase information, the user should override the default values." This is precisely what was done in the SCEA, which cited "site specific" for the construction schedule and was based on the construction schedule provided by the Project Team. Where defaults were overridden they are substantiated by notations made in the modeling worksheets (SCEA Appendix A) or are otherwise reflected in the Project Description and/or SCEA analysis. No further substantiation is necessary or required.

c. Rely on the current model recommended by South Coast Air Quality Management District (AQMD) June 2, 2021 (CalEEMod 2040.4.0 – This is the 2020 version recommended by AQMD's throughout the state including South Coast AQMD)

Response: The air quality and greenhouse gas emissions modeling and **analys**es were prepared in June 2019 prior to the publication date of the CalEEMod Update in 2020. The model version used in 2019 was the current model version at that time. The commenter has provided no substantial evidence that demonstrates hat to use a new model version would change the impact determinations. Indeed, SCAQMD does not require the model to be rerun nor does CEQA. (*Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 415 ["That further study . . . might be helpful does not make it necessary."].)

d. Conform to California Office of Environmental Health Hazards Assessment (OEHHA) to assess "thresholds for Toxic Air Contaminants on sensitive receptors" (Methodologies used in the health risk analysis should be consistent with recommendations provided in the 2015 OEHHA guidance document)

Response: The commenter recommends utilizing the Office of Environmental Health and Hazard Assessment (OEHHA) Air Toxics Hot Spots Program guidelines (AB 2588, Connelly, Statutes of 1987; Health and Safety Code Section 44300 et seq.) which consider early-life exposure adjustments to characterize carcinogenic exposures to DPM emissions when conducting health risk assessments (HRAs).

Notwithstanding this recommendation, AB 2588 guidance has no statutory relation to projects prepared under the auspices of the California Environmental Quality Act (CEQA). As noted by the California Air Resources Board (ARB):

> The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in September 1987. Under this, stationary sources are required to report the types and quantities of certain substances their facilities routinely release into the air. Emissions of interest are those that result from the routine operation of a facility or that are predictable, including but not limited to continuous and intermittent releases and process upsets or leaks.
>
> The Act requires that toxic air emissions from stationary sources (facilities) be quantified and compiled into an inventory according to criteria and guidelines developed by the ARB, that each facility be prioritized to determine whether a risk assessment must be conducted, that the risk assessments be conducted according to methods developed by the Office of Environmental Health Hazard Assessment (OEHHA).

As reported above, applicability is associated with commercial and industrial operations. There are two broad classes of facilities subject to the AB 2588 Program: Core facilities and facilities identified within discrete industry-wide source categories. Core facilities subject to AB 2588

compliance are sources whose criteria pollutant emissions (particulate matter, oxides of sulfur, oxides of nitrogen, and volatile organic compounds) are 25 tons per year or more as well as those facilities whose criteria pollutant emissions are 10 tons per year or more but less than 25 tons per year. Industry-wide source facilities are classified as smaller operations with relatively similar emission profiles (e.g., auto body shops, gas stations and dry cleaners using perchloroethylene). It is apparent that the emissions generated from the construction and subsequent occupancy of a mixed use project which is predominately residential are not classified as core operations nor subject to industry-wide source evaluation. As such, OEHHA HRA studies are not required or warranted. The Project does not have any land use that would emit large quantities of toxic materials or otherwise require a facility permit that requires a detailed HRA analysis.

> **e. Prepare a Health Risk Assessment (HRA) to assess potential health risks to existing and future sensitive receptors from Toxic Air Containments (TAC) generated by the proposed project during both construction and operations. The Health Risk Assessment for construction and operational and stationary Air Toxic Hot Spots should be prepared in conformance with the current OEHHA Guidance Manual for Preparation of Health Risk Assessments**

Response: See immediately above response.

> **f. Prepare a second HRA that focuses an assessment upon the project's potential to expose sensitive receptors by placing the building's new occupants near existing sources of TACs (heavily traveled road and stationary sources) during operation. This second HRA should also include sensitive receptors in the project's immediate vicinity to assess the cumulative health effects at these receptors, as the project may exacerbate health risks from existing sources of TACs at these receptors by trapping TACs close to the ground due to the building's height and obstructed air flow.**

Response: In 2015, the California Supreme Court in California Building Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD) held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of a project. As such, there is no requirement to address the environment's impact upon the proposed Project. Indoor air quality would be addressed through building code regulations. The project proposes the incorporation of enhanced building filtration with a minimum efficiency reporting value (MERV) rating of 13 in accordance with the energy efficiency standards of Title 24 (California Building Standards Code) and commensurate with the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Standard 52.2. MERV 13 filtration, will, among other things, remove concentrations particulates – namely $PM_{2.5}$ and PM_{10}. The commenter provides no substantial evidence of a potential significant impact. Moreover, "That further study . . . might be helpful does not make it necessary." (*Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 415.)

As discussed above and in the SCEA, the Project does not propose any land use that would emit large quantities of toxic materials or otherwise require a facility permit that requires a detailed HRA analysis.

g. Use dispersion modeling to support the Health Risk Assessments for local sensitive receptors from diesel- fueled equipment, stationary sources, and existing sources of TACs that were not disclosed in current the SCEA.

Response: The commenter is requesting an analysis of sensitive receptors exposure to existing sources of TACs. As discussed in the above response, there is no requirement to address the environment's impact upon the proposed Project. Further the commenter has not provided any substantial evidence of a potential significant impact. See above responses.

h. Revise the project description to match assumptions of the air quality model including stationary sources

Response: The SCEA's air quality modeling assumptions are consistent with the notes contained in the CalEEMOD worksheets (SCEA Appendix A) and the text of the SCEA analysis. The commenter has not provided any detail where the assumptions or inputs do not match.

i. Disclose all stationary and mobile TAC generator

Response: The Project's sources of TAC emissions during construction are addressed on page 6-34 of the SCEA. The Project does not propose any land uses that would generate a substantial amount of TAC emissions. The only source of TACs from project operations would be from the limited number of diesel cars and trucks accessing the site on a daily basis. As noted in the CalEEMod worksheets, based on the fleet mix for the proposed uses, less than 2 percent of the daily vehicles would be comprised of heavy duty diesel trucks. The CalEEMod worksheets also disclosed the use of, and estimated the operational emissions of an emergency diesel generator, which is proposed to power the buildings lighting and elevator functions in the limited case of a power outage.

j. Include the proposed Hyatt Centric Hotel and the existing LA Proper Hotel as sensitive receptors

Response: The Hyatt Centric hotel was not addressed as an existing land use in the Project vicinity because it does not yet exist. The Hyatt Centric Hotel was, however, properly identified as a related project for purposes of addressing cumulative impacts in the SCEA. The Hyatt Centric Hotel was identified as Related Project No. 26 in Table 2.6, Related Projects, on page 2-36 of the SCEA. The potential for cumulative air quality impacts to occur as a result of the Proposed Project and Related Project No. 26 were addressed in the SCEA on page 6-36.

The commenter's assertion that the Proper Hotel was not addressed in the SCEA is incorrect. The Proper Hotel, located at 1100 S. Broadway, is identified as Noise Sensitive Receptor No. 2 in Figure 6.2 and Table 6.19. As noted in Table 6.19 the Proper Hotel is located 100 feet north of

the Project Site at the southeast corner of Broadway and 11th Street. As summarized in Table 6.20, Estimated Exterior Construction Noise at Nearest Sensitive Receptors, on page 6-167, the Project's unmitigated construction noise levels at the Proper Hotel would exceed the significance criteria by 2.1 dBA. However, with implementation of noise mitigation measures MM-N-1 through MM-N-5, construction noise impacts would be reduced to less than significant levels. The Proposed Project's operational noise impacts would be less than significant with no mitigation measures required.

k. Include project-specific mitigation measures

Response: The Project's air quality impacts were concluded to be less than significant prior to mitigation. As such, no mitigation measures are required pursuant to CEQA. The commenter has provided no substantial evidence of a significant impact.

l. Include Conditions of Approval (COA) that ensure the mitigation measures are applied and remedies are monitored and satisfied.

Response: The Project's air quality impacts were concluded to be less than significant prior to mitigation. As such, no mitigation measures or conditions of approval are required.

8. Unsubstantiated Adjustments to The Construction Schedule Invalidate Model Outcome

Response: The commenter points out that the emissions from haul trips during grading are spread out over 129 days in the modeling rather than the default of 30 days. If emissions had been spread out over only 30 days, the maximum daily emissions from haul trips during grading would have been substantially higher. Similarly, the architectural coating period was extended from 20 to 96 days. The assumptions for the construction schedule are based on data provided by the Applicant and are reasonable and appropriate for the Proposed Project. As noted above, the CalEEMod User's Guide expressly calls for use of project-specific data when available, as they are more accurate than the default inputs based on general data collected across California. As such it was entirely appropriate to deviate from CalEEMod defaults; the air quality modeling results are accurate for the Proposed Project.

The commenter also notes that the default Site Preparation phase was omitted from the CalEEMod construction phases. This is because the Site Preparation phase is generally associated with surface grading and vegetation removal for undeveloped construction sites. Because the Project Site is developed with existing commercial buildings, the Site Preparation phase was replaced with a Demolition phase.

9. Basis of recommendation to Remediate Project Grading Pass Assumptions. Area disturbed during grading was reduced compared to the CalEEMod default without any explanation

The modification to the CalEEMod default of the total area disturbed was driven by the type and quantify of construction equipment selected for the grading and excavation phase that is specific

to this Project Site. Due to the limited area of the Project Site lot area, the amount of equipment that could operate simultaneously is constrained, thus resulting in fewer passes per truck. The Project Site includes 1.2 acres. To provide for a conservative analysis, the grading phase assumed the use of 1 excavator, 1 grader, 1 rubber tired dozer, 2 scrapers, 1 Bore/Drill Rig, and 2 Tractors/Loaders/Backhoes. Not all of these pieces of equipment would be utilized at the same time or even on the same day during the grading phase. Accordingly, the number of acres of grading passes was reduced in accordance with the equipment fleet.

Lozeau Drury (Supporters Alliance for Environmental Responsibility ("SAFER"), December 7, 2021

1. **The SCEA is not adequate under CEQA because it fails to require feasible mitigation measures from the 2016 RTP/SCS and 2020 RTP/SCS.**

Response: The letter maintains that the SCEA should have adopted verbatim every mitigation measure from the Program EIRs for the 2016 RTP/SCS and 2020 RTP/SCS. SCAG, which prepared and certified these EIRs, does not require implementation of all these mitigation measures, but rather give the City, as lead agency, the discretion to require these measures.

Chapter 4 of the SCEA discusses whether the mitigation measures apply to the Project and the applicable regulations that supersede the mitigation measures, and, where there is a potential project impact, identifies mitigation that would apply. While the SCEA's mitigation measures may not be the exact mitigation measures identified in the SCAG EIRs, the SCEA incorporates elements of these measures where applicable and feasible and otherwise requires Project-specific measures to reduce potential impacts to less than significant.

Per CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for impacts that are not significant. Therefore, the SCEA did not require mitigation measures from the Program EIRs that are not needed to avoid a significant impact.

The letter specifically mentions use of Tier 4 construction equipment. The SCAG mitigation measures only require use of Tier 4 if there would otherwise be a significant impact. Since the Project would not result in a significant air quality impact without the use of Tier 4, the use of Tier 4 is not required.

2. **The SCEA failed to discuss or mitigate the Project's significant indoor air quality impacts.**

Response: The letter claims that the Project will have a significant health risk from its indoor air quality.

The Project will comply with the existing codes and regulations that will adequately address potential impacts risks from building materials and ensure healthy indoor air. These include:

- Title 24: Building Energy Efficiency Standards;

- Section 4.5, Environmental Quality, of the CALGreen Code; and
- CARB Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products.

In addition, the letter's analysis is based on a series of inaccurate assumptions, including that:

(a) the Project's construction materials would not be compliant with the applicable regulations to reduce formaldehyde exposure;

(b) formaldehyde daily emissions from construction materials would be constant for over 70 years;

(c) residents would live in their units for 70 years; and

(d) employees would work at the Project Site for 8 hours/day, 5

days/week, 50 weeks/year for 45 years.

