

Public Comment #27
BOS RCVD 10-27-2025

From: [Patrick A. Lanius](#)
To: [BOS-Clerk of the Board](#)
Subject: October 28 Town & Country BOS Hearing – Comment
Date: Friday, October 24, 2025 4:54:55 PM

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After a careful review of the thoughtful, informed and compelling Public Comments of Robert Williams dated October 22, 2025 on this subject, we wish to express our Opposition to the BOS approving the proposed project for ALL of the reasons so ably set forth by Mr. Williams which we incorporate by reference as if set forth in full herein.

Thank you for your consideration of the views of El Dorado Hills residents.

Sincerely,

Patrick & Debra Lanius
1963 Shelby Circle
El Dorado Hills, CA

Public Comment #27
BOS RCVD 10-27-2025

From: [Jill Blodget](#)
To: [BOS-Clerk of the Board](#)
Subject: Bass Lake Town & Country
Date: Saturday, October 25, 2025 7:19:19 AM

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I oppose the proposed Bass Lake Town & Country. It violates the General Plan and does not fit with the rural lifestyle of our community. In addition, the increased traffic and environmental impacts will adversely affect our population - people and wildlife. It's not the right plan for our community. I am counting on all of you to advocate for our community.

Best regards,
Jill Blodget

Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [Suzan W](#)
To: [BOS-Clerk of the Board](#)
Subject: I am for the Town and Country Village Development
Date: Saturday, October 25, 2025 10:26:59 AM

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A vote for the Town and Country Development. It is in the perfect location right off the freeway, not down a Country road like some of the other potential projects ie Latrobe projects. Keep everything near the freeways where they belong!

Suzan Webb
El Dorado Hills, CA

Public Comment #27
BOS RCVD 10-27-2025

From: [Steven Howlett](#)
To: [BOS-Clerk of the Board](#)
Subject: Zoned for a reason
Date: Saturday, October 25, 2025 3:32:45 PM

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Please don't rezone the Bass Lake Hills region of El Dorado Hills. This area is non-commercial for a reason. If we put a huge complex on this site it will completely change the rural beauty and feel of this area that people have moved here to enjoy !

Steve Howlett
El Dorado County Voter
Sent from my iPhone

From: [Randy Scott](#)
To: [BOS-Clerk of the Board](#)
Subject: Support for the Town & Country Village Project
Date: Saturday, October 25, 2025 3:38:19 PM

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Dear Clerk of the Board,

Would you please forward this email to all 5 El Dorado County Supervisors. Thank you.

El Dorado County Board of Supervisors

330 Fair Lane

Placerville, CA 95667

Subject: Support for the Town & Country Village Project

Dear El Dorado County Board of Supervisors,

I am writing to express my strong support for the proposed Town & Country Village project. I believe this development is a critical investment in the future of our community and offers significant benefits for residents and the local economy.

For too long, the area has lacked a consolidated destination that brings the community together and offers new amenities. This project, with its proposed hotels, event center, and restaurants, would create such a place. It would provide a much-needed venue for local events and gatherings and serve as an attractive destination for visitors, which helps our local economy.

Furthermore, I am encouraged by the project's potential to generate jobs and tax revenue. The creation of entry-level jobs will provide opportunities for our local workforce, and the estimated \$2.6 million in annual tax revenue will be a valuable source of funding for county services. I understand there are concerns about the project's impact, but consolidating development near the freeway interchange is a sensible approach that helps preserve the wider rural character of our county.

Approving this project is a step toward thoughtful, managed growth that will enhance our community for years to come.

Thank you for your time and consideration.

Sincerely,

Randy Scott

Public Comment #27
BOS RCVD 10-27-2025

From: [Sandra Ralph](#)
To: [BOS-Clerk of the Board](#)
Subject: Town & Country Village Project
Date: Saturday, October 25, 2025 6:36:18 PM

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Re: Support for Town & Country Village Project

Dear Members of the Board,

My name is Sandy Ralph, and I have been a long-time resident of Placerville. Like many of my neighbors, I am deeply concerned about the future of the County—particularly as we face the real threat of financial crisis, growing budget deficits, and potential cuts to critical services. Those of us who live in the Foothills understand what is at stake. We rely on our fire departments and first responders every single day, especially as we live under the constant risk of wildfire. We all want to retire here safely and sustainably in the County we love—but that requires a stable financial foundation and projects that bring surplus not deficit.

I am writing to you with both urgency and hope. Every decision matters, and now more than ever we must support projects that guarantee tangible surplus and long-term economic stability. The Town & Country Village project represents precisely such an opportunity. This project is not simply about development; it is about building a vibrant, sustainable future for our community.

At a time when El Dorado County faces a multi-million-dollar budget shortfall, this project offers guaranteed revenue and a long-term surplus without raising taxes. It is projected to generate an immediate millions of dollars of fees upfront—a much-needed boost to help sustain vital services and infrastructure. Tourism will play a major role in this recovery. The project's hotels, cottages, civic center, and museum are expected to generate \$2.3 million annually in transient occupancy tax revenue, strengthening local programs, recreation, and senior services that have suffered recent cuts. Every dollar spent by visitors multiplies throughout our local economy, supporting small businesses, restaurants, and shops, etc.

Additionally, Town & Country Village will provide a large community gathering space, a great room for weddings, reunions, conferences, and performances. It will also support local entrepreneurs and small businesses, helping create opportunities while maintaining a true local feel rather than another commercial strip mall.

I understand that all projects face scrutiny, and I respect the role of debate and discussion. However, I must speak candidly about the opposition spreading misinformation about the Town & Country Village project. These false statements have begun to shape public perception unfairly, threatening to derail a project that will be a lifeline for our County. I urge the Board of Supervisors to consider the facts: the thoughtful planning, the economic benefits, the historic preservation, and the tangible surpluses to the citizens of El Dorado County.

This is a pivotal moment. Approving the Town & Country Village project will bring hope, jobs, tourism, cultural enrichment, and community gathering spaces—while ensuring financial stability and sustainable growth for generations to come. I respectfully ask the Board of Supervisors to approve this locally rooted, revenue-generating investment in the future of El Dorado County.

Thank you for your time, consideration, and commitment to our community.

Sincerely,

Sandy Ralph
3150 Harmony Hill Road
Placerville, CA 95667

Public Comment #27
BOS RCVD 10-27-2025

From: [Andy Nevis](#)
To: [BOS-Clerk of the Board](#); [BOS-District I](#); [BOS-District II](#); [The BOSTHREE](#); [Lori Parlin](#); [BOS-District V](#)
Cc: [Tim Costello](#); [David Spaur](#); [Bob Williams](#); [Patrick Frega](#); [Jeff Hansen](#); [Karen L. Garner](#); [Robert J. Peters](#); [Ande Flower](#); [Jefferson B. Billingsley](#); [Sue Hennike](#); [David A Livingston](#)
Subject: Public Comments on 10/28 Item 27 (Town and Country Village)
Date: Saturday, October 25, 2025 6:50:55 PM

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Good evening Supervisors,

I wanted to drop a quick note with my thoughts on the Town and Country Village project (General Plan Amendment GPA22-0003/Specific Plan Revision SP-R21-0002/Rezone Z21-0013/Planned Development Permit PD21-0005/Tentative Subdivision Map TM22-0005/Conditional Use Permit CUP23-0008) that will be on your agenda this Tuesday. I had an opportunity to participate in several meetings about this project as a Planning Commissioner, and have continued to follow the Project this year.

I do not have a strong opinion whether the hotel and event center portion of the project (the Project Development Area) should be approved. The proposed facility is thoughtfully designed and could provide new event space and economic development opportunities for our community. The applicant is to be commended for the significant public outreach they have conducted. I believe it is possible for the project to be developed while preserving the natural beauty and rural character of the area. On the other hand, the project would be a significant deviation from the existing General Plan and Bass Lake Hills Specific Plan and I believe the concerns about traffic impacts and impacts on the Cameron Park Community Services District have merit. General Plan and specific plan amendments are sometimes appropriate, but the bar should be high and there should be significant community input and support for the change.