In fact:

(a) construction materials would comply with all such applicable regulations;

(b) the amount of formaldehyde off-gassing from construction materials decreases over time;

(c) per the U.S.EPA, lifetime risk values for residents should be based on an exposure duration of 30 years, not 70; and

(d) based on the U.S. Bureau of Labor Statistics, the median number of years workers remain in a job is 4.2 years, not 45.

Therefore, the letter significantly overstates impacts and presents no credible evidence of a significant indoor air quality impact.

3. The SCEA cannot be relied upon to determine the significance of the Project's air quality impacts because the SCEA's air model underestimated the Project's emissions.

Response: The letter maintains that the air quality modeling was flawed because certain default inputs were modified.

As noted above, the default values that were changed in the model were justified in the CalEEmod worksheets and/or are otherwise disclosed in the text of the SCEA's environmental analysis. The CalEEMod User's Guide expressly calls for use of project-specific data when available, as they are more accurate than the default inputs based on general data collected across California.

Specifically, the letter claims that:

(b) ***The air quality analysis included an unsubstantiated reduction in gas fireplaces.***

Response: The analysis did not model emissions from gas fireplaces in units for the simple reason that the Project units will not have fireplaces.

(c) *The CalEEMod model underestimated net vehicle trips.*

Response: The SCEA did not use CalEEMod to determine the vehicle trips or vehicle miles traveled.

Rather, the SCEA used daily trip generation estimates from the Project's Transportation Study to estimate mobile emissions. CalEEMod was only used to provide the trip distances for the Project's land uses. The commenter is pointing out a discrepancy in the SCEA with respect to the "net project trips" and "net project trips inclusive of (pass-by-trips)". The air quality (AQ) modeling was based on the Project's "net project trips inclusive of (pass-by-trips)" as reported in Attachment 3 to LADOTs approval of the Traffic Study (Main Street Tower Project Weekday Trip Generation Rates And Summary). Further, the AQ modeling was conducted prior to the adoption of the VMT Calculator methodology and thus reflects a more conservative analysis with respect to regional VMT emissions based on the updated methodology. While the VMT Calculator identifies a higher daily trip rate (717 net new trips) vs the Non-CEQA Traffic Study ITE Trip Generation estimate (215 trips (inclusive of pass-by trips), a comparison of the annual VMT shows that the SCEAs AQ modeling is almost 3 times higher than the annual VMT estimate under the VMT Calculator methodology. This is because the CalEEMod assumptions in the SCEA analysis relied on higher default average trip lengths. Had the analysis been revised to be consistent with the LADOT model the air quality emissions would have been greatly reduced. (See Appendix A AQ Worksheets at Page 28 of 35, 4.2 trip Summary information). Therefore, the Project's vehicle trips, and associated emissions, were not understated, rather just the opposite, resulting in a more conservative analysis.

(d) *The air quality analysis improperly applied operational mitigation measures.*

Response: The letter claims that air quality modeling improperly included mitigation measures. The term "Mitigation" in CEQA has a different meaning than "Mitigation Measures" in the CalEEMod program.

"Mitigation Measures" under CEQA and in the SCEA are utilized when a potential significant impact has been identified to reduce or avoid the impact.

The "mitigation" applied in CalEEMod are regulatory requirements or Project design features.

The air quality modeling does not improperly apply mitigation measures, as the term is used in CEQA.

4. The SCEA inadequately analyzed the Project's impact on human health from emissions of diesel particulate matter.

Response: The letter maintains that the City should prepare a health risk assessment, or HRA, to determine the health risks from Project construction and operation due to diesel particulate emissions, or DPM.

The City follows the guidance of the SCAQMD, which does not recommend analysis of TACs from short-term construction activities. According to SCAQMD methodology, health effects from DPM are based on continuous exposure over a 70-year lifetime.

Given the short-term construction schedule of approximately 30 months, the Project would not result in a long-term source of TAC emissions. Therefore, a HRA for construction emissions is not warranted.

SCAQMD recommends that HRAs be conducted only for substantial sources of DPM, such as truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units.

Based on this guidance, a HRA is not required as the residential mixed use Project would not generate substantial amounts of DPM during operation.

5. When taken together, the health risks from construction and operation of the Project exceed SCAQMD's significance threshold.

Response: The letter includes a screening level health risk assessment that purports to show that diesel particulate emissions, or DPM, from project construction and operation would cause significant health risks.

This analysis is not credible and is not based on the Project. Among other things, it overstates the project's mobile DPM emissions during operation by over 11,000 percent. SWAPE's analysis is based on 468 pounds of DPM over a 933-day construction period. As stated in the SCEA, the Project's construction activities would occur over 669 active construction days based on a 5 day work week (see Construction Detail in Appendix A). SWAPE's calculation erroneously overstates the active construction days by 264 days (an incorrect increase of over 40 percent). Without substantiation SWAPE's analysis assumes that 100 percent of the PM_{10} emissions consist of DMP. This is incorrect as not all PM_{10} exhaust is comprised of DMP. Additionally, SWAPE's dispersion modeling calculations are based on an emission rate that is 1,000 times higher than their own emission rate calculations provided in their Appendix A worksheets (0.263E-02 g/s vs 0.00263 g/s).

As stated, the Project would not generate substantial amounts of DPM during operation. Therefore, health impacts would be less than significant.

Conclusion

The comments and disputes raised by the commenter do not require an EIR. Pursuant to Public Resource Code (PRC) Section 21082.2 (b), "[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment." Section 21082.2(c) also provides that "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

The comments summarized above are based on false arguments and speculation and do not provide any new substantial evidence indicating that the Project would result in a significant impact upon the environment. Further, the above comments do not identify any deficiencies or inadequacies in the SCEA's analysis based on fact that would warrant revisions or recirculation of the SCEA. Based on a thorough review of the comments and the responses provided herein, the SCEA satisfies the legal requirements of CEQA, and no further analysis is warranted.

Should you have any questions regarding any of the responses please contact me at (661) 257-2282 or by email at shane@parkerenvironmental.com.

Sincerely,



Shane E. Parker, Principal

September 14, 2022
[vial email: Nuri.cho@lacity.org]

Ms. Nuri Cho, Senior City Planner
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 621
Los Angeles, CA 90012

Re: RESPONSES TO APPEALS RECEIVED ON THE MAIN STREET TOWER PROJECT SCEA [ENV-2018-7379-SCEA; ZA-2018-7378-ZV-TDR-SPR, and VTT-82463]

Dear Ms. Cho,

On February 18, 2022, the City adopted the Sustainable Communities Environmental Assessment (SCEA) for the Main Street Tower Project ("Project" or "Approved Project") and issued letters of determinations ("LODs") for the Main Street Tower Project's land use entitlements and tract map (Planning Case Nos. ZA-2018-7378-ZV-TDR-SPR and VTT-82463). The requested entitlements under these two cases are subject to pending appeals. The following is provided to address the comments and concerns raised in the appeal letters as it relates to the environmental analysis in the SCEA and the CEQA approval process.

The appeal filed on behalf of United Broadway, LLC (C/O Kamran Benji) (herein after referred to as the "United Broadway appeal") included an undated justification attachment prepared by Hayden Planning. Hayden Planning's correspondence referenced previous letters submitted during the public hearing process dated October 19, 2021 (Kinsinger #1), December 7, 2021 (Kinsinger #2), December 8, 2021 (Hayden Planning) and February 1, 2022 (Gaines & Stacey LLP). The comments contained within in each of the referenced hearing correspondences have been previously addressed in our prior responses to comments that were included in the City's December 1, 2021 Letter to File - Responses to Comments transmittal posted to the Council File 21-1053 on December 2, 2021, and responses to comments correspondences addressed to the Department of City Planning on December 8, 2021 and January 13, 2022. Except as noted in the discussion below pertaining to the revised Project and SCEA Addendum, no further response to the United Broadway appeal is warranted.

The appeal filed on behalf of Supporters Alliance for Environmental Responsibility ("SAFER"), included an attachment dated December 7, 2021 by the law from Lozeau Drury LLP. Parker Environmental Consultants provided detailed responses to comments to Lozeau Drury's December 7 letter in our prior written responses to comments addressed to the Department of City Planning on December 8, 2021 and January 13, 2022.

Modifications to the Approved Project

In response to the appeals, the Applicant has redesigned the Project in order to remove the Variance request to allow residential parking as compact parking stalls ("Modified Project"). As now designed, the Project will no longer need the relief provided by the approved Variance. The Project has added a subterranean parking floor to accommodate standard width stalls for the residential parking. There would be 10 fewer parking spaces required as compared to the Approved Project with the utilization of Los Angeles Municipal Code Section 12.21 A.4, which allows for a 10-percent reduction in the automobile parking spaces reduction. The addition of one level of subterranean parking would require up to 30,000 cubic yards of soil to be exported from the Project Site as opposed to 5,434 cubic yards as proposed in the Approved Project. Access to the underground parking would also include a second two-way driveway from the alley, providing a separate entry and egress access to the subterranean level. All other aspects of the Project would remain unchanged.

SCEA Addendum

The potential environmental impacts resulting from the modifications to the Approved Project were addressed the SCEA Addendum, dated September 2022. As concluded in the SCEA Addendum, the modifications resulting from the Modified Project do not meet the criteria for a recirculated EIR or negative declaration, pursuant to Public Resource Code ("PRC") Section 21166 and CEQA Guidelines Section 15162 and 15163; therefore, recirculated of the SCEA is not required.

In addition to addressing the changes to the Project's design, the SCEA Addendum incorporated supplemental analysis in the form of a Human Health Risk Assessment ("HRA"). The Appellants previously claimed that the Project would result in a substantial release of Diesel Particulate Matter ("DPM") during construction and would result in significant impacts that were not addressed in the SCEA. Our prior responses to such comments detailed the reasons why such an analysis was neither required, nor warranted, based on the Project description, the State CEQA Guidelines, and regulatory requirements. While our prior responses on this topic remain unchanged, a supplemental HRA analysis was prepared by Air Quality Dynamics for informational purposes. The HRA analysis is included as Appendix I to the SCEA Addendum and provides substantial evidence to support the conclusion that the Project (or the Modified Project) would not result in significant human health impacts related to DPM during the construction or operation of the Project.

While our responses to both appellants' comments in the record pertaining to air quality impacts and the need to conduct a HRA remain correct, the SCEA Addendum has provided a revised air quality analysis (to address the increase in soil export) and included an additional HRA analysis. While not required or necessary under CEQA, the supplemental HRA further supports the SCEA's determination that the Project would not result in any significant air quality or human health risks impacts.

Pursuant to PRC Section 21082.2 (b), "[t]he existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment." Section 21082.2(c) also provides that "[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

The responses to the appeals do not provide any new substantial evidence indicating that the Project/Modified Project would result in a significant impact upon the environment. Further, the appeals do not identify any material deficiencies or inadequacies in the SCEA's analysis based on fact that would warrant revisions or recirculation of the SCEA. Based on a thorough review of the appeals and the responses provided herein, the SCEA satisfies the legal requirements of CEQA, and no further analysis is warranted.

Should you have any questions regarding any of the responses please contact me at (661) 257-2282 or by email at shane@parkerenvironmental.com.

Sincerely,



Shane E. Parker, Principal

Exhibit H

Modified Conditions of Approval for ZA-2018-7378-ZV-TDR-SPR-1A

Deleted text is ~~**struck through and bolded**~~ and added text is ***italicized, underlined and bolded***.

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

2. The use and development of the property shall be in substantial conformance with the plot plan and floor plan submitted with the application and marked Exhibit "A" ***stamp-dated August 18, 2022***, except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.

6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for inclusion in the case file.

7. ~~**Variance**~~ **Authorization**. Authorized herein is the ~~**construction, use, and maintenance of all non-ADA required residential parking spaces as compact parking spaces, in conjunction with the**~~ construction, use, and maintenance of a new 343,447 square-foot mixed-use building containing 12,500 square feet of commercial use and 363 dwelling units.

8. The project shall provide the full number of automobile parking spaces required pursuant to LAMC Section 12.21 A.4.

9. The project shall provide bicycle parking spaces pursuant to LAMC Sections 12.21 A.4 and 12.21 A.16.

10. **Transfer of Floor Area Rights (TFAR) Conditions**.

a. **Floor Area**. The development shall not exceed a maximum Floor Area Ratio (FAR) of 7.03:1 and a total floor area of 343,447 square feet. The TFAR Public Benefit Payment shall be pro-rated to the amount of TFAR being acquired in the event the maximum amount of TFAR is not required. The lot area used to calculate the base floor area permitted shall be 48,908 square feet with a 6:1 FAR. Changes to the project that result in a 20-percent decrease in floor area, or more, shall require new entitlements.

b. **TFAR Public Benefit Payment**. The project is subject to and shall pay a Public Benefit Payment in conformance with Section 14.5.7 through 14.5.12 of the Code.

i. The Applicant shall provide a Public Benefit Payment consistent with LAMC Section 14.5.9 in the amount of $1,765,183, provided that at least 50 percent (or $882,592) of the Public Benefit Payment consists of cash payment by the Applicant to the Public Benefit Payment Trust Fund. Payment to the Public Benefit Payment Trust Fund shall be made through the Office of Chief Legislative Analyst. Proof of payment shall be provided in the form of a receipt from the City Clerk's Office.

ii. Consistent with the TFAR Ordinance, the Applicant shall provide the remaining 50 percent (or $882,591) of the Public Benefit Payment through the Direct Provision of Public Benefits by payment to the Affordable Housing Trust Fund managed by the Los Angeles Housing Department (LAHD). The funds shall be utilized towards construction and operation of affordable housing projects within Council District 14.

iii. The applicant shall pay the required Public Benefit Payment, less the cost of the Direct Provision of Public Benefits towards the Affordable Housing Trust Fund, in cash to the Public Benefit Trust Fund, pursuant to the terms of Transfer of Floor Area Rights Ordinance No. 181,574, Article 4.5 of the LAMC. The Public Benefit Payment proof of cash payment to the Public Benefit Payment Trust Fund is required upon the earliest occurrence of either:

1. The issuance of the building permit for the project; or

2. Twenty-four months after the final approval of the Transfer and expiration of any appeals or appeal period. Should the Applicant not make the required payments within the specified time, the subject approval shall expire, unless extended by the Director of Planning in writing.

11. Downtown Design Guide Conditions

a. **Sidewalk Easement**. The project shall provide an average sidewalk easement of three feet along 12th Street and two feet along Main Street, as shown on Sheet A0.01.1 of Exhibit "A~~.~~" ***stamp-dated August 18, 2022.*** The building shall not project more than five horizontal feet over the required sidewalk easement nor below 40 vertical feet above the sidewalk.

b. **Setbacks**. The project shall observe zero-foot setbacks at the back of the required sidewalk easements along 12th Street and Main Street, except for the corner at the intersection of 12th Street and Main Street and a 65-foot segment along Main Street, as shown on Sheet A0.01.1 of Exhibit "A" ***stamp-dated August 18, 2022***.

c. **Tower Spacing**. The proposed tower shall be located a minimum of 71 feet from the proposed hotel tower located at 1140 South Broadway, as shown on Sheet***s A0.04 and*** A0.05 of Exhibit "A" ***stamp-dated August 18, 2022***.

d. **Street Wall**.

i. **12th Street**. At least 101 linear feet of the 116-foot building frontage shall provide a building street wall at the back of the sidewalk easement for a minimum height of 50 feet.

ii. **Main Street**. At least 357 linear feet of the 422-foot building frontage shall provide a building street wall at the back of the sidewalk easement for a minimum height of 50 feet.

e. **Parking Podium Design**. Facades of all above-grade vehicle parking structures shall be enclosed and screened to minimize visual impacts on the public realm in substantial conformance with materials, colors and design as shown on Sheets A2.01, A2.02, A2.03, and A3.02 of Exhibit "A~~.~~" ***stamp-dated August 18, 2022.*** As shown in Exhibit "A" ***stamp-dated August 18, 2022,*** the exterior of the above-grade parking garage shall be screened with solid metal panels, vertical louver panels with alternating angled direction, frosted glazing, horizontal metal louvers, and 42-inch high solid crash barrier behind metal panels on

east and south elevations; gray metal panels and painted plaster on the north elevation; and solid wall painted dark gray on the west elevation.

f. **Ground Floor Treatment**.

i. Wall openings shall comprise at least 50 percent of the street level façade on both 12th Street and Main Street.

ii. The building's primary entrance shall be located on a public street.

iii. At least one building entrance shall be provided along each street frontage.

iv. The project shall provide well-marked entrances to cue access and use.

v. The treatment of primary building entrances or lobbies for mixed-use buildings shall be accentuated and differentiated from other building uses at the street front through changes in building massing, material, treatment and/or articulation.

vi. Awnings and canopies shall be constructed of woven fabric, glass, metal or other permanent material compatible with the building architecture.

vii. Electrical transformers, mechanical equipment and other equipment shall not be located along the ground floor street wall of 12th Street or Main Street.

viii. Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls and other elements that are not pedestrian-oriented shall not be located within 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

g. **Active Uses on the Ground Floor**. At least 75 percent of the ground floor street frontages along 12th Street and Main Street shall be designed to accommodate active uses as defined in Section 4.B.1 of the Downtown Design Guide.

h. **Signage**. The applicant shall submit a final sign plan for the entire project to the Department of City Planning, Central Project Planning Division for review and approval prior to obtaining any sign permits. The

final sign plan shall identify all sign types that can be viewed from the street, sidewalk or public right-of-way.

12. **Site Plan Review Conditions**.

a. **Building Height**. The project shall be limited to a maximum building height of 340 feet, as measured from Grade to the top of the parapet or roof structures, whichever is highest.

b. **Landscape Plan**. All open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center. The landscape plan shall indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

c. **Trees**. The applicant shall plant a minimum of 91 24-inch box trees, or larger, on site and/or in the public right-of-way pursuant to LAMC Section 12.21 G.2.

d. **Electric Vehicle Parking**. All electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) shall comply with the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

e. **Solar Panels**. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.

f. **Solar and Electric Generator**. Generators used during the construction process shall be electric or solar powered, wherever feasible. Solar generator and electric generator equipment shall be located as far away from sensitive uses as feasible.

g. **Trash Storage**. Trash storage and collection shall be enclosed in the parking garage and shall not be visible from the public right-of-way. Trash collection shall occur within the enclosed parking garage and shall not interfere with traffic on any public street.

h. **Mechanical Equipment**. All mechanical equipment on the roof shall be screened from view. All surface or ground mounted mechanical

equipment shall be screened from public view and treated to match the materials and colors of the building which they serve.

i. **Lighting**. All outdoor and parking lighting shall be shielded and down-cast within the site in a manner that prevents the illumination of adjacent public rights-of-way, adjacent properties and the night sky unless otherwise required by the Federal Aviation Administration (FAA) or for other public safety purposes.

j. **Signage**. Any signage shall comply with the Municipal Code or other applicable laws. No sign rights are granted with this case. There shall be no off-site signage on construction fencing during construction.

13. **Environmental Clearance Conditions**.

a. **Implementation**. The Mitigation Monitoring and Reporting Program (MMRP), attached as Exhibit "B" ***dated September 2022*** and part of the case file, shall be enforced throughout all phases of the project. The Applicant shall be responsible for implementing each Project Design Features (PDF) and Mitigation Measures (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

b. **Construction Monitor**. Prior to the issuance of building permits and during the construction phase, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in the MMRP, attached as Exhibit "B" ***dated September 2022*** and part of the case file.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance

is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

c. **Substantial Conformance and Modification**. After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMRP and the need to protect the environment. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The project shall be in substantial conformance with the PDFs and MMs in the MMRP stamped Exhibit "B" ***dated September 2022*** attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with PDFs and MMs in the MMRP. If substantial conformance results in effectively deleting or modifying the PDFs and/or the MMs, the Director of Planning shall provide a written justification supported by substantial evidence as to why the PDF and/or the MM, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the project is not in substantial conformance to the adopted PDFs, MMs or MMRP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Zone Change unless the Director of Planning also finds that the change to the MMs and/or PDFs results in a substantial change to the project or the non-environmental conditions of approval.

d. **Tribal Cultural Resource Inadvertent Discovery**. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities (excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, use of an auger, backfilling, blasting, stripping topsoil or a similar activity), all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the Applicant shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- The Applicant shall implement the tribe's recommendations if a qualified archaeologist and a culturally affiliated tribal monitor, both retained by the City and paid for by the Applicant, reasonably conclude that the tribe's recommendations are reasonable and feasible.

- The Applicant shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any affected tribes that have been reviewed and determined by the qualified archaeologist and by a culturally affiliated tribal monitor to be reasonable and feasible. The Applicant shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

- If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or by a culturally affiliated tribal monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.

- The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and by a culturally affiliated tribal monitor and determined to be reasonable and appropriate.

- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

14. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than $50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

> "City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.
>
> "Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

Exhibit I

Modified Findings for ZA-2018-7378-ZV-TDR-SPR-1A

Deleted text is ~~**struck through and bolded**~~ and added text is ***italicized, underlined and bolded***.

MANDATED FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

ZONE VARIANCE FINDINGS

The applicant originally requested a Zone Variance from LAMC Section 12.21 A.5(c) to permit required residential parking spaces to be designed as compact parking stalls. However, on August 2, 2022, the applicant submitted a written letter withdrawing the Zone Variance request inasmuch as the project has been modified to include a new subterranean parking level and therefore can provide the required standard parking stall widths. Pursuant to LAMC Section 11.5.9, an applicant may withdraw their application at any time before the initial decision-maker or appellate body on appeal makes a final decision on the application for discretionary entitlements, including a Zone Variance. The withdrawal of the application must be in writing and does not require the decision-maker to concur. The withdrawal of the application shall be permanent and any associated authorization shall be void.

~~**In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:**~~

1. ~~**The strict application of the provisions of the zoning ordinance would result in the practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.**~~

   ~~**The subject property, comprised of eight lots, is a level, irregularly-shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The depth of the lot tapers from approximately 120 feet along the southwest to approximately 112 feet along the northeast. The site abuts a 12-foot-wide public alley to the west.**~~

   ~~**The project site is located within the City Center Redevelopment Project Area (ZI-2488), the Greater Downtown Housing Incentive Area, a Transit Priority Area, a Tier 3 Transit Oriented Community, an Adaptive Reuse Incentive Area, Central City and Downtown Parking areas, and the Los Angeles State Enterprise Zone.**~~

   ~~**The proposed project is subject to the Downtown Design Guide and Downtown Street Standards.**~~

~~The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including~~ ***one subterranean parking level and*** ~~a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of~~ ***363*** ~~373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. All of the street trees along Main and 12th Streets will be removed. A total of~~ ***30,000*** ~~5,434 cubic yards of soil will be exported from the project site.~~

~~Pursuant to LAMC Section 12.21 A.5(c), in each parking area or garage devoted to parking for dwelling uses, in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars.~~

~~According to the applicant:~~

> ~~Strict application of the zoning code would result in providing less residential parking than what is required by code as fewer spaces would fit within the maximum three levels of above-grade podium allowed per the Downtown Design Guidelines. The project team analyzed several potential parking layouts to minimize the variance request, but all other parking layouts were less efficient than the proposed design and would have required additional podium floors in excess of the Downtown Design Guidelines to accommodate code-required parking space. Other parking arrangements considered include Standard Parking Bay Widths for One-Way Traffic and Double Loades Aisles, Standard Parking Bay and Aisle Widths for One-Way Traffic and Single Loaded Aisles, Standard Parking Bay and Aisle Widths for Two-Way Traffic and Double Loaded Aisles, and Standard Parking Bay and Aisle Widths for Two-Way Traffic and Single Loaded Aisles. A letter report, dated February 2, 2022, prepared by KOA Corporation ("KOA Report") has been provided to the City Planning Department (which is incorporated herein by this reference). That letter report assesses the efficiency and potential loss of parking of each alternative parking design. KOA found that:~~
>
> > ~~*"If the upper levels of parking were to be redesigned to conform to standard parking stall, aisle, and bay width dimensional requirements within the Project site's constrained envelope, each level of parking would lose approximately between 25 to 40 parking space capacity. This would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies."*~~

… the depth of the Project Site from the Main St frontage to the alley tapers significantly from north to south and is less than the prevailing lot depth of standard lots throughout Downtown LA. As such, at the Project Site it is not possible to park with the required number of parking stalls at standard stall dimensions within the maximum allowed levels of parking podium, and, due to the insufficiency of lot depth, the Project is not able to provide required standard size parking stalls for the proposed development.