Should you decide to approve the Project, I have two recommendations:

1) Any approval should exclude rezoning in the Program Study Area. The applicant has provided few details on what will fill the Program Study Area. Their visual simulations (for example, on Page 4 of Attachment Z on this Legislar item) depict the hotel and event center surrounded by open space in the Program Study Area. Yet if the Board approves their request in whole, that land would instead be zoned for future commercial and multifamily housing development. The visual simulations that have been presented to the public do not match what is in the actual proposal. While I believe there is significant public support for the hotel and event center project, as well as the associated residential cottages, it is not clear to me that there is community support for rezoning the rest of the site for multifamily and commercial development.

The applicant will argue that future development in the Program Study Area would require future Planning Commission consideration. There are two problems with this line of reasoning. First, the state is aggressively moving towards requiring that housing projects, especially multifamily projects, be approved ministerially if consistent with zoning. It is possible that development in the multifamily zone could be allowed by right, without a public hearing, pursuant to state law. Even if a future project remains discretionary, the applicant would be able to argue that the proposal is consistent with the specific plan and point back to your approval of the rezone for justification. It will be harder for community members to raise objections and receive a fair hearing before future decision makers, and would leave the denial of any future project vulnerable to legal challenge. To preserve future community input and due process, the most appropriate decision is to leave the Program Study Area untouched.

2) I encourage the Board to accept the Planning Commission's recommendation that the Project be

conditioned to connect to sewer. The project even without the Program Study Area would generate a significant amount of waste. Given that there are several existing high density developments near and downstream of the project site, a facility of this size on a septic system introduces inappropriate and unnecessary environmental and public health risks. If the project cannot connect to the sewer system it should not be constructed, period.

Thank you for your consideration.

Sincerely,

Andy Nevis

Public Comment #27
BOS RCVD 10-27-2025

From: akusta@placerville.net
To: [BOS-Clerk of the Board](#)
Cc: [Ande Flower](#)
Subject: Letter in Support of Town and Country Village
Date: Saturday, October 25, 2025 7:13:56 PM

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To the El Dorado County Board of Supervisors,

My name is Stan Wentland, and I am a long-term resident of El Dorado County District 3. For years, I have commuted to Sacramento and have often noticed a bland semi wooded area along Bass Lake Road before you descend into the valley. That location holds tremendous potential as a value generator and source of revenue for our County.

I am deeply concerned that El Dorado County is facing serious financial strain in the near-term future. It would be far wiser to support a project that produces a meaningful net benefit and surplus with a sustainable revenue stream for the County.

I watched the Planning Commission meeting on September 10th for 7 hours and was surprised at the lack of preparedness shown by chairman, though I was pleased with the ultimately favorable outcome by majority. The meeting on September 10th demonstrated clear public support and a well-developed proposal. Now, as the October 28th meeting approaches, I am deeply troubled by the recent letter of non-support from the chairman of the planning commission board member, which appears to represent a potential conflict of interest based on its stated contacts and claims full of baseless misinformation. It seems like an attempt to cast doubt or delay progress on what should otherwise be a positive outcome for the Town & Country Village project.

This project will serve as a much needed gathering place and respite for weary travelers along the Highway 50 corridor between El Dorado Hills and South Lake Tahoe. With the County facing cuts to critical services—including programs for seniors, tourism, fire department and sheriff services etc. This project with the museum celebrating our history, creation of jobs, small retail entrepreneurs, and restaurants to add to the tax base.

Equally important, the project preserves key landmarks and the surrounding natural environment, including the historic Lincoln Highway, Pony Express Trail, and Wagon Train routes. Open spaces, walking trails, and locally sourced building materials are also central to the plan. The

Environmental Impact Report (EIR) included super cumulative traffic studies for proposed projects in the area—a first in County history—which speaks volumes about the project's integrity and thoroughness.

Phase One represents only half of the developer's long-term vision and requires further coordination and approval with the Board and County staff for future phases. Nonetheless, the Town & Country Village should be considered on its own merits—not grouped with or overshadowed by unrelated projects like Marble Valley or Lime Rock south of Highway 50. It is a standalone project that aligns with the county's new vision statement and brings a significant surplus at this critical time.

I respectfully urge the Board of Supervisors to move forward with approval of this important project without any delays.

Respectfully,

Stan Wentland
3150 Harmony Hill Road
Placerville, CA 95667
El Dorado County

Public Comment #27
BOS RCVD 10-27-2025

From: [Sandra Ralph](#)
To: [BOS-Clerk of the Board](#)
Cc: [Ande Flower](#)
Subject: Support for Town & Country Village
Date: Saturday, October 25, 2025 7:23:08 PM

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To the El Dorado County Board of Supervisors,,

My name is Sandy Ralph, and I have been a long-time resident of Placerville. Like many of my neighbors, I am deeply concerned about the future of the County—particularly as we face the real threat of financial crisis, growing budget deficits, and potential cuts to critical services. Those of us who live in the Foothills understand what is at stake. We rely on our fire departments and first responders every single day, especially as we live under the constant risk of wildfire. We all want to retire here safely and sustainably in the County we love—but that requires a stable financial foundation and projects that bring surplus not deficit.

I am writing to you with both urgency and hope. Every decision matters, and now more than ever we must support projects that guarantee tangible surplus and long-term economic stability. The Town & Country Village project represents precisely such an opportunity. This project is not simply about development; it is about building a vibrant, sustainable future for our community.

At a time when El Dorado County faces a multi-million-dollar budget shortfall, this project offers guaranteed revenue and a long-term surplus without raising taxes. It is projected to generate an immediate millions of dollars of fees upfront—a much-needed boost to help sustain vital services and infrastructure. Tourism will play a major role in this recovery. The project's hotels, cottages, civic center, and museum are expected to generate \$2.3 million annually in transient occupancy tax revenue, strengthening local programs, recreation, and senior services that have suffered recent cuts. Every dollar spent by visitors multiplies throughout our local economy, supporting small businesses, restaurants, and shops, etc.

Additionally, Town & Country Village will provide a large community gathering space, a great room for weddings, reunions, conferences, and performances. It will also support local entrepreneurs and small businesses, helping create opportunities while maintaining a true local feel rather than another commercial strip mall.

I understand that all projects face scrutiny, and I respect the role of debate and discussion. However, I must speak candidly about the opposition spreading misinformation about the Town & Country Village project. These false statements have begun to shape public perception unfairly, threatening to derail a project that will be a lifeline for our County. I urge the Board of Supervisors to consider the facts: the thoughtful planning, the economic benefits, the historic preservation, and the tangible surpluses to the citizens of El Dorado County.

This is a pivotal moment. Approving the Town & Country Village project will bring hope, jobs, tourism, cultural enrichment, and community gathering spaces—while ensuring financial stability and sustainable growth for generations to come. I respectfully ask the Board of Supervisors to approve this locally rooted, revenue-generating investment in the future of El Dorado County.

Thank you for your time, consideration, and commitment to our community.

Sincerely,

Sandy Ralph
3150 Harmony Hill Road
Placerville, CA 95667

Public Comment #27
BOS RCVD 10-27-2025

From: [Debra Hernandez](#)
To: [BOS-Clerk of the Board](#)
Subject: Bass Lake
Date: Saturday, October 25, 2025 7:59:04 PM

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I object to the HUGE development. We have already seen the destruction Folsom and EDH did to our beautiful hills and the traffic it has caused on our little roads this will take away the beauty of our real community and add traffic our highway can not handle.

We live up here so we don't have to be in the city and now you are making it like a city!

Debra Hernandez
3973 Mineshaft Court
Shingle springs
530-313-8043

Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [Valorie Farris](#)
To: [BOS-Clerk of the Board](#)
Subject: I Oppose the Town and Country Village Development
Date: Saturday, October 25, 2025 12:17:19 PM

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I live off Bass Lake Road and am opposed to the Town and Country Village. It will create traffic congestion and road safety concerns. It also creates light pollution and ruins the rural atmosphere here. Do the right thing for once and respect residents' (property tax revenue) wishes instead of always backing developers who don't even live in our county!

Valorie Farris
Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [Kristin Orman](#)
To: [BOS-Clerk of the Board](#)
Subject: I Oppose the Town and Country Village Development
Date: Saturday, October 25, 2025 12:19:32 PM

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While I would welcome a nice restaurant in the area, I strongly oppose the proposed hotel and cottages. A hotel is unnecessary, as there is already one just five minutes away that isn't even completed yet. Additionally, the proposed cottages would likely lower surrounding property values and increase traffic in our neighborhood.

This project does not reflect the needs or best interests of our existing community. I urge the planning committee to reconsider or revise the proposal to better align with responsible, balanced growth for Bass Lake.

~ Kristin Orman

Public Comment #27
BOS RCVD 10-27-2025

From: [Julie Moon](#)
To: [BOS-Clerk of the Board](#)
Subject: I Oppose the Town and Country Village Development
Date: Saturday, October 25, 2025 1:07:05 PM

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County Supervisors,

My husband has lived in Rescue for 55 years, and I myself have lived here for 23 years. His family had lived here in Rescue since the 1960s up until their deaths.

It is absolutely heart breaking to see our little town under so much development, and adamantly oppose the development of the land around Bass Lake Road, HW 50 and Country Club Blvd.

We remember the days when people would always ask us, "Where is Rescue, exactly?" We remember being the only car driving along Bass Lake Road the entire length from the highway to Green Valley Road.

We've lived here for SO long that we feel that our opposition should be taken seriously. STOP the development.

Sincerely,
A life-long resident and his wife,
Jeff and Julie Moon
Rescue, CA
Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [Carolyn Unger](#)
To: [BOS-Clerk of the Board](#)
Subject: I Oppose the Town and Country Village Development
Date: Saturday, October 25, 2025 9:44:06 PM

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I do not recommend building of the Town & Country center on the corner of Bass Lake and 50. This area cannot handle that kind of traffic and it will ruin the whole environment.

Carolyn Unger

Sent from my iPhone

Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [Shannon Palombi](#)
To: [BOS-Clerk of the Board](#)
Subject: I Oppose the Town and Country Village Development
Date: Sunday, October 26, 2025 9:23:26 AM

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Keep our community in becoming over populated.
Shannon Palombi
Sent from my iPhone

Public Comment #27
BOS RCVD 10-27-2025

From: [TENLEY PAXIAO](#)
To: [BOS-Clerk of the Board](#)
Subject: Save Bass Lake Hills
Date: Sunday, October 26, 2025 1:02:02 PM

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Dear Board of Supervisors,

I am very disappointed to see our small community getting so large. I moved up here over 20 years because it was a small community with a lot of charm. Due to all the building that keeps being allowed this community is becoming the very Bay Area I left. We are constantly told to save water and electricity and all the that keeps happening is you all keep approving more building without any thought to any of this.

If Town and Country is allowed to go forward you will be taking away more of the charm in this community. We have a hotel in Town Center and there are plenty on East Bidwell in Folsom up through Placerville. We do not need another hotel or High-density housing project. please listen to the community and do not let these projects move forward.

Best Regards,
Tenley Paxiao

Public Comment #27
BOS RCVD 10-27-2025

From: [martha dew](#)
To: [BOS-Clerk of the Board](#)
Subject: Town and County Hotel Project
Date: Sunday, October 26, 2025 1:53:35 PM

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Hello,

I do not understand why anyone thinks we need 2 five story hotels or any hotels off of Bass Lake, my only guess is money.

If traveling to Lake Tahoe it's only 2 more hours from Cameron Park, why would anyone stop to stay the night when you can drive 2 more hours to Lake Tahoe.

I have many concerns, here are two:

1. The cons of having hotels in this location are:

Crime

Decrease in property values

Traffic (off-ramp to Bass Lake is very short which would back up traffic onto the highway which is dangerous).

Noise

Pollution

Water (for years we have had to conserve our water, not sure where we would get the extra water).

2. If the owners of this project start to lose money they could sell and we could end up with the hotels being converted into low income housing. Some people may think this is ok but I do not. I moved here 37 years ago from an area where they converted all the four plexes and townhouses near me into low income housing. Within 2 years it became very unsafe, we had gun shots pretty much every night and our homes were being broken into along with people being assaulted. I moved here to get away from living in fear and now your decision could put this wonderful area in jeopardy of turning into what I left.

I pray you make the right decision for our community.

Public Comment #27

BOS RCVD 10-27-2025

From: [Ellen Terra](#)
To: [BOS-Clerk of the Board](#)
Subject: Town and Country Project
Date: Sunday, October 26, 2025 6:18:24 PM

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The community of El Dorado Hills, cherished for its small-town rural charm, will cease to exist as we know it. Many residents fear that the proposed Town & Country Village project threatens to overshadow this peaceful landscape. One reason people love living in El Dorado Hills is that it isn't a destination for out-of-towners, but a quiet retreat from the hustle and bustle of city life. Do we really want to bring that congestion here, with hundreds of daily visitors who may not cherish the same values and traditions we hold dear.

If you thought Amazon and Costco were bad, the proposed Town & Country Village project, with its large-scale **300 rooms of hotel space (picture 2 Red Hawk Casino size hotels side by side), 120 affordable housing staff cottages/VRBO, and innumerable high-density townhomes** will have a profound impact on the community's character and disrupt the way of life that we value so much.

This project requires modification to the General Plan, the Bass Lake Hills specific Plan, and the Public Facilities Financing Plan. This will have a negative impact on water supply and roadways, as well as our city and county charm. It does not align with our current way of life in El Dorado Hills or neighboring Cameron Park. This is not "smart growth," it's a catastrophic alteration to our quiet relaxed slow-paced lifestyle.

El Dorado Hills has been a place where residents can enjoy a sense of open-spaces and serenity. Families moved here for the spaciousness, the green landscapes in Spring the golden hills in Summer, and a community atmosphere that evokes warmth and connection.

This development does not align with the building standards established in the Bass Lake Specific Plan. The plan, which was designed to guide appropriate growth while preserving El Dorado Hills' unique character, emphasizes the protection of the natural landscapes and ensures that any new projects meet stringent criteria for sustainability and environmental sensitivity. Town & Country Village compromises these criteria, prioritizing commercial expansion over community values and ecological responsibility.

Beyond the aesthetic and environmental considerations, this project will inevitably lead to increased traffic congestion, altering the daily lives of residents and potentially endangering

local wildlife. The influx of people and vehicles could result in noise levels that disrupt our peaceful environment and introduce light pollution that diminishes the beauty of our nighttime skies.

I do not support a rezone from 10 acre rural residential lots to commercial mega hotel. And multi density residential.

I do not support the developer building on the hill and asking for an increased 14 feet over the General Plans maximum height restriction

I do not support forgoing the current rural boundary

I do not support that the developer wants to not pay for and install water and sewer infrastructure

I do not support that the developer wants a blanket approval of the extra neighboring parcels to do on them whatever in the future.

I do not support that the Bass lake & 50 interchange will not get improvements to handle this traffic. The exit backs up already today.

.

Best regards,
Ellen S. Terra
27 year owner of my home in El Dorado Hills.