The applicant's request has merit. The applicant has demonstrated, through submitted evidence, that several different parking configurations have been considered to achieve code compliance, however, due to the shallow and tapered depth of the lot, they all are unable to realize full compliance, resulting in a practical difficulty. Providing the code-required standard-sized parking stalls would require the construction of additional parking levels, involving substantial additional costs and/or the need to request additional discretionary actions, resulting in an unnecessary hardship in an area where parking standards are increasingly relaxed, waived, or reduced through incentives, policies, and discretionary action in conjunction with the development of residential uses. The applicant is otherwise fully compliant with the developmental requirements and limitations of the lot.

Among general purpose of the zoning ordinance is "… to encourage the most appropriate use of land …" (Los Angeles Municipal Code Section 12.03). It is undeniable that the demand for housing has outpaced the production of housing across the city. Over the last couple of decades, a concerted effort has been made to incentivize increased housing production in the downtown area of the city. The project proposes to redevelop property containing a parking lot and one-story commercial buildings with 363 new dwelling units, with 12,500 square feet of ground-level commercial/retail space. The proposed project is a more appropriate use of land than the current use, and denial of the request would jeopardize the feasibility of project; to require compliance with the letter of the regulation would be inconsistent with encouraging the most appropriate use of land. Inasmuch as the project will provide the number of required parking spaces in conjunction with the project, and the project being located within the transit-, employment-, service-, and commercial-rich downtown Los Angeles, the strict application of the provisions of the zoning ordinance would result in the practical difficulties or unnecessary hardships inconsistent with the general purpose of the zoning regulations.

2. **There are special circumstances applicable to the subject property such as size, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property, comprised of eight lots, is a level, irregularly shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The depth of the lot tapers

~~from approximately 120 feet along the southwest to approximately 112 feet along the northeast. The site abuts a 12-foot-wide public alley to the west.~~

~~Los Angeles Municipal Code Section 12.21 A.5(c) requires that in each parking area or garage devoted to parking for dwelling uses, in excess of one parking stall per dwelling unit may be designed as compact parking stalls to accommodate compact cars. The project proposes a total of 363 dwelling units and 363 parking stalls for the residential use. The applicant requests a Zone Variance to permit 100 percent of the residential parking spaces to be designed as compact parking stalls.~~

~~According to the applicant:~~

> ~~The project team analyzed several potential parking layouts to minimize the variance request, but all other parking layouts were less efficient than the proposed design and would have required additional podium floors in excess of the Downtown Design Guidelines to accommodate code-required parking space. Other parking arrangements considered include Standard Parking Bay Widths for One-Way Traffic and Double Loades Aisles, Standard Parking Bay and Aisle Widths for One-Way Traffic and Single Loaded Aisles, Standard Parking Bay and Aisle Widths for Two-Way Traffic and Double Loaded Aisles, and Standard Parking Bay and Aisle Widths for Two-Way Traffic and Single Loaded Aisles. A letter report, dated February 2, 2022, prepared by KOA Corporation ("KOA Report") has been provided to the City Planning Department (which is incorporated herein by this reference). That letter report assesses the efficiency and potential loss of parking of each alternative parking design. KOA found that:~~
>
> > ~~*"If the upper levels of parking were to be redesigned to conform to standard parking stall, aisle, and bay width dimensional requirements within the Project site's constrained envelope, each level of parking would lose approximately between 25 to 40 parking space capacity. This would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies."*~~
>
> ~~… the depth of the Project Site from the Main St frontage to the alley tapers significantly from north to south and is less than the prevailing lot depth of standard lots throughout Downtown LA. As such, at the Project Site it is not possible to park with the required number of parking stalls at standard stall dimensions within the maximum allowed levels of parking podium, and, due to the insufficiency of lot depth, the Project is not able to provide required standard size parking stalls for the proposed development.~~

~~The zoning code is written on a city-wide basis and cannot take into account the many ways in which the circumstances of a particular lot may challenge a project when the regulations are applied to it. The zone variance is the process by which an applicant can present to a decision-maker those unusual or unique circumstances that result in conflict with the zoning code and obtain relief.~~

~~As demonstrated by the applicant's analysis, the project's ability to provide the code-required parking without the construction of additional parking levels is limited by the shallow dimensions of the tapering project site, resulting in a special circumstance. Generally, properties located in the C2 Zone are more regular shaped with even widths and depths. Construction of additional parking levels becomes increasingly complex under the requirements of the Downtown Design Guidelines and constructing subterranean parking would render the project infeasible.~~

~~Further, the property is located in a Community Plan which has been undergoing a lengthy update/revisioning process, including significant amendments to the Zoning Code. On September 23, 2021, a new Downtown Community Plan to replace the Central City and Central City North Community Plans was recommended by the City Planning Commission (Case No. CPC-201700432-CPU) to City Council. The new Plan and Zone Code amendments have yet to be considered or adopted by City Council. However, the Plan and Zone Code Amendments generally propose no parking minimums in the downtown area, including those encompassing the project site. If the new Community Plan is adopted, along with recommended Zoning Code amendments, the project will be wholly consistent with the development regulations and limitations applied to the property.~~

~~Therefore, the Zoning Administrator finds that the dimensions of the tapering project site results in a special circumstance applicable to the subject property that does not apply generally to other property in the same zone and vicinity.~~

3. **~~Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.~~**

~~Generally, in conjunction with new construction, projects can provide the code-required automobile parking within their proposed project. The subject property is regulated by the same general parking requirements as all other multi-family residential projects across the city.~~

~~Unlike most parts of the city, the development regulations in the downtown area permits a much high intensity/density of development, with a de-emphasis on the role of automobile access and more regulation focusing on the pedestrian realm and experience in a project's design. Existing development incentives regarding parking revolve around the reduction of parking ratios, resulting in an overall lower parking obligation, but do not address~~

~~requirements to provide standard-sized parking stalls versus compact parking stalls. Further, there are currently more small car (compact) vehicle owners than when the parking stall design requirements were adopted in 1972 and the parking ratio requirements were adopted in 1982, both of which are now than four decades old.~~

~~In the downtown area, automobile parking is provided on-grade, within parking podiums or structures, and in subterranean garages. The subject project will provide the total number of required parking stalls, but the limited dimensions of the property in combination with development regulations results in either the request to provide all residential parking stalls as compact stalls, or a less inefficient parking layout that requires the construction of additional levels of parking. According to the applicant's consultant, providing the standard-sized parking stalls "… would result in a total reduction of between 75 and 120 spaces for the three levels of the above-grade parking, which would necessitate the construction of up to two additional levels of parking to make up the deficiencies." Parking stall design requirements are the same for suburban areas of the city as they are for the more urban downtown areas of the city.~~

~~Projects throughout the Central City Community Plan area have been granted variances to permit reduced and waived parking requirements, altered parking stall dimensions, and deviations from the requirement to provide a standard-sized parking stalls. Referenced above, Case No. ZA-2016-3025-ZV granted a reduction in the number of required parking spaces; Case No. ZA-2014-1439-CUB-CUX-ZV-2A granted a reduction in the number of required parking spaces; Case No. ZA 2016-0015(SPR)(ZV)(TDR) granted a variance to provide all residential parking spaces as compact parking stalls; Case No. CPC 2013-4134-TDR-MCUP-ZV-SPR-1A granted a variance to provide all residential parking spaces as compact parking stalls; and Case No. ZA 2005-1867(ZV)(CU)(YV)(ZAA)(SPR) granted a variance to provide all residential parking spaces as compact parking stalls. Not all of these properties are located within the same C2 Zone as the subject property, but they are all located within the downtown area and involved parking requirements associated with new residential development.~~

~~The project's special circumstance of having limited dimensions due to the relatively shallow depth and tapered shape of the project site, combined with the additional requirements and limitations of the Downtown Design Guidelines for sidewalk easements and building setback, required dedications to the adjacent public rights-of-way, and the necessary geometry, driveway aisles, and dimensions of the required parking stalls, results in practical difficulties with providing the required standard-sized parking stalls.~~

~~In the downtown area, there are substantial incentives to maximize development on any given property. Among these incentives are the ability to access transfer of floor area processes which allow for the construction of increased square-footage, and to decrease the number of required automobile~~

~~parking stalls to be provided. The incentives to reduce overall parking requirements do not include regulations to alter the ratio of larger/longer standard-sized parking stalls versus smaller/shorter compact-sized stalls or that address the physical space requirements of providing the required parking spaces in conjunction with the large development that downtown policies and incentives seek to promote. Projects in the downtown area have been granted variances to address these issues.~~

~~These issues, combined with the limited dimensions of the relatively shallow depth and tapered shape of the project site, and the additional requirements and limitations of the Downtown Design Guidelines, has denied the subject property parking requirements that reflect and respond to the more contemporary, dense/intense urban and pedestrian-oriented environment that it is located within.~~

~~For the reasons discussed above, the Zoning Administrator finds that such variance to provide all residential parking spaces as compact spaces is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances associated with the shallow depth and tapered shape of the lot and practical difficulties with designing a parking layout that includes the otherwise require standard-sized spaces is denied to the property in question.~~

4. **~~The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.~~**

   ~~The project requests only to be authorized to fulfill their parking requirement through the provision of compact-sized parking stalls, in lieu of having to provide standard-sized stalls. The project will provide appropriately dimensioned ADA parking stalls. The proposed driveways and automobile access to/from the adjacent public rights-of-way are still required to comply with Departments of Building and Safety and Transportation to ensure safe automobile ingress and egress from the property. Standard-sized cars that come to the property would need to find existing curbside parking or find accommodation within existing public parking lots. Granting the request has no impact on the provision or accessibility of emergency services to the property or surrounding area, does not create a dangerous or unhealthful condition, and no development rights on adjacent or adjoining properties are limited or impacted through the granting of the variance request. Therefore, granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.~~

5. **~~The granting of the variance will not adversely affect any element of the general plan.~~**

~~The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.~~

~~The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site. The project site is further located within the South Park District within the Central City Community Plan, containing a mix of residential, medical, commercial and retail uses. The project is consistent with the following goals, objectives and policies of the Community Plan.~~

~~Objective 1-1 To promote development of residential units in South Park.~~

~~Objective 1-2 To increase the range of housing choices available to Downtown employees and residents.~~

~~There are no goals, objectives or policies concerning the provision of standard sized parking stalls versus compact sized parking stalls within governing policy documents, so the Zoning Administrator must interpret their intent and apply them to the request.~~

~~The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including~~ ***one subterranean parking level and*** ~~a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of~~ ***363*** ~~373 automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space.~~

~~As proposed, the applicant seeks a variance to permit 100 percent of the residential parking spaces to be designed as compact parking stalls. The project will result in the development of a substantial mixed-use, residential over ground-level commercial building in the South Park community of~~

~~**downtown Los Angeles. The project is located in a transit-rich area, with access to both local and regional public transit access, as well as close proximity to the dense commercial job opportunities found in the downtown area. The project is consistent with Community Plan objectives 1-1 and 1-2 through the development of the 363 dwelling units, adding to the housing choices available in the downtown and South Park areas. Denial of the requested variance would jeopardize the feasibility of the project and may result in either fewer units being constructed or no project at all. As such, granting the variance to permit all of the residential parking stalls to be compact stalls will not adversely affect any element of the general plan.**~~

FLOOR AREA TRANSFER FNDINGS

In order for the transfer of floor area to be granted, all six of the legally mandated findings delineated in Section 14.5.7 A.3 of the Los Angeles Municipal Code must be made in the affirmative:

6. **That the project is proper in relation to the adjacent uses or the development of the community.**

The project site is located in the South Park neighborhood of the Central City Community Plan area. The site is surrounded by dense urban development comprised of a mix of residential, commercial, retail, light industrial, office, and surface parking land uses that characterize Downtown Los Angeles. The northeast adjoining properties are designated for Regional Commercial land uses, zoned C2-4D-SN, and developed with an on-grade surface parking lot fronting on Main Street and a two-level parking structure fronting on Broadway. The east adjoining properties, across Main Street, are designated for Regional Commercial and Light Industrial land uses, zoned [T][Q]C2-4D and M2-2D, and developed with one- and two-story wholesale, import, and retail shops. Many of these properties are part of an approval for the development of 379 dwelling units and 25,800 square feet of commercial space in an eight-story building. The south adjoining property, across the intersection of Main Steet and 12th Street, is designated for Light Industrial land uses, zoned M2-2D, and developed with a one-story wholesale, import, and retail shops. The southwest adjoining property, across 12th Street, is designated for Regional Commercial land uses, zoned C2-4D-O, and developed with a 214-unit, seven-story mixed-use building with ground-level retail space, constructed circa 2017. The west adjoining properties, fronting on Broadway and across an alleyway, is designated for Regional Commercial land uses, zoned C2-4D-O-SN, and developed with an on-grade surface parking lot and two two-story commercial buildings. A 139-room, 14-story hotel with ground floor restaurant was approved for construction on two of the lots.

The proposed project involves the demolition of four existing commercial and retail buildings and surface parking; and construction, use and maintenance of a 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. The proposed building will be 30 stories, or 340 feet above grade, in height including ***one subterranean parking level and*** a

four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of ***363*** ~~**373**~~ automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. Access to the parking garage will be provided via ***two*** ~~**one**~~ two-way driveway***s***, located ***on the north elevation and one two-way driveway on the south elevation*** ~~**towards the northeast end of the building**~~, which take access from Main Street and the rear alleyway. In addition, there will be a ***subterranean parking level and a*** second, internal, at-grade parking lot for accessible parking spaces, located toward the southwest end of the building~~**, and accessed via a one-way semi-circular driveway from and to the rear alleyway**~~.

Downtown Los Angeles is planned for greater height and density development than the rest of the City. Per the C2-4D-O Zone, there is no maximum height limit, and per Greater Downtown Housing Incentive Ordinance, the site is not limited to a maximum density. While the proposed building will be much taller than other existing commercial and office buildings on adjacent properties, the project is designed to ensure that it is in proper relation to the existing adjacent uses and the development of the community. The building will have a four-story podium that will be limited to a height of 50 feet from grade to the top of the podium roof, and the podium will span across the entire street frontage along Main Street. While the residential tower will be 26 stories in height with a maximum height of 340 feet, as measured from grade to the highest point of roof structures, the tower is limited to a width 152 feet and located at the center of the podium, which allows for space and setback from 12th Street and adjacent buildings to the northeast of the project site.

The project site has a “D” Development Limitation that limits the Floor Area Ratio (FAR) to a maximum of 6:1, which allows a maximum floor area of 293,448 square feet for a project site with a pre-dedication lot area of 48,908 square feet. Pursuant to LAMC Section 14.5.7, the Applicant requests a Transfer of Floor Area Rights (TFAR) of less than 50,000 square feet to allow an increase of 49,999 square feet of floor area for a total of 343,447 square feet with a maximum FAR of 7.03:1 in lieu of 6:1 as otherwise permitted. The additional floor area provided by the TFAR is consistent with the density, intensity and massing envisioned for the general South Park neighborhood of Downtown Los Angeles, as well as goals and vision for Regional Center Commercial land use designation per the General Plan’s Framework Element. Further, the property is located within the 4D Height District, and the Regional Commercial land use references Footnote No. 3 on the Central City Community Plan Land Use Map which states that with an approved TFAR, Height District 4D would allow an FAR up to 13:1.

Lastly, the proposed design minimizes the appearance of bulk through architectural elements along the building’s facades that create depth, variation and articulation. Therefore, the proposed project is proper in relation to adjacent uses and development of the community.

7. **The project will not be materially detrimental to the character of development in the immediate neighborhoods.**

The site is designated and zoned for high density and intensity development. The C2-4D-O Zone does not have any height limitations and the Greater Downtown Housing Incentive Ordinance does not limit the maximum density permitted on-site or restrict setbacks. The proposed project will substantially improve the immediate neighborhood and the South Park District as a whole by providing a net increase of 363 dwelling units and 12,500 square feet ground-level of commercial and retail space on a site that is currently underutilized with four vacant commercial and retail buildings and surface parking. The project will provide a total of 39,601 square feet of open space, including an outdoor 27,160 square-foot roof deck on the fifth floor, an outdoor 2,541 square-foot roof deck on the 30th floor, and 9,900 square feet of indoor common open space on the fifth floor. Approximately 4,425 square feet of the outdoor open space will be planted with landscaping. Vehicular traffic will be able to access and exit the building from Main Street and alley in a way that reduces conflicts and respects other modes of transportation, including pedestrians and cyclists.

Additionally, the proposed building has been designed in conformance with the Downtown Design Guide, as it provides commercial uses at the street wall, incorporates pedestrian-oriented scale with building articulation, street level entrances and a high level of glazing. Building entrances will be provided from all street frontages. Parking facilities are screened from view and loading and back-of-the-house uses are located along the alley to facilitate deliveries and maintenance away from 12th and Main Streets. The project will also provide a two-foot average sidewalk easement along Main Street and a three-foot average sidewalk easement along 12th Street per the Downtown Street Standards and dedicate two feet along 12th Street and four feet along the alley to meet the minimum standards per Mobility Plan 2035. Therefore, the proposed project is consistent with the character of the immediate neighborhood and Downtown as a whole and will not have detrimental impacts on the community.

8. **The project will be in harmony with the various elements and objectives of the General Plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The proposed project aligns with the goals and objectives of the following General Plan Elements: Framework, Housing, and Land Use. The project site is not subject to any specific plans.

<u>Framework Element</u>

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The Framework Element stipulates that Regional Centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Region-serving retail commercial malls and retail services should be integrated where they complement and support the other uses in the regional center. The Framework Element also states that Downtown Los Angeles is an international center for finance and trade that serves the population of the five-county metropolitan region. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings.

The project is consistent with the following General Plan Framework Goals and Policies:

> ***GOAL 3F*** *Mixed-use centers that provide jobs, entertainment, culture and serve the region.*
>
> > ***Objective 3.10*** *Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.*
> >
> > > ***Policy 3.10.1*** *Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 and 3-6. Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.*
>
> ***GOAL 3G*** *A Downtown Center as the primary economic, governmental and social focal point of the region with an enhanced residential community.*
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> > ***Objective 3.11*** *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The proposed project involves the demolition of four existing commercial and retail buildings and a surface parking lot, and the construction, use, and maintenance of a

343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The project is consistent with the Framework Element goals, objectives and policy as it will redevelop an underutilized site with new housing and ground floor commercial and retail and provide jobs and entertainment that would serve the region. The proposed project will contribute to reinforcing the existing Regional and Downtown Center that accommodates both commercial and residential uses while being compatible with adjacent land uses that include commercial, retail and office. The new building would contribute to maintaining the Downtown Center as the primary economic and social focal point of the region with its ground floor commercial use and an enhanced residential community resulting from a net increase of 363 dwelling units. The increase in the maximum floor area will support the project to provide the continuation and expansion of housing and supporting commercial uses at a scale and intensity that supports the Downtown Center.

Housing Element

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. The project is consistent with the following Housing Element goal and policies.

> ***Goal 1****: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*
>
> > ***Objective 1.2****: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*
> >
> > > ***Policy 1.2.2****: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.*
> > >
> > > ***Policy 1.2.4****: Strengthen the capacity of housing providers to build Affordable Housing.*
> > >
> > > ***Policy 1.2.7****: Develop and facilitate the dedication of financial resources for new construction of Affordable Housing.*
>
> ***Goal 2****: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*

***Objective 2.1**: Strengthen renter protections, prevent displacement and increase the stock of affordable housing*

***Policy 2.1.3**: Provide resources that enable the creation of Affordable Housing from existing unrestricted housing, including facilitating community stewardship and control, tenant management and/or tenant ownership.*

***Goal 3**: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*

***Objective 3.1**: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*

***Policy 3.1.3**: Develop and implement design standards that promote quality residential development.*

***Objective 3.2**: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

***Policy 3.2.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Objective 3.3**: Promote disaster and climate resilience in citywide housing efforts.*

***Policy 3.3.1**: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

***Policy 3.3.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Policy 3.3.9**: Consider accommodating new residential uses, including live/work and mixed-use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing and jobs preservation priorities, and when sites have been appropriately tested and remediated, if necessary.*

The proposed project would expand housing opportunities for renters within the downtown area by redeveloping an underutilized site with vacant commercial and retail structures and surface parking to a mixed-use development with 363 new dwelling units and 12,500 square feet of ground floor commercial space, in a transit-rich area. The 363 dwelling units will consist of a unit mix that offers different housing options and sizes including 122 studios, 133 one-bedroom units, 96 two-bedroom units and 12 three-bedroom units. These aspects are consistent with Policies 1.2.2, 3.2.2, 3.3.1, 3.3.2, and 3.3.9. The requested TFAR of 49,999 square feet would expand opportunities for more housing units on site which is located within Regional and Downtown Centers. As part to the TFAR approval, the applicant Is required to make substantial contributions toward funding the development of future affordable dwellings, consistent with Policies 1.2.4, 1.2.7, and 2.1.3. The proposed building is designed with retail and commercial space along Main and 12th Streets and dwelling units with the residential tower. The proposed building is designed with a high level of glazing, articulation and changes in material that contributes to creating a lively and safe environment for residents as well as visitors. These characteristics are consistent with Policy 3.1.3. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Plan 2035

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling. The project is consistent with the following Mobility Plan goal and policies.

> ***Policy 3.3*** *Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*
>
> ***Policy 3.4*** *Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*
>
> ***Policy 3.8*** *Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
>
> ***Policy 5.2*** *Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

The project is in close proximity to various transit options. The roadways adjacent to the project site are served by several lines managed by multiple transit operators that include the Los Angeles County Metropolitan Transportation Authority (Metro), Los Angeles Department of Transportation (LADOT) DASH and Commuter Express, Santa Monica Big Blue Bus (BBB), and the City of Gardena (GTrans). The site's

proximity to the Pico Rail Station, approximately 0.6 miles west, and the 7th Street/Metro Center Station, approximately 0.9 miles north, provide transfer opportunities to other Metro rail services such as Amtrak, Metrolink and numerous other bus routes served by Metro, LADOT and municipal bus operators. The bus lines within a reasonable walking distance (approximately one-quarter mile) of the project include 2/302, 4, 10, 14, 37, 30/330, 33, 35, 38, 40, 45, 48, 55/355, 66, 70, 71, 76, 78, 79/378, 83, 90/91, 92, 94, 96, 733, 745, 770 and 794. The LADOT DASH line (DASH Downtown E) runs along Los Angeles Street, with the nearest bus stop located at E. 11th Street. Due to its proximity to the aforementioned bus stops and Metro stations, the project site is easily accessible and highly connected with the City's and the greater Los Angeles area's public transportation system.

The project will provide a total of 195 bicycle parking spaces, including 23 short-term and 172 long-term spaces. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

The mixed-use project, located within the downtown Los Angeles regional commercial center, would also result in low vehicle miles traveled (VMT). According to the Supplemental Vehicle Miles Traveled Analysis, prepared by Crain & Associated and dated November 21, 2019, and as reviewed by LADOT, both the residential portion and the commercial and retail component of the project are anticipated to have less-than-significant VMT impacts. Further, the project will include pedestrian safety features such as improved sidewalks adjacent to and within the project, the addition of pedestrian amenities, an on-site transit information kiosk, and an on-site concierge service to facilitate the use of transit, taxies, shuttles and transportation network companies. As such, the proposed project substantially conforms to the Mobility Plan of the General Plan.

Land Use Element – Central City Community Plan

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.

The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property

is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The project site is located within the South Park District within the Central City Community Plan, which houses a mix of residential, medical, commercial and retail uses. The project is consistent with the following goals, objectives and policies of the Community Plan.

> ***Objective 1-1****: To promote development of residential units in South Park.*
>
> ***Objective 1-2****: To increase the range of housing choices available to Downtown employees and residents.*
>
> > ***Policy 2-1.2****: To maintain a safe, clean, attractive and lively environment.*

The project is consistent with the Community Plan's vision of South Park as a mixed-use community with a concentration of residential and commercial uses, as it proposes 363 new dwelling units as well as 12,500 square feet of ground floor commercial space, in proximity to other auxiliary support services such as retail, commercial, and office uses that provide employment opportunities for area residents.

The Community Plan also anticipates the job growth in South Park to attract large commercial projects that combine commercial and residential development and take advantage of the benefits of the unique downtown location, such as close proximity to jobs, housing and transit options. The exterior façade design on the ground floor with a new storefront system with a high level of glazing would maintain a safe, clean, attractive and lively environment that would encourage pedestrian activity on the street. As such, the project substantially conforms to the Central City Community Plan.