Public Comment #27
BOS RCVD 10-27-2025

From: [Sharon Woodcock](#)
To: [BOS-Clerk of the Board](#)
Date: Sunday, October 26, 2025 9:09:01 PM

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Save Bass Lake Hills

Take a good look at what has happened to Folsom, a once quaint country town that has become a city like Danville, Pleasanton San Jose. OUR Hills are beautiful..THEY ARE NOT a DESTINATION SITE. I was raised in El Dorado County ..stayed and raised my family and my kids stayed and raised their children..why BECAUSE they wanted to raise them in an area that has wide open spaces. Room to run, breathe and enjoy the wildlife. The DEVELOPERS are SUCKING the life out Of our County! We dont NEED a DESTINATION RESORT to make THEM richer. We want OUR Hills, OUR wide open spaces OUR County to have the space to raise families in a healthy environment! All this is about, is rich getting richer NOT ABOUT WHATS GOOD FOR THE RESIDENTS OR FUTURE FAMILIES OR FOR THE WILDLIFE in our County. WE DONT WANT TO BE ANOTHER DANVILLE SAN JOSE PLEASANTON OR FOLSOM..take your investment money and go elsewhere..LEAVE EL DORADO COUNTY ALONE. PLEASE go ruin another county in California and let us continue the lifestyle that people move up here to ENJOY.

FIGHT FOR OUR HILLS!

Sincerely,
Sharon Turner

Public Comment #27
BOS RCVD 10-27-2025

From: [Joe H. Harn](#)
To: [George Turnbo](#); [Brooke Laine](#); [Greg P. Ferrero](#); [Lori Parlin](#); [Brian K. Veerkamp](#)
Cc: [David A Livingston](#); [Sue Hennike](#); [Laura Schwartz](#); [Karen L. Garner](#); [Kim Dawson](#); [BOS-Clerk of the Board](#); [Josh Pane](#); [Jefferson B. Billingsley](#); [Mohammed H Mohanna MHM](#)
Subject: October 28, 2025 BOS Agenda - Town & Country Village El Dorado
Date: Monday, October 27, 2025 7:34:06 AM
Attachments: [D.12 Staff Report Exhibit R - Local Transportation Analysis-Town and Country.pdf](#)

Dear Supervisors,

A hotel on this site would likely have a significant positive financial impact on the County. I support the hotel rooms, I oppose the housing without a plan to mitigate the resulting traffic.

As noted on the attached staff report, a number of extremely expensive road improvements will be needed on Bass Lake Road, at the Bass Lake Interchange, and on Highway 50 in the foreseeable future. These extremely expensive road improvements are certainly not 100% the responsibility of Mohanna Family, but until a financing plan for the road improvements is implemented, your Board should not approve additional housing that will add to traffic on Bass Lake Road or add traffic through the Bass Lake Interchange.

Please don't amend the General Plan without a financial plan to mitigate the additional traffic.

I will note that the Mohanna Family has been generous to a number of good causes in our County.

Below you will find the email I sent the Planning Commission on September 9th regarding this matter.

**Joe Harn
Auditor-Controller
El Dorado County**

From: Joe H. Harn

Sent: Tuesday, September 9, 2025 11:46 AM

To: Planning Department <planning@edcgov.us>; Bob Williams <Bob.Williams@edcgov.us>; David Spaur <David.Spaur@edcgov.us>; Jeff Hansen <Jeff.Hansen@edcgov.us>; Tim Costello <Tim.Costello@edcgov.us>; Patrick Frega <Patrick.Frega@edcgov.us>

Cc: Jefferson B. Billingsley <Jefferson.Billingsley@edcgov.us>; Josh Pane <joshpane1@icloud.com>; David A Livingston <david.livingston@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>; John Davey <jdavey@daveygroup.net>; GeneralManager@cameronpark.org; Monique Scobey <directorscobey@cameronpark.org>; Ande Flower <Ande.Flower@edcgov.us>; George Turnboo <George.Turnboo@edcgov.us>; Greg P. Ferrero <Greg.Ferrero@edcgov.us>

Subject: September 10, 2025 Planning Commission Meeting - Town & Country Village El Dorado

Commissioners,

I vigorously oppose amending the general plan to allow housing on this site because no mechanism is in place to provide reasonable assurance that the traffic impacts and adverse financial impacts to the Cameron Park CSD will be mitigated. I wrote Planning and the applicant eleven months ago pointing out that the Fiscal Impact Analysis failed to identify the adverse effects on the Cameron Park CSD. Page 6 of Staff Exhibit R, Local Traffic Analysis, points out that a number of traffic abatement measures are unfunded.

The County would likely benefit from the tax revenues collected by the proposed hotel, however there is no guarantee that a hotel will ever be built. There is the possibility that the hotel will never come to fruition, but the general plan will be amended to allow for multifamily housing on this site.

In the late 1980s, the public was promised a four lane Bass Lake Road and growth was approved based on that promise. In the 1990s, the public was promised a four lane Bass Lake Road and the Bass Lake Specific Plan was approved based on that promise. I urge that the Planning Commission use great restraint as you consider recommending the approval of additional growth until there is a great deal of certainty that dramatic capacity improvements are made to Bass Lake Road, the Bass Lake Interchange, and Highway 50.

Also, APAC's position regarding the connection to EID sewer service prior to issuance of any building permits is spot on.

**Joe Harn
Auditor-Controller
El Dorado County**

Table 1. Summary of abatement measures

ID	Location	Existing 2023 Plus Project-Development Area	EPAP 2033 Plus Project-Development Area	Cumulative 2040 Plus Project-Development and Program-Study Areas	Super-Cumulative 2040 Plus Project-Development and Program-Study Areas	Relevant Report Sections	Related CIP Project
Arterial Segments							
1	Bass Lake Rd between Country Club Dr and Silver Dove Wy	n/a	n/a	(j) C (widen to 4-lanes)	Implement (j)C	10.3	Unfunded #GP166, CIP #72BASS/361 05054
US-50 Segments							
US-50-8	Westbound US 50 merge from Bass Lake Rd	n/a	n/a	n/a	(US-50-8)D (Add auxiliary lane)	12.3	Unfunded CIP #36104022/53 117
US-50-9	Westbound US 50 between Bass Lake Rd and Silva Valley Pkwy	n/a	n/a	n/a	(US-50-9)D (Add auxiliary lane)	12.3	
US-50-10	Westbound US 50 diverge to Silva Valley Pkwy	n/a	n/a	n/a	(US-50-10)D (Add auxiliary lane)	12.3	
US-50-11	Eastbound US-50 diverge to Bass Lake Rd	n/a	n/a	n/a	(US-50-11)D (widen to a 2-lane offramp)	12.3	65104005
Intersections							
13	Bass Lake Rd/Sienna Ridge Rd (north)	n/a	n/a	13C (lengthen turn pocket)	13D (expand intersection)	10.3 and 12.3	TBD
15	Bass Lake Rd/Hawk View Rd	n/a	15B (Signalize)	Implement 15B	n/a	8.3	TBD
17	Bass Lake Rd/Hollow Oak Dr	n/a	17B (Roundabout)	Implement 17B	Implement 17B	8.3	TBD
19	Bass Lake Rd/Country Club Dr	n/a	19B (Dual southbound left)	19C (Expand intersection)	19D (Additional intersection expansion)	8.3, 10.3, and 12.3	65105009
21	Country Club Dr/Driveway#2	n/a	n/a	21C (Roundabout)	Implement 21B	10.3	n/a - Project Frontage
22	Country Club Dr/Driveway#3	n/a	n/a	22C (Norbound left receiving lane)	n/a	10.3	n/a - Project Frontage
28	Bass Lake Rd/US-50 westbound	29A* (Signalize, expand intersection)	Implement 29A	Implement 29A	28D (Replace interchange)	6.3 and 12.3	65104005
29	Bass Lake Rd/US-50 eastbound	29A (Expand intersection)	Implement 29A	Implement 29A	29D (Replace interchange)	6.3 and 12.3	65104005

* Note that intersection 28 improvements for existing, EPAP, and Cumulative are first implemented as part of the improvements for abatement 29A.
TBD = (To be determined) denotes improvements that should be added to the CIP.