9. **The project is consistent with any applicable adopted Redevelopment Plan.**

The project site is located within the City Center Redevelopment Plan, which was adopted by the Community Redevelopment Agency of Los Angeles (CRA/LA) in May 2002. On November 11, 2019, Ordinance No. 186,325 became effective, transferring the land use authority of the CRA/LA to the City of Los Angeles. The City Center Redevelopment Plan has the primary objective of eliminating and preventing blight in the Redevelopment Project Area. The project is consistent with the following objectives contained in Section 105 of the Redevelopment Plan.

> ***Objective 1.*** *To eliminate and prevent the spread of blight and deterioration and to rehabilitate and redevelop the Project Area in accordance with this Plan.*
>
> ***Objective 4.*** *To promote the development and rehabilitation of economic enterprises including retail, commercial, services, sports and entertainment,*

manufacturing, industrial and hospitality uses that are intended to provide employment and improve the Project Area's tax base.

Objective 5. *To guide growth and development, reinforce viable functions, and facilitate the redevelopment, revitalization or rehabilitation of deteriorated and underutilized areas.*

The proposed development furthers the development of Downtown as a major center of the Los Angeles metropolitan region by providing high density housing with a mix of commercial uses. The project includes the redevelopment of an underutilized site with 363 new dwelling units and 12,500 square feet of ground-level commercial space in South Park, a District envisioned for high density development with regional commercial uses. As such, the project is substantially consistent with the Redevelopment Plan.

10. **The Transfer serves the public interest by providing public benefits in accordance with Subparagraph (b)(1) of this subdivision.**

LAMC Section 14.5.7 A.3(b)(1) states that the Transfer shall provide public benefits equivalent in value to the dollar amount otherwise required for a Public Benefit Payment, in conformance with Section 14.5.9 of the Code. Pursuant to LAMC Section 14.5.9, the Public Benefit Payment under any Transfer Plan shall equal: (1) the sale price of the Receiver Site, if it has been purchased through an unrelated third-party transaction within 18 months of the date of submission of the request for approval of the Transfer, or an Appraisal, if it has not; (2) divided by the Lot Area (prior to any dedications) of the Receiver Site; (3) further divided by the High-Density Floor Area Ratio Factor; (4) multiplied by 40 percent; and (5) further multiplied by the number of square feet of Floor Area Rights to be transferred to the Receiver Site.

The project site consists of eight lots (Lots 34-41 of Tract 2289). Two lots (Lots 36 and 37) were purchased within 18 months of the TFAR application submission date of December 13, 2018, for a total sales price of $5,400,000, and the remaining six lots (Lots 34, 35, and 38-41) were purchased outside of 18 months of the TFAR application submission date with an appraised value of $26,900,000, per the Appraisal Report prepared by CBRE dated December 11, 2018, and revised on May 12, 2021. Based on the formula set forth in LAMC Section 14.5.9 C, the applicant is required to provide a Public Benefit Payment of $1,765,183.

A Public Benefit Payment may be provided by any combination of the payment of monies to the Transfer of Floor Area Rights Public Benefit Payment Trust Fund or by the direct provision of Public Benefits by the Applicant, provided that at least 50 percent of the Public Benefit Payment must consist of cash payment by the Applicant to the Public Benefit Payment Trust Fund. The Public Benefit Payment must serve a public purpose, such as: providing for affordable housing; public open space; historic preservation; recreational; cultural; community and public facilities; job training and outreach programs; affordable childcare; streetscape improvements; public arts programs; homeless services programs; or public transportation improvements.

The applicant proposes to allocate 50 percent of the $1,765,183 Public Benefit Payment, $882,592, towards the TFAR Public Benefit Payment Trust Fund and the remaining 50 percent towards the Los Angeles Housing Department's Affordable Housing Trust Fund. The project approval has been conditioned to require compliance with the Transfer of Floor Area Ordinance including the payment of appropriate fees.

11. **The project incorporates feasible mitigation measures, monitoring measures when necessary or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and any additional findings as may be required by CEQA.**

The City of Los Angeles (City), as the Lead Agency, prepared a Sustainable Communities Environmental Assessment (SCEA), dated September 2021, and a Mitigation Monitoring and Reporting Program (MMRP) under Case No. ENV-2018-7379-SCEA for the following project:

> Demolition of four existing commercial/retail buildings (a total of approximately 28,110 square feet of floor area) and surface parking lot and the new construction, use, and maintenance of a 30-story (340 feet above grade) mixed-use building with 363 residential dwelling units and 12,500 square feet of ground floor commercial/retail uses. The Proposed Project would include a four-story above grade parking podium with ground floor retail/commercial uses and an amenity deck and a 26-story residential tower above the amenity deck. The Proposed Project would provide a total of 373 vehicle parking spaces and 195 bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC) requirements. Primary vehicular access for residential and commercial uses would be provided from Main Street and from the adjacent alley. The Proposed Project would provide approximately 39,601 square feet of open space pursuant to the LAMC requirements. In total, the Proposed Project would include 343,447 square feet of total floor area resulting in a floor area ratio (FAR) of 7.03:1. The Proposed Project would remove nine (9) existing non-protected street trees in the right-of-way surrounding the Project Site: eight (8) trees along Main Street and one (1) tree along 12th Street. The Proposed Project would require approximately 5,434 cubic yards (cy) of soil to be exported and 5,434 cy of soil to be imported to/from the Project Site.

The Initial Study identified significant impacts related to Noise and included mitigation measures to reduce impacts to less-than-significant levels.

The SCEA was published for public comments for 30 days between September 30, 2021 and November 1, 2021. During the public comment review period of the SCEA, the Department of City Planning received written comments from the following parties:

- Lozeau Drury, LLP, October 4, 2021
- Adams Broadwell Joseph & Cardozo, October 8, 2021

- Marta Stanton, October 8, 2021
- Kinsinger Environmental Consulting, October 29, 2021
- Lozeau Drury, LLP, November 1, 2021
- Mitchell M. Tsai, November 1, 2021

On November 11, 2021, the City prepared a Responses to Comments to address all comment letters submitted for the SCEA. Based on a thorough review of the comments submitted, the issues raised in the comment letters do not provide substantial evidence to support a fair argument that significant environmental impact is likely to occur. The SCEA, as published, satisfies the legal requirements of CEQA, and no further analysis is warranted. As such, the whole of the record supports the conclusion that the project would result in impacts below a level of significance with mitigation measures, as analyzed in the SCEA. The SCEA was adopted by the Los Angeles City Council on February 2, 2022 (Council File No. 21-1053).

Subsequently, the applicant modified the proposed project on August 2, 2022. The modification includes the addition of a new subterranean parking garage to provide 363 parking spaces in lieu of 373 spaces originally proposed, addition of a new driveway access from the alley, and a change in the amount of export from 5,434 cubic yards to 30,000 cubic yards (Exhibit A). This modification eliminates the need for a Zone Various approval to provide compact design spaces in lieu of standard parking spaces.

An Addendum dated September 2022 and Appendices has been prepared to provide additional supplemental analyses addressing minor modifications to the original project. The Addendum updated the number of total vehicle parking spaces from 373 to 363 in RCM-TRAFFIC-1. The MMRP has been updated to reflect this minor change and is dated September 2022. The Addendum also includes a revised air quality analysis to address the increase in soil export and an additional health risk assessment (HRA) analysis, although not required by CEQA.

The Addendum identified that the only environmental issue areas in the SCEA that would be potentially affected by the construction changes include: Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Transportation and Tribal Cultural Resources. The Addendum concluded that the changes proposed under the modified project would not result in any new significant impacts nor would they substantially increase the severity of previously identified significant impacts. In addition, there are no substantial changes to the circumstances under which the project was approved, and no new information of substantial importance which was not known and could not have been known at the time the SCEA was adopted has been identified. For these reasons, the changes proposed under the modified project do not warrant the preparation of a

recirculated SCEA pursuant to CEQA Guidelines Section 15162. As such, no further environmental analysis is required under CEQA.

SITE PLAN REVIEW FNDINGS

The following is a delineation of the findings related to the applicant's request for Site Plan Review for a proposed project resulting in an increase of 50 or more dwelling units pursuant to Section 16.05 of the Los Angeles Municipal Code.

The proposed project is subject to the Downtown Street Standards and Downtown Design Guide. Per Figure 3-1 Retail Streets of the Downtown Design Guide, neither Main nor 12th Streets are considered Retail Streets. Pursuant to Section 1.B of the Downtown Design Guide, projects must comply with the letter of every standard, but in cases where special circumstances make complete compliance with the standard impractical, the project must demonstrate a clear alternative approach that achieves the overall objectives of the Design Guide. Whether the design of a project as a whole is justified will be determined through required Findings in the appropriate Section of the Municipal Code (typically under Site Plan Review pursuant to LAMC Section 16.05) to be considered by the decision maker. Findings supporting alternative approaches to compliance with the Design Guide for a project as a whole shall constitute full compliance with the Design Guide and will not require adjustments to be obtained under LAMC Section 12.22 A.30(e).

12. **That the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan and any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The proposed project aligns with the goals and objectives of the following General Plan Elements: Framework, Housing, and Land Use. The project site is not subject to any specific plans.

Framework Element

The Framework Element is a strategy for long-term growth which sets a citywide context to guide the update of the Community Plan and Citywide Elements. The Framework Element is a comprehensive, long range document containing purposes, policies and programs for the development of the City of Los Angeles. The Citywide General Plan Framework text defines policies related to growth and includes policies

for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services.

The Framework Element stipulates that Regional Centers are intended to serve as the focal points of regional commerce, identity, and activity. They contain a diversity of uses such as corporate and professional offices, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities and supporting services. Region-serving retail commercial malls and retail services should be integrated where they complement and support the other uses in the regional center. The Framework Element also states that Downtown Los Angeles is an international center for finance and trade that serves the population of the five-county metropolitan region. Generally, the Downtown Center is characterized by FARs up to 13:1 and high-rise buildings.

The project is consistent with the following General Plan Framework Goals and Policies:

> ***GOAL 3F*** *Mixed-use centers that provide jobs, entertainment, culture and serve the region.*
>
> > ***Objective 3.10*** *Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.*
> >
> > > ***Policy 3.10.1*** *Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 and 3-6. Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and densities/intensities of uses permitted in any area shall be identified in the community plans.*
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> ***GOAL 3G*** *A Downtown Center as the primary economic, governmental and social focal point of the region with an enhanced residential community.*
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> > ***Objective 3.11*** *Provide for the continuation and expansion of government, business, cultural, entertainment, visitor-serving, housing, industries, transportation, supporting uses, and similar functions at a scale and intensity that distinguishes and uniquely identifies the Downtown Center.*

The proposed project involves the demolition of four existing commercial and retail buildings and a surface parking lot, and the construction, use, and maintenance of a 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of commercial and retail uses. The project is consistent with the Framework Element goals, objectives and policy as it will redevelop an underutilized site with new housing and ground floor commercial and retail and provide jobs and entertainment that would serve the region. The proposed project will contribute to

reinforcing the existing Regional and Downtown Center that accommodates both commercial and residential uses while being compatible with adjacent land uses that include commercial, retail and office. The new building would contribute to maintaining the Downtown Center as the primary economic and social focal point of the region with its ground floor commercial use and an enhanced residential community resulting from a net increase of 363 dwelling units. The increase in the maximum floor area will support the project to provide the continuation and expansion of housing and supporting commercial uses at a scale and intensity that supports the Downtown Center.

Housing Element

The City's Housing Element for 2021-2029 was adopted by City Council on November 24, 2021. The Housing Element identifies the City's housing conditions and needs, establishes the goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City intends to implement to create sustainable, mixed-income neighborhoods across the City. The Housing Element aims to provide affordable housing and amenity-rich, sustainable neighborhoods for its residents, answering the variety of housing needs of its growing population. The project is consistent with the following Housing Element goal and policies.