Public Comment #27
BOS RCVD 10-27-2025

From: [Frank Porter](#)
To: [BOS-Clerk of the Board](#)
Subject: Oct. 28, 2025, EDC BOS Meeting, Agenda Item 21
Date: Monday, October 27, 2025 9:54:30 AM
Attachments: [10_28_25 BOS Town & Country Village r2.docx.pdf](#)

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To: El Dorado County Board of Supervisors
c/o Clerk of the Board, edc.cob@edcgov.us

From: Maureen Dion-Perry, President, Housing El Dorado (HED)
Frank S. Porter, Vice-President, Housing El Dorado (HED)

Cc: HED Board of Directors

Re: Oct. 28, 2025, EDC BOS meeting, Item 27, Town & Country Village - Letter of Support

Housing El Dorado urges the Board of Supervisors to approve the Town and Country Village development.

This project generates over \$2.6 million in annual new net surplus revenues to fund public safety and essential county services; creates hundreds of local jobs during construction and ongoing operations; supports small businesses through boutique retail and restaurants; invests more than \$4 million in road, public safety and infrastructure improvements, including widening Bass Lake Road and easing traffic flow; and provides workforce housing. This is truly a winning combination.

The inclusion of 56 much needed, deed restricted affordable hotel employee housing units in the proposed project, in combination with another 56 units available for rent on a daily or extended stay basis is forward thinking.

By providing staff housing options close to work, this project will reduce commute times, decrease traffic congestion, and enhance the quality of life for workers. By making it possible for employees to live where they work, this project fosters a more connected and engaged community.

This is a practical and compassionate solution that addresses both environmental impacts and the county's critical need for additional workforce housing. This is clearly

a model for future development in El Dorado County. We urge you to move forward with this project.

Maureen Dion-Perry, President

Frank Porter, Vice-President

Housing El Dorado

www.housingel dorado.org

[*Click here for the latest HED news*](#)



Email: housingeldorado@gmail.com

Web-site: Housingeldorado.org

Mailing address: 1390 Broadway B-216, Placerville, Ca. 95667

Phone: 530-497-0242

Create and promote affordable housing solutions and support services that nurture individuals and families while encouraging self-sufficiency on the Western Slope of El Dorado County

To: El Dorado County Board of Supervisors
Clerk of the Board, edc.cob@edcgov.us

From: Maureen Dion-Perry, President, Housing El Dorado (HED)
Frank S. Porter, Vice-President, Housing El Dorado (HED)

Cc: HED Board of Directors

Date: Oct. 27, 2025

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This is a practical solution that addresses both environmental impacts and the county's critical need for additional workforce housing. This is clearly a model for future development in El Dorado County. We urge you to move forward with this project.

Board of Directors: Maureen Dion-Perry, Frank Porter, Craig Styles, Peg Vanderkar, Wanda Demarest, Tamara Janies, Charlie McDonald, Kevin McCarty, Michele Smith, Art Edwards, Lexi Boeger
EDCF Advisor: Hilary Mulligan; and **Program Coordinator:** Nichole Paine

Public Comment #27
BOS RCVD 10-27-2025

From: [Lee Tannenbaum](#)
To: [BOS-Clerk of the Board](#)
Subject: Agenda item 25-1703
Date: Monday, October 27, 2025 10:55:48 AM
Attachments: [Agenda 25-1703 10272025.pdf](#)

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Madame Clerk,

Please attach my comments to the above agenda item for tomorrow. Thanks much.

Lee Tannenbaum
Shingle Springs

El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Re: Agenda Item #25-1703 – Town & Country Village El Dorado Project
Support Letter

Dear Chair and Members of the Board,

As a resident of El Dorado County, I write in strong support of the Town & Country Village El Dorado Project (Agenda Item #25-1703). This project represents a well-planned, balanced development that aligns with the County's long-term goals for smart growth, diversified housing, and economic sustainability.

After reviewing the Planning Commission's materials and public comments from October 23 and 24, 2025, I want to emphasize that the record reflects broad community interest—not opposition—and a shared desire for projects that are both economically viable and environmentally sound.

Kevin McCarty's remarks correctly highlight the economic and community benefits of this project, including its capacity to generate transient occupancy tax revenue, provide hospitality-based employment, and stimulate complementary small-business activity. I concur with his assessment that the Town & Country Village development will help broaden our local tax base and reduce fiscal reliance on residential assessments alone.

Andy Nevis and Commissioner Robert Williams raised responsible points regarding the need for continued monitoring of traffic and water impacts. I agree those studies should be updated and incorporated into the implementation phase as conditions of approval. However, such due diligence should not delay adoption; rather, it can be integrated through the Mitigation Monitoring and Reporting Program (MMRP) already included in the certified EIR.

This proposal complements existing infrastructure improvements within the Bass Lake Hills Specific Plan (BLHSP) area, creates walkable commercial and residential nodes, and preserves open-space buffers. Its mix of multi-family housing, hotel, and event-center uses helps address both economic diversification and regional housing needs—an equilibrium our county has long sought.

Moreover, revising the BLHSP Public Facilities Financing Plan and Capital Improvement Plan ensures that growth will fund its own infrastructure rather than burdening existing taxpayers. This is precisely the model of self-sustaining development the County has advocated in its General Plan.

I urge the Board to adopt the Planning Commission's recommendation and approve the project as proposed, with any technical refinements to monitoring conditions handled administratively. The Town & Country Village project is a thoughtful, forward-looking plan that will bring lasting benefit to El Dorado County.

Thank you for your consideration and for your continued work to balance growth with the preservation of our county's character.

Sincerely,
Lee Tannenbaum
Resident, El Dorado County

Public Comment #27
BOS RCVD 10-27-2025

From: [Jim Wassner](#)
To: [BOS-Clerk of the Board](#)
Subject: Fwd: Town & Country El Dorado project
Date: Monday, October 27, 2025 11:33:26 AM

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Please include my comments on the Town & Country El Dorado project. They were previously submitted a day too early.

Thank you,

Jim Wassner

----- Forwarded message -----

From: Jim Wassner <jimwassner@gmail.com>
Date: Wed, Oct 22, 2025 at 8:32 AM
Subject: Town & Country El Dorado project
To: BOS-Clerk of the Board <edc.cob@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, <bostthree@edcgov.us>, <bosfour@edcgov.us>, The BOSONE <bosone@edcgov.us>, Brooke Laine <brooke.laine@edcgov.us>
CC: <info@townandcountryvillageeldorado.com>, Frank Porter <fspsm520@gmail.com>, Joan Fuquay <jofuq@gmail.com>, tita bladen <tita-b@sbcglobal.net>, Raelene Nunn <raelenenunn@sbcglobal.net>

Members of the Board,

Town & Country Village El Dorado is a thoughtful development that balances growth with community values, while also being a model of responsible development that includes affordable and staff housing. This project includes 56 units of workforce housing and 56 units of affordable housing. The project will also provide walking trails and a connection with the County's Bike Trail.

This project's contribution to the County's General Fund through Transient Occupancy Taxes, Property Tax Revenue and Sales and Use Taxes will be substantial.

The developer has spent more than seven years in community engagement and outreach, unique among most development projects proposed for El Dorado Hills.

The project's location at Bass Lake Rd and Hwy 50 addresses traffic and transportation issues.

The project includes a civic center museum housing local history and highlighting the Lincoln Highway, our country's first trans-continental highway.

Modeled after the Ahwahnee Hotel in Yosemite National Park, the project will be a beautiful landmark destination resort for both locals and travelers alike.

For these reasons, I urge you to move this project forward without delay.

Jim Wassner

Senior resident advocate

Diamond Springs resident



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Support for Town & Country Village El Dorado

From Gordon Helm <grhelm@grhelm.com>

Date Mon 10/27/2025 1:48 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

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Dear Chairperson Turnboo and Members of the El Dorado County Board of Supervisors,

I am writing as a resident of El Dorado County to respectfully voice my support for the Town & Country Village El Dorado project.

This project represents a thoughtful balance between honoring our local history and creating meaningful benefits for the community. The inclusion of a public museum celebrating El Dorado County's heritage, the preservation of the oak grove and public trails, and the opportunities for locally owned shops, dining, and gathering spaces make this more than a traditional development — it's an investment in our community's identity and future.

Additionally, the project will generate local jobs and provide long-term revenue to support essential county services, a critical benefit as the County works to address current budget pressures.

Thank you for your time, your service, and your consideration of this important, community-focused project.

Regards,
Gordon Helm

Town & Country

From Heidi Michelson Hogan <heidi_mbaa@yahoo.com>

Date Mon 10/27/2025 2:27 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

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El Dorado County Board of Supervisors:

This email is to express my strong opposition to the proposed Town & Country Village development in El Dorado Hills. A 300 room hotel, event center and high-density housing...WHY?

Among other reasons, this proposed development should not move forward because it will cause severe strain and congestion in a small town with limited infrastructure (water, electricity, roads). Furthermore, El Dorado Hills is known for being a peaceful and safe family-friendly community. Building such a large scale development will create a chaotic, unsafe environment. We don't have a police department, and EDCSO is severely understaffed.

Amazon. Costco. Now Town & Country. El Dorado County continues to attempt to destroy the peaceful open landscape of El Dorado Hills.

We should all be working to protect nature, and the beauty and charm of this amazing area where we live.

I appeal to you to please stop this project from moving forward.

Thank you,
Heidi Hogan
3904 Ironwood Drive
El Dorado Hills



Outlook

Public comment BOS meeting October 28, Agenda item 27

From LINDA CAMPBELL <lcampbell03@comcast.net>

Date Mon 10/27/2025 1:26 PM

To BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>

 1 attachment (179 KB)

Town and Country FEIR BOS Feedback Oct-2025.pdf;

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Hello Supervisors and Clerk of Board,

Attached is some of my personal feedback on the Town and Country project, agenda item 25-1703.

I hope you find this helpful to your analysis, and look forward to the review tomorrow.

Regards,

Linda K Campbell

Town and Country FEIR Planning Commission Feedback Sept-2025

General consideration: Some of the items I submitted for the Planning Commission review were not addressed, so are still included below.

Evacuation Plan/Model: I could not locate anything about evacuation plans or modeling. According to our Safety Element update in the General Plan, government code section 65302(g) requires the following (items 11 and 12 in our general plan element)

- 11. Identify residential developments in any hazard area identified in the safety element that do not **have at least two** emergency evacuation routes.
- 12. Identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios.

Policy 6.11.2.1 specifically reads:

Development shall be served by a street system with at least two evacuation routes **capable of carrying peak load traffic** and have sufficient capacity to meet project needs, or they must provide the necessary capacity to ensure the development has adequate fire protection and safe ingress and egress routes in conformance with the California Fire Safe Regulations (Section 1273 and 1274) of the California Code of Regulations – Title 14, Division 1.5, Chapter 7, Articles 2 and 3).

Piecemeal Development: In August of 2024 an appeal for a rezone was approved, as it was considered piecemeal development. The T&C EIR was done with the “Program Study Area”, because CEQA required something there. However, we as citizens of the county are being told to ignore the Program Study Area and it will be determined at a different time. Why would we have to guess what will be done in the future?

By not receiving a clear design so that we can see housing, commercial, other needed roadways, water, etc. we are unable to truly evaluate the scope of impact on this area of Bass Lake Road, and beyond. It is challenging enough to keep track of development plans that are “complete” as changes are made over time, but not having an initial outline is even more detrimental. Below are some of the court rulings related to piecemeal development:

- Laurel Heights Improvement Assn. v. Regents of the University of California (1988) 47 Cal.3d 376: This case deals with the issue of piecemealing and the need to consider the “whole project” in environmental reviews.
- Bozung v. Local Agency Formation Commission (1975) 13 Cal.3d 263: This case established the requirement that environmental review must consider the entire project and not just segmented parts.
- Arviv Enterprises, Inc. v. South Valley Area Planning Commission (2002) 101 Cal.App.4th 1333: Discusses cumulative impacts and the need for full environmental review when a project is segmented.
- California Unions for Reliable Energy v. Mojave Desert Air Quality Management District (2009) 178 Cal.App.4th 1225: The court found that even when some project approvals are ministerial, if there are discretionary approvals at any stage, CEQA review is triggered for the whole project.

Reference to EDC Ordinance Sec. 130.56.030 - Findings Required.

The Board may adopt a proposed specific plan only if it finds that the plan:

- A. Is consistent with and implements the General Plan;
- B. Is consistent with any applicable airport land use plan, in compliance with Public Utilities Code Section 21676; and
- C. Will not have a significant effect on the environment or a statement of overriding consideration has been made for the proposed specific plan in compliance with the provisions of California Code of Regulations Section 15093 (CEQA Guidelines)

The Town and Country Project violates the following Land Use policies and objectives, as taken from General Plan (LC Comment is my summary):

- **OBJECTIVE 2.1.1: COMMUNITY REGIONS**
- **Purpose:** The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Community Region boundaries depicted on the General Plan Land Use map shall be the established urban limit line.
- Provide opportunities that allow for continued population growth and economic expansion while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.
- **OBJECTIVE 2.1.3: RURAL REGIONS**
- **Purpose:** Provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.
 - **LC Comment:** This project is proposing removal of the Rural Region boundary, thereby removing the character and natural setting of this area. There is no mitigation or condition that will fulfill these objectives.
- **OBJECTIVE 2.2.5: GENERAL POLICY SECTION**
- **Policy 2.2.5.3** The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that El Dorado County General Plan Land Use Element July 2004 (Amended August 2019) Page 31 would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:
 - 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
 - 2. Availability and capacity of public treated water system;
 - 3. Availability and capacity of public wastewater treatment system;
- **LC Comment:** These water services are not currently available, and although discussed, the process to expand has not started. In fact one of the conditions from the PC for wastewater also has an allowance to start with a septic system if easements from surrounding property owners (potentially through eminent domain) cannot be completed in a timeline that benefits the developer.
- **Policy 2.2.5.10** It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect El Dorado County General Plan Land Use Element July 2004 (Amended August 2019) Page 33 the permitted uses of

such agricultural areas by only allowing the establishment of such support services through the Zoning Ordinance.

Uses which may be considered to be consistent with this policy are those which include but are not limited to feed stores, agriculture supplies and sales, veterinarian services, animal boarding, processing and/or sale of agriculture products, and the sale of firewood not produced or grown on the site. In addition to agriculture, the rural areas may allow other consistent uses in the form of but not limited to outdoor recreation and campgrounds and organized camps, retreats, fishing and hunting clubs, mineral extractions, and cemeteries.

- **LC Comment:** None of the project changes focus on support of the Rural Region.
- **Policy 2.2.5.21** Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.
 - **LC Comment:** Adjoining land uses are all Rural Residential, which are not compatible with the proposed changes for this project.

Attachment H – Planning Commission Staff Report – All of these were submitted for Planning Commission review, but not addressed so continuing for Board consideration.

- **Background page 6.** States consistent with GOAL HO-1, references “mix of housing types, including senior housing, and townhomes and cottage-style units for local residents seeking to “downsize”, as well as units affordable for the employees with the project.
 - The applicant repeatedly said it would be “market rate housing” for different housing types, which does not equate to what a lot of people would consider “attainable” in our EDH market.
 - They cannot isolate that “local residents” will be in this housing, since that would not be fair housing practice.
 - Most of the above-mentioned housing types are potentially part of the Program Study area, which we are being told is not really being considered for the current project review. If we do not have enough details for the Study Area, and are being informed not to provide any feedback, then staff should not be using anything about it in reference to their recommended justification for approval.
- **Background page 6.** States consistent with Objective 2.2.1, “.. to potentially curtail urban/suburban sprawl” ... but it is exactly suburban sprawl and what the BLHSP and General Plan are trying to curtail. This project is not consistent with this objective.
- **Project Description page 7.** Important point that this is NOT currently in the EID service area, because it is a rural designation. That is why the incorporation into EID is a critical component of this change, and potentially quite expensive for the public.
- **Future Development page 10.** Statement in Program Study Area “The project site is not currently designated as a census Urban Area, which means that until and unless such a designation occurs at this location, no future project in the Program Study Area could be determined eligible for any housing-focused state streamlining, such as SB 35.”
 - Based on Aug. 26th BOS meeting for new application in Diamond Springs, the county equates our community regions to the Urban Area under SB35. That means once it is incorporated into the community region, then it would be eligible for state streamlining projects. This is an inaccurate statement and not aligned with other staff communications to the supervisors.