> ***Goal 1****: A City where housing production results in an ample supply of housing to create more equitable and affordable options that meet existing and projected needs.*
>
> > ***Objective 1.2****: Facilitate the production of housing, especially projects that include Affordable Housing and/or meet Citywide Housing Priorities.*
> >
> > > ***Policy 1.2.2****: Facilitate the construction of a range of different housing types that addresses the particular needs of the city's diverse households.*
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> > > ***Policy 1.2.4****: Strengthen the capacity of housing providers to build Affordable Housing.*
> > >
> > > ***Policy 1.2.7****: Develop and facilitate the dedication of financial resources for new construction of Affordable Housing.*
>
> ***Goal 2****: A City that preserves and enhances the quality of housing and provides greater housing stability for households of all income levels.*
>
> > ***Objective 2.1****: Strengthen renter protections, prevent displacement and increase the stock of affordable housing*
> >
> > > ***Policy 2.1.3****: Provide resources that enable the creation of Affordable Housing from existing unrestricted housing, including*

facilitating community stewardship and control, tenant management and/or tenant ownership.

***Goal 3**: A City in which housing creates healthy, livable, sustainable, and resilient communities that improve the lives of all Angelenos.*

***Objective 3.1**: Use design to create a sense of place, promote health, foster community belonging, and promote racially and socially inclusive neighborhoods.*

***Policy 3.1.3**: Develop and implement design standards that promote quality residential development.*

***Objective 3.2**: Promote environmentally sustainable buildings and land use patterns that support a mix of uses, housing for various income levels and provide access to jobs, amenities, services and transportation options.*

***Policy 3.2.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Objective 3.3**: Promote disaster and climate resilience in citywide housing efforts.*

***Policy 3.3.1**: Promote the integration of housing with other compatible land uses at both the building and neighborhood level.*

***Policy 3.3.2**: Promote new multi-family housing, particularly Affordable and mixed-income housing, in areas near transit, jobs and Higher Opportunity Areas, in order to facilitate a better jobs-housing balance, help shorten commutes, and reduce greenhouse gas emissions.*

***Policy 3.3.9**: Consider accommodating new residential uses, including live/work and mixed-use, in less-productive industrial, office, and commercial areas when the site can accommodate housing in keeping with citywide industrial land, jobs-housing and jobs preservation priorities, and when sites have been appropriately tested and remediated, if necessary.*

The proposed project would expand housing opportunities for renters within the downtown area by redeveloping an underutilized site with vacant commercial and retail structures and surface parking to a mixed-use development with 363 new dwelling units and 12,500 square feet of ground floor commercial space, in a transit -rich area. The 363 dwelling units will consist of a unit mix that offers different housing

options and sizes including 122 studios, 133 one-bedroom units, 96 two-bedroom units and 12 three-bedroom units. These aspects are consistent with Policies 1.2.2, 3.2.2, 3.3.1, 3.3.2, and 3.3.9. The requested TFAR of 49,999 square feet would expand opportunities for more housing units on site which is located within Regional and Downtown Centers. As part to the TFAR approval, the applicant Is required to make substantial contributions toward funding the development of future affordable dwellings, consistent with Policies 1.2.4, 1.2.7, and 2.1.3. The proposed building is designed with retail and commercial space along Main and 12th Streets and dwelling units with the residential tower. The proposed building is designed with a high level of glazing, articulation and changes in material that contributes to creating a lively and safe environment for residents as well as visitors. These characteristics are consistent with Policy 3.1.3. As such, the proposed project substantially conforms to the purpose of the Housing Element of the General Plan.

Mobility Plan 2035

The Mobility Plan 2035 includes goals that define the City's high-level mobility priorities. The Mobility Element sets forth objectives and policies to establish a citywide strategy to achieve long-term mobility and accessibility within the City of Los Angeles. Among other objectives and policies, the Mobility Plan aims to support ways to reduce vehicle miles traveled (VMT) per capita by increasing the availability of affordable housing options with proximity to transit stations and major bus stops and offering more non-vehicle alternatives, including transit, walking and bicycling. The project is consistent with the following Mobility Plan goal and policies.

> ***Policy 3.3*** *Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services.*
>
> ***Policy 3.4*** *Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.*
>
> ***Policy 3.8*** *Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.*
>
> ***Policy 5.2*** *Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.*

The project is in close proximity to various transit options. The roadways adjacent to the project site are served by several lines managed by multiple transit operators that include the Los Angeles County Metropolitan Transportation Authority (Metro), Los Angeles Department of Transportation (LADOT) DASH and Commuter Express, Santa Monica Big Blue Bus (BBB), and the City of Gardena (GTrans). The site's proximity to the Pico Rail Station, approximately 0.6 miles west, and the 7th Street/Metro Center Station, approximately 0.9 miles north, provide transfer opportunities to other Metro rail services such as Amtrak, Metrolink and numerous other bus routes served by Metro, LADOT and municipal bus operators. The bus lines within a reasonable walking distance (approximately one-quarter mile) of the project

include 2/302, 4, 10, 14, 37, 30/330, 33, 35, 38, 40, 45, 48, 55/355, 66, 70, 71, 76, 78, 79/378, 83, 90/91, 92, 94, 96, 733, 745, 770 and 794. The LADOT DASH line (DASH Downtown E) runs along Los Angeles Street, with the nearest bus stop located at E. 11th Street. Due to its proximity to the aforementioned bus stops and Metro stations, the project site is easily accessible and highly connected with the City's and the greater Los Angeles area's public transportation system.

The project will provide a total of 195 bicycle parking spaces, including 23 short-term and 172 long-term spaces. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

The mixed-use project, located within the downtown Los Angeles regional commercial center, would also result in low vehicle miles traveled (VMT). According to the Supplemental Vehicle Miles Traveled Analysis, prepared by Crain & Associated and dated November 21, 2019, and as reviewed by LADOT, both the residential portion and the commercial and retail component of the project are anticipated to have less-than-significant VMT impacts. Further, the project will include pedestrian safety features such as improved sidewalks adjacent to and within the project, the addition of pedestrian amenities, an on-site transit information kiosk, and an on-site concierge service to facilitate the use of transit, taxies, shuttles and transportation network companies. As such, the proposed project substantially conforms to the Mobility Plan of the General Plan.

Land Use Element – Central City Community Plan

The Land Use Element of the City's General Plan divides the City into 35 Community Plans. The subject property is located within the Central City Community Plan area. The Central City Community Plan was adopted by the City Council in 2003. The Community Plan's purpose is to enhance neighborhood characteristics while providing housing opportunities, improving commercial areas preserving community identity, development around transit, providing economic base, and improving the quality of the built environment.

The Community Plan Area Map designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Land Use Designations and corresponding zones in the Community Plan are implemented through zoning regulations in the Los Angeles Municipal Code (LAMC) including applicable ordinances that are codified in the LAMC. The property is zoned C2-4D-O. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The project site is located within the South Park District within the Central City Community Plan, which houses a mix of residential, medical, commercial and retail

uses. The project is consistent with the following goals, objectives and policies of the Community Plan.

> ***Objective 1-1****: To promote development of residential units in South Park.*
>
> ***Objective 1-2****: To increase the range of housing choices available to Downtown employees and residents.*
>
> > ***Policy 2-1.2****: To maintain a safe, clean, attractive and lively environment.*

The project is consistent with the Community Plan's vision of South Park as a mixed-use community with a concentration of residential and commercial uses, as it proposes 363 new dwelling units as well as 12,500 square feet of ground floor commercial space, in proximity to other auxiliary support services such as retail, commercial, and office uses that provide employment opportunities for area residents.

The Community Plan also anticipates the job growth in South Park to attract large commercial projects that combine commercial and residential development and take advantage of the benefits of the unique downtown location, such as close proximity to jobs, housing and transit options. The exterior façade design on the ground floor with a new storefront system with a high level of glazing would maintain a safe, clean, attractive and lively environment that would encourage pedestrian activity on the street. As such, the project substantially conforms to the Central City Community Plan.

13. **The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties.**

The subject property, comprised of eight lots, is a level, irregularly-shaped, corner, approximately 48,908 square-foot parcel of land with an approximately 425-foot frontage along the west side of Main Street and an approximately 120-foot frontage along the north side of 12th Street. The site abuts a 12-foot-wide public alley to the west.

The project site is located within the Central City Community Plan area, which designates the property for Regional Commercial land uses, with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The Development "D" Limitation in Ordinance No. 164,307, Subarea 2880 limits the maximum Floor Area Ratio (FAR) of the site to 6:1, unless a Transfer of Floor Area is authorized.

The northeast adjoining properties are designated for Regional Commercial land uses, zoned C2-4D-SN, and developed with an on-grade surface parking lot fronting on Main Street and a two-level parking structure fronting on Broadway. The east adjoining properties, across Main Street, are designated for Regional Commercial

and Light Industrial land uses, zoned [T][Q]C2-4D and M2-2D, and developed with one- and two-story wholesale, import, and retail shops. Many of these properties are part of an approval for the development of 379 dwelling units and 25,800 square feet of commercial space in an eight-story building. The south adjoining property, across the intersection of Main Steet and 12th Street, is designated for Light Industrial land uses, zoned M2-2D, and developed with a one-story wholesale, import, and retail shops. The southwest adjoining property, across 12th Street, is designated for Regional Commercial land uses, zoned C2-4D-O, and developed with a 214-unit, seven-story mixed-use building with ground-level retail space, constructed circa 2017. The west adjoining properties, fronting on Broadway and across an alleyway, is designated for Regional Commercial land uses, zoned C2-4D-O-SN, and developed with an on-grade surface parking lot and two two-story commercial buildings. A 139-room, 14-story hotel with ground floor restaurant was approved for construction on two of the lots.

The proposed project involves the demolition of the existing commercial buildings and surface parking lot, and the construction, use, and maintenance of an approximately 343,447-square-foot mixed-use building with 363 dwelling units and 12,500 square feet of ground-level commercial and retail uses. After required dedications, the lot area will measure 46,874 square feet in size. The proposed building will be 340 feet in height, or 30 stories including ***one subterranean parking level and*** a four-story above-grade parking podium with ground floor commercial and retail uses, an amenity deck, and a 26-story residential tower above the amenity deck. The project will provide a total of ***363*** ~~373~~ automobile parking spaces, 195 bicycle parking spaces, and 39,601 square feet of usable open space. All of the street trees along Main and 12th Streets will be removed. A total of ***30,000*** ~~5,434~~ cubic yards of soil will be exported from the project site.

Height

The Framework Element of the General Plan states that regional centers are for the development of typically high-density places whose physical form is substantially differentiated from the lower density neighborhoods of the City, where regional centers are characterized by 6- to 20-story (or higher) buildings as determined in the community plan. The project site is designated for Regional Commercial land uses within the South Park District of the Central City Community Plan. While the immediately adjacent properties are developed with buildings that are much shorter than the proposed building, the adjoining and adjacent properties are generally zoned C2-4D-O, C2-4D-O-SN, and M2-2D which contain no height restrictions. As such, future development on adjoining and adjacent properties retain the potential to be just as tall, if not taller, than the proposed building.

The Downtown Design Guide (Design Guide) defines a “tower” as being any building over 150 feet in height. Any portion of a building that is above 150 feet is subject to the tower standards in the Design Guide, which requires that any portion of a tower above 150 feet to be spaced from all existing, proposed, or possible future towers, both on the same block and across the street, as illustrated in Figure 6-2 and described in Table 6-2 of the Design Guide.

At 1140 South Broadway, located across the rear alleyway, the construction, use, and maintenance of a proposed 198-foot tall, 14-story, Hyatt Centric hotel, containing 139 guest rooms, was approved (Case No. ZA-2018-3288-CUB-SPR-1A) on October 4, 2019.

As illustrated on Sheets 0.04 and 0.05, the project tower is proposed to be offset or staggered from the tower proposed at 1140 South Broadway. According to scenario (g), of Figure 6-2 of the Design Guide, this is a permissible configuration, subject to applicable building codes. The proposed tower is separated from the 1140 South Broadway tower by approximately 71 feet, where the project's top floor, rooftop, rooftop access, rooftop amenity room, and rooftop mechanical equipment are located at a height above 150 feet and maintain sightline distances of greater than 40 feet between the two buildings as required in Table 6-2. Therefore, the proposed building height is consistent with the height and separation between development in regional centers that is envisioned in the General Plan, and the proposed development will be compatible with future development on these surrounding properties as well.

Bulk/Massing

The project site is zoned C2-4D-O. The "D" Development Limitation imposed by Ordinance No. 164,307, Subarea 2880, limits the maximum Floor Area Ratio (FAR) of the site to 6:1, with exceptions for transfers of floor area. The project seeks a Transfer of Floor Area Rights to permit an increase of 49,999 square feet of floor area for a total floor area of 343,447 square feet with a 7.03:1 FAR in lieu of the maximum 6:1 FAR as otherwise permitted.