- **Page 11.** Original plan documents stated height “up to 10 feet beyond” the maximum allowable height. Response to my DEIR comment also confirmed a “not-to-exceed” building height of 60 feet. The FEIR and proposal now say, “64 feet”, which is higher than previously proposed and reviewed by the public.
- **Page 16 Water Service/EID.** Water line currently is 2,000 feet north of project site. **What is cost for expansion and who is paying?** Same question with the 2 Sewer proposed options.
 - This should be done as a cumulative study across all the proposed projects, to give citizens clear view as to the impacts, since they will phase over time with unknown delivery dates. The big question is “How much does the county have to pay?”, remembering that grants are taxpayer money too. We are also experiencing extensive cost increases to our water bills, because of prior and potential future projects that are not aligned with the General Plan, in addition to reductions of use requested from the state.
- **Page 17 Drainage.** Statement “A Final Drainage Report will be prepared for the proposed project and approved by the County.” When will this be prepared and why wasn’t it part of this current review?
- **Page 18 Statement:** “The County established Rural Regions to provide a landscape that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.” This project will erase this Rural Region, and all that rests behind the definition for it.

Reference the Bass Lake Hills Specific Plan **goals section 2.4** (Relationship to the El Dorado County General Plan Goal 2.6):

- **Discussion:** As part of the preparation of the review draft El Dorado County Scenic Highways Ordinance dated June 1992, a viewshed study was conducted which identified the foreground and background viewsheds along U.S Highway 50 That portion of the Plan area located within the foreground viewshed of U.S. Highway 50 is located within the Rural Region and is designated LDR by the General Plan. The Plan designates this area Low Density Residential Planned Development (L2PD) which allows for the max density of one dwelling per five acres. This is consistent with the General Plan and protects for foreground viewshed from U.S. Highway 50 by maintaining existing zoning and density.

As zoned Rural Region, the proposed plan from applicant is not allowable. A discretionary change would violate the referenced goals of the Bass Lake Hills Specific Plan, as well as the El Dorado County General Plan.

Attachment B – Findings - All of these were submitted for Planning Commission review but not addressed, so continuing for Board consideration.

- **Item 2.6** states that it would avoid incompatibility with adjoining land uses, according to requirement of GP Policy 2.2.5.21. However, everything north, east and west is defined as rural residences. It is inaccurate to state that this project will be compatible, particularly since no rural residences are planned in the Project or Study areas.
- **Item 2.11** does not include complete information from policy TC-Xd. The project area is in a Rural Region, currently, so can only be LOS D. Staff includes a partial and misleading statement in the justification. This means the project WILL worsen allowable congestion by moving to a community region.

- “Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions **or LOS D in the Rural Centers and Rural Regions** except as specified in Table TC-2.”
- In the Rationale paragraph of 2.11, it states “..roadway improvements to the existing Bass Lake Road/US 50 interchange, including the signalization of the westbound ramp intersection and the widening of the eastbound off-ramp...” along with other updates are in the Conditions of Approval. However, document J – Conditions of Approval do NOT specify signalization of Westbound and does not reference Eastbound at all.

Attachment C – Conditions of Approval - All of these were submitted for Planning Commission review but not addressed, so continuing for Board consideration. I modified the number to correlate to updated document.

- **Item 49. Offsite Improvements** – Collectors and Major Transportation Facilities:
 - **Widen Bass Lake Road:** It is unfortunate that only the North side of Hwy. 50 was included, so there will be no alleviation of impact to the South of 50 off and on ramps for all the tourists that will be filling the 577 parking spaces.
 - **Bass Lake Road / Hawk View Road:** What is the guarantee that this will really be done? Wasn't this required in the BLHSP by the other 4 potential developments that were included? Is this really required by T&C developer, or are they now in the mix of “who will pull permits first” to pay for it?
- **Item 50. Offsite Improvements (Acquisition):** Exactly which parcels could potentially be the subject of imminent domain by the county? It appears that it is possible since this is included, yet I cannot locate any details on anticipated impact. Will these align with the EID expansion requirements for a one-time effort?

D.05 Fiscal Impact Analysis – This was from Planning Commission documents review. I could not locate specific update for BOS, so the reference information did not change. Leaving in for review, if helpful, because discussions on pricing has changed through different reviews.

- **Page 17** household income anticipated range \$43k - \$72k, which would make median \$57,500. This is high for the county, but low for EDH median income.
- Since it is being used to estimate retail expenditures, then this would be inaccurate if trying to estimate how many across the county would potentially afford doing business at this location.
- As of last census ending 2023 for El Dorado County

	County Median	EDH
Individual	\$48,876	\$68,667
Household	\$106,190	\$163,544

- **Page 48 Table D-2.** I think it is a disservice to citizens that might read this thinking that \$400K would be the value across all different Unit Types. In a meeting a couple years ago there was verbal estimate that the cottages could be around \$700k. Granted I realize things have changed since that time, but \$400K is very low in current economy, particularly when lumping the Program Study Area in with this.
- **Page 49 Table D-3.** Similar to above, those are pretty low monthly rent estimates for market housing in our area. This has potential to get people's hopes up, when they do not understand how market housing works. It is not helpful to overcommit and under deliver.



Outlook

Town and Country Village El Dorado – Response to Chair Williams Letter

From Jauregui, Ara R. <ara.jauregui@stoel.com>

Date Mon 10/27/2025 12:57 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>; BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; Brooke Laine <Brooke.Laine@edcgov.us>

Cc Higuera, Amy R. <amy.higuera@stoel.com>; Thomas, Tina A. <tina.thomas@stoel.com>; Josh Pane <joshpane1@icloud.com>; Nikky Mohanna <nikky@mohannadevelopment.com>; Lilly Mohanna <lilly@mohannadevelopment.com>; Moe Mohanna <moe@mohannadevelopment.com>; ty.langdale@gmail.com <ty.langdale@gmail.com>; dcrosariol@ctaes.net <dcrosariol@ctaes.net>; crt@torrenceplanning.com <crt@torrenceplanning.com>; emami@westernmanagementcompany.com <emami@westernmanagementcompany.com>; danny@westernmanagementcompany.com <danny@westernmanagementcompany.com>

 1 attachment (228 KB)

2025.10.27 Chair Williams Response letter.pdf;

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Report Suspicious

On behalf of the applicant team for the Town and Country Village El Dorado project, attached please find correspondence responding to the October 22, 2025 letter submitted to the Board by Planning Commission Chair Bob Williams.

Thank you.

Ara Jauregui | Project Assistant

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October 27, 2025

The Honorable Chairman and Members of the
El Dorado County Board of Supervisors
2850 Fairlane Court, Placerville, CA 95667
ATTN: Clerk of the Board

RE: Town & Country Village El Dorado Response to Comments Raised by El Dorado
Planning Commissioner Chair Bob Williams

Mr. Chairman and Board Members:

On behalf of the applicant team for Town & Country El Dorado (the Project), we would like to provide the Board with a response to the concerns raised by El Dorado Planning Commissioner Chair Bob Williams in his letter submitted to the Board on October 22, 2025.