The Design Guide requires large projects to be broken into a series of appropriately scaled buildings for pedestrian scale and walkability. The Design Guide requires projects to provide a 20-foot-wide passageway so that no building is more than 300 feet in length. The project proposes an alternative approach of having a continuous building with approximately 422 feet of building frontage along Main Street without the required passageway break. According to the applicant, the proposed amenity deck faces south to take advantage of maximum sunlight, and the ideal location of the residential tower is to the north of the primary amenities to minimize shade. However, due to the long and thin shape of the project site, the amenity deck must wrap around the residential tower, providing significant amenities on the deck to the north of the tower. Per the applicant, if a passageway was to be added to the site design, it would sever one portion of the amenities from the other, resulting in less on-site open space on the amenity deck and necessitating inefficient, unnecessary corridors, stairs or elevators to connect amenity sections. Additionally, given the programming and location of surrounding proposed projects, including the Hyatt Centric Hotel and a development located at 1100 South Main Street, there is no adjacent desirable link with which to connect a passageway.

The project minimizes the appearance of bulk through the podium and tower design. The building will have a four-story podium that is limited to a height of 50 feet from grade to the top of the podium roof. The podium will span across the entire street frontage along Main Street and 12th Street, while the residential tower will be limited

to a width 152 feet and located at the center of the podium, allowing for space and setback from 12th Street and adjacent buildings to the north and west of the project site. The building massing is further modulated and articulated through trellis structures and metal louvers on the ground floor and projecting balconies on upper levels.

The intent and purpose of the building break standard in the Design Guide is to design building massing to reinforce the street wall with well-scaled elements or structures that are sensitive to the neighborhood context. Instead of a 20-foot-wide passageway to break the proposed building into two separate buildings, the project proposes various design elements to reduce the scale of one large development project. The project minimizes the appearance of bulk through the podium and tower design through the use of different materials, design, and colors for the podium and residential tower to provide an effect of having three individual building blocks rather than one continuous massing. Specifically, the parking podium facades to the north and south of the residential tower facing Main Street will be designed with dark gray vertical metal louver panels that alternate between solid panels and louver panels with alternating angled direction. In contrast, the middle span of the podium will be more similar to the façade of the residential tower located in the middle of the podium. As shown in elevations and renderings of Exhibit "A" ***stamp-dated August 18, 2022,*** these alternating materials and design elements help break up the massing and bulk of the proposed building.

The Design Guide states that a passageway is meant to provide clear connection to abutting common areas. However, there are no distinct public or common areas located to the west of the project site, as the site abuts an alley that is used for loading and vehicular traffic. As such, even if the project proposes a passageway, it would not lead to any abutting common areas. Therefore, the proposed alternative approach meets the intent and achieves the overall objective of the Design Guide.

Section 6.B of the Design Guide requires projects to provide street walls in relationship to the back of sidewalk as specified in Table 6-1. For the proposed project located in the South Park District, north of Pico, fronting on non-Retail Streets, a minimum of 80 percent of the project frontage must be lined with building street wall at the back of the sidewalk easement for a minimum of 45 feet in height, for both 12th and Main Streets. As shown in Exhibit "A" ***stamp-dated August 18, 2022,*** along Main Street, 357 linear feet of the 422-foot building frontage (approximately 84 percent) will provide a street wall at the back of the sidewalk easement for a minimum height of 50 feet, and along 12th Street, 101 linear feet of the 116-foot building frontage along (approximately 87 percent) will provide a street wall at the back of the sidewalk easement for a minimum height of 50 feet.

Setbacks

The proposed building is not subject to any setbacks per the Greater Downtown Housing Incentive Ordinance. The Downtown Street Standards and Section 3.A.1 of the Downtown Design Guide requires an average two-foot sidewalk easement along Main Street, and an average three-foot sidewalk easement along 12th Street. As

shown on Sheet A0.01.1 of Exhibit "A" ***stamp-dated August 18, 2022,*** the project proposes an average sidewalk easement of 2.20 feet along Main Street and 3.04 feet along 12th Street and therefore complies with the sidewalk easement requirements.

The Downtown Design Guide states that adjacent to retail (either on Retail Streets or adjacent to ground floor space designed for retail use in other locations) in the South Park District, the building street wall must be located at a maximum of five feet at the back of the required average sidewalk width. The project proposes commercial/retail uses on the ground floor along both Main Street and 12th Street. A majority of the building will observe zero-foot setbacks from the back of the required average sidewalk easements along Main Street and 12th Street. The a small portion of the southeast corner of the building at the intersection of Main and 12th Streets as well as approximately 65 feet of the podium along Main Street will observe a setback that is greater than five feet; however, these setbacks respond to the building function and create visual interest as permitted by the Downtown Design Guide.

Ground Floor Use and Treatment

The Downtown Design Guide has several standards that are designed to activate street fronts along all Downtown streets and enhance building orientation, building entrances and storefront articulation to sustain street level interest and promote pedestrian traffic. The project has been conditioned to comply with the following standards of the Design Guide:

- The building's primary entrance shall be located on a public street.
- At least one building entrance shall be provided along each street frontage.
- Provide well-marked entrances to cue access and use.
- The treatment of primary building entrances or lobbies for mixed-use buildings shall be accentuated and differentiated from other building uses at the street front through changes in building massing, material, treatment and/or articulation.
- Awnings and canopies shall be constructed of woven fabric, glass, metal or other permanent material compatible with the building architecture.
- Electrical transformers, mechanical equipment and other equipment shall not be located along the ground floor street wall of 12th Street or Main Street.
- Electrical transformers, mechanical equipment, other equipment, enclosed stairs, storage spaces, blank walls and other elements that are not pedestrian-oriented shall not be located within 100 feet of the corner on north-south streets and within 50 feet of the corner on east-west streets.

The Downtown Design Guide requires that along non-Retail Streets, such as Main and 12th Streets, at least 75 percent of the ground floor street frontage shall be designed to accommodate active uses, which may include retail, professional office, live-work uses, building lobbies, recreation rooms, common areas, gathering or

assembly spaces, cultural facilities, and courtyards. As shown on Sheet A1.01 of Exhibit "A" ***stamp-dated August 18, 2022,*** the project proposes active uses for approximately 351 feet of the 422-foot street frontage along Main Street (approximately 83 percent), and active uses for approximately 93 feet of the 118-foot street frontage along 12th Street (approximately 78 percent). As such, the project complies with this standard.

The Downtown Design Guide also requires that wall openings shall comprise at least 50 percent of the street level façade. As shown on Sheet A2.04 of Exhibit "A" ***stamp-dated August 18, 2022,*** wall openings will comprise approximately 70 percent on Main Street and approximately 61 percent on 12th Street; as such, the project complies with this standard.

Parking/Loading

The project proposes a total of ***363*** ~~***373***~~ parking spaces within a ground-level and three-level podium parking garage above ground level. Access to the parking garage will be provided ***two*** ~~**one**~~ two-way driveway***s***, located ***on the north elevation and one two-way driveway on the south elevation*** ~~**towards the northeast end of the building**~~, which take access from Main Street and the rear alleyway. In addition, there will be a ***subterranean parking level and a*** second, internal, at-grade parking lot for accessible parking spaces, located toward the southwest end of the building~~**, and accessed via a one-way semi-circular driveway from and to the rear alleyway**~~. A loading area will be provided via the alley to the rear of the building and will not visible from Main or 12th Streets.

The Downtown Design Guide discourages parking podiums in Downtown; however, if they are provided, all above-ground parking must be integrated into the design of the building façade so that it is not visible from the street. Parking levels must be enclosed by the curtain wall or by other enhanced materials (screened) to minimize the appearance of the parking level. The Downtown Design Guide further stipulates that a maximum of three levels of podium parking shall be permitted, and any parking above the third parking level fronting on a public street must be lined with habitable floor area and/or enclosed with a curtain wall or integrated into the building façade.

The project proposes podium parking with three levels above the ground floor level, which does not exceed the number of parking floor levels permitted. As illustrated on Sheet A2.03 of Exhibit "A" ***stamp-dated August 18, 2022,*** the parking podium façade facing Main Street will be screened mostly with solid metal panels as well as vertical metal louver panels that alternate in angled direction to allow for natural ventilation, and will also have some frosted glazing and horizontal metal louvers for additional screening. As illustrated on Sheet A2.01 of Exhibit "A" ***stamp-dated August 18, 2022,*** the parking podium façade facing 12th Street will be screened mostly with frosted glazing, in addition to horizontal louvers, gray metal panels, solid metal panels, and vertical louver panels. The north elevation of the parking podium faces an abutting private property will be screened with gray metal metals and painted plaster without any openings; the west elevation faces an alley and will have dark gray colored solid wall with openings to provide natural ventilation.

In accordance with LAMC Section 12.21 A.16, the project will provide 17 short-term and 166 long-term bicycle parking spaces for the residential use and 6 short-term and 6 long-term bicycle parking spaces for the commercial use. The project will provide convenient, secure and well-maintained bicycle parking facilities in the public right-of-way as well as throughout the building, including: a short- and long-term bicycle parking storage area and a 150-square-foot bicycle service area on the ground floor and adjacent to a 3,000-square-foot retail space; a long-term bicycle parking storage area and another 150-square-foot bicycle service area on the second floor; and a long-term bicycle parking storage area on the third floor.

Lighting

The project is conditioned so that all pedestrian walkways and vehicle access points will be well-lit with lighting fixtures that are harmonious with the building design. As conditioned, all outdoor lighting provided on-site will be shielded to prevent excessive illumination and spillage onto adjacent public rights-of-way, adjacent properties, and into the night sky.

Landscaping

The project will provide landscaping in the public right-of-way, on the amenity deck on the fifth floor, and on the roof deck. The project will plant a total of 91 trees in the public right-of-way and throughout the project site in compliance with LAMC Section 12.21 G. Approximately 7,424 square feet out of 29,695 square feet of the common outdoor open space will be planted with landscaping. The amenity deck on the fifth floor and the roof deck will be attractively landscaped with various trees, groundcover, grasses and hedges, as shown in the landscape plan in Exhibit "A" ***stamp-dated August 18, 2022.*** The project is conditioned to landscape all open areas not used for buildings, driveways, parking areas, recreational facilities or pedestrian pathways, include an automated irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or architect and submitted for approval to the Department of City Planning, Development Services Center. Additionally, the landscape plan must indicate landscape points for the project equivalent to 10 percent more than otherwise required by LAMC 12.40 and Landscape Ordinance Guidelines.

Trash Collection

Trash storage and collection is proposed to be enclosed on the ground floor level, adjacent to the alley, and is therefore not visible from the drive aisle or public view. The project is conditioned to avoid trash collection interfering with traffic on any public street.

Solar Panels

The project is conditioned to comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety. Additionally, the project is conditioned to power generators used during the

construction process through electric or solar. Solar generator and electric generator equipment must be located as far away from sensitive uses as feasible.

Electric Vehicle Charging Stations

The project is conditioned to provide electric vehicle charging spaces (EV Spaces) and electric vehicle charging stations (EVCS) per the regulations outlined in Sections 99.04.106 and 99.05.106 of Article 9, Chapter IX of the LAMC, to the satisfaction of the Department of Building and Safety.

14. **Any residential project provides recreation and service amenities to improve habitability for its residents and minimizes the impacts on neighborhood properties.**

The project will provide a total of 39,601 square feet of usable open space for its residents, including a 27,160-square-foot outdoor amenity deck on the fifth floor, 9,900 square feet of indoor recreation rooms on the fifth floor, and a 2,541-square-foot roof deck on the 30th floor. These common open space areas would provide recreation and service amenities such as a pool, barbeque area, benches, and recreation rooms. While not being counted towards the usable open space requirement, the project will also provide private balconies in the dwelling units. The applicant has submitted a landscape plan, prepared by a landscape architect, showing that the common open space areas will be attractively landscaped with various trees, groundcover, grasses and hedges. As such, the project will provide recreation and service amenities to improve habitability for its residents and minimize the impacts on neighborhood properties.

ADDITIONAL MANDATORY FINDINGS

15. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is outside of the flood zone.