In his letter, Chair Williams, purportedly as a member of the public and not in his official role as a dissenting member of the Planning Commission on the Project, voices a variety of unsubstantiated concerns, all of which are contradicted by substantial evidence in the record and/or are simply not required by statute or County policy. And, while Chair Williams had ample opportunity to raise these specific concerns in his official capacity at the public hearing over which he presided, he did not except in the most general terms. Nor did he raise these concerns as a member of the public when the Draft Environmental Impact Report (DEIR) for the Project was available for public review and comment from July to September 2024 (see Staff Report, p. 28), nor at the Planning Commission held Workshop in October 2024 (*id.*, p. 30), nor during the review period conducted by the County Department of Transportation (DOT) for Bass Lake Hills Specific Plan (BLHSP) stakeholders to comment on revisions to its Public Facilities Finance Plan (PFFP).

Only now, 42 days after the Planning Commission voted to recommend approval of the Project, after extensive consideration of the issue, and more than a year after the DEIR was first made available, does Chair Williams bring these concerns, “independent” of his role as Chair. All remarkable omissions given Chair Williams’ statement at the Planning Commission hearing that he had met with the applicant team “many times” over the past six years regarding the Project. (Planning Commission Minutes, September 10, 2025, p. 6.)

While Chair Williams states that his comments reflect his position as a member of the public, he nonetheless styles his letter as a “Minority Report,” referring to his minority position in the ultimate vote of the Commission to recommend certification of the Project EIR with 4 ayes and 1 no, and recommend approval of the Project by a vote of 3 ayes and 2 noes. The County has no provision in its Code for providing such a report, and Chair Williams’ decision to provide one is reflective of what appears to be an ongoing attempt to undermine the legitimate public process undertaken by the Commission. As discussed in more detail below, the Chair appeared to be predetermined to delay the vote on, and ultimately deny the Project from the outset. This conduct is particularly troubling given that none of the concerns raised by Chair Williams cast valid doubt on the adequacy of the County’s review of the Project, which is supported by ample substantial evidence.

Planning Commission Project Recommendation

After over a year of public review of the Project DEIR, and many meetings, workshops, and other public review and comment periods involving County staff, DOT and regional stakeholders, the Planning Commission voted to recommend approval of the Project after careful consideration of all materials presented, which included hearing extensive discussion and comments from the public and staff. Although Chair Williams seeks to divorce the comments in his letter from his official capacity overseeing the Planning Commission on this matter, he begins his letter by questioning the adequacy of the hearing over which he himself presided. Specifically, Chair Williams asserts that he needed an extra day to be able to articulate specific issues in the FEIR findings that were prepared by County staff and its environmental consultants because he could not “digest” what his letter characterizes as “2000 pages of technical information.”

In response to Chair Williams’ repeated suggestion that the Commission delay the vote on the Project, another Commissioner admonished him, noting that he had “spent weeks” and “countless hours” reviewing the Project’s environmental documents, that he assumed the Commissioners “come to these meetings prepared to vote,” and that he was prepared “not to kick the can down the road” on voting on the FEIR and its findings. (Hearing Audio at 6:33.) County Counsel confirmed that staff and consultants had spent a lot of time making the findings, and that “this was all reviewed,” and that this information “has been available for a long time.” (Hearing Audio, 6:28.) After no other Commissioner took action on Chair Williams’ request to reconvene, Chair Williams was given the opportunity to ask specific questions to County staff, its consultants, and the applicant team’s expert CEQA counsel. But rather than take that opportunity to ask *any* questions at this time, Chair Williams then expressed his preference to move forward with a vote on the matter. (Hearing Audio, 6:39 to 6:42.) In short, none of the other Planning Commissioners thought it was necessary to delay the vote in this matter and there is simply no merit to any contention that the public, staff, or Commissioners were not provided enough time to “digest” the information provided on the Project.

Programmatic CEQA Review

Environmental review of the Project analyzes two study areas: the Project Development Area, which contains the hotel, museum, event center, and employee and residential cottages, and the Program Study Area, which may include future development of additional hotels, medical facilities, senior housing, townhomes and cottages, and other uses allowed by the proposed zoning districts. (See Staff Memo, p. 2.) Where, as here, one aspect of a project may be clearly defined, but later phases may not be sufficiently well defined to be analyzed in detail, agencies often prepare an EIR that evaluates the entire project at a “program level” and the more clearly defined aspects at a more specific “project level” of detail.

This approach to environmental review is not controversial. (See FEIR, p. 2-62.) In fact, CEQA *requires* the preparation of EIR where, as here, multiple or phased projects will have significant environmental effects in order to understand the environmental impacts of the projects as a whole and to avoid segmentation of environmental review. (See CEQA Guidelines, §§ 15165, 15126 [EIR’s impact analysis must consider all phases of the project].) Further, all EIRs, regardless of whether they are labeled “program” or “project” EIRs must cover the same elements, with the level of specificity determined by the underlying activity covered by the EIR. (CEQA Guidelines, § 15146; see *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1051 (*Treasure Island*) [fixation on term “project EIR” instead of a “program EIR” improperly focuses on the EIR title rather than substance].)

Yet, throughout his letter, Chair Williams maintains that the Project did not conduct adequate CEQA review because the “programmatic” nature of the EIR provides only a “partial analysis” that will not be subject to further CEQA review, and “grants the applicant implied, unvetted entitlements.” This is simply not true, and Chair Williams’ statements in this regard misconstrue both the evidence in the record and the level of analysis that CEQA requires for such program/project EIRs. The EIR provides a thorough analysis of impacts associated with the Project Study Area *as well as* a thorough programmatic analysis of assumed uses that might be proposed in the future in the Program Study Area.

Nonetheless, CEQA, the County’s Code, and the Project’s Conditions of Approval all require further review of any proposals to move forward with development in the Program Study Area. (See CEQA Guidelines, §§ 15162, 15168; *Treasure Island*, 227 Cal.App.4th at p. 1051 [obligation to conduct supplemental CEQA review applies regardless of whether project has undergone previous project-specific CEQA review as opposed to a program EIR]; Staff Report, p. 10 [“Future Development in the Program Study Area would require, *at a minimum*, Planned Development Permits” and undergo Planning Commission review (emphasis added)].)

Specifically, when the applicant pursues development of the Program Study Area, a Development Plan Permit application must be submitted to the County for review and approval as required by El Dorado County Code section 130.28.040. As part of that process, any future project would be evaluated for consistency with the Bass Lake Hills Specific Plan and applicable zoning standards. Future development of the Program Study Area will also be examined in light

of the assumptions made in the original program EIR to determine whether an additional environmental document must be prepared. (FEIR, pp. 2-62 to 2-63; see Project Conditions of Approval, Condition #3 – Future Planned Development Improvement, p. 2.)

Tangible Benefits of the Project are Apparent and Supported by Substantial Evidence

In addition to baselessly claiming that the environmental findings prepared by County staff and its environmental consultants did not adequately address “other significant impacts” of the Project such as water and sewage service, wildfire management, and cumulative effects of other proposed projects in the area—all of which were analyzed extensively in the FEIR—Chair Williams opines that County staff and its consultants’ determination that the benefits of the Project will outweigh its significant and unavoidable environmental impacts are “speculative and dubious.” Not so. Indeed, Chair Williams’ assertions in this regard are directly contradicted by substantial evidence in the record that is before the Board.

Here, the record regarding the tangible benefits that the Project will provide to the County, the region, and the local community are clear:

- A comprehensive Fiscal Impact Analysis (FIA) was prepared for the Project and reviewed and approved by the County’s own consultant, analyzing the costs of providing services and the revenues collected from the Project. (See Staff Report, Exhibit J.) The FIA determined that the Project Development Area is “anticipated to realize a net fiscal surplus to the General Fund of about \$2.69 million, annually.” (Staff Report, p. 24.)
- The Project is estimated to result in a net fiscal surplus of \$312,000 to the El Dorado Hills Fire Department (EDHFD), annually. (Staff Report, p. 24.)
- The FIA estimates that the Project will result in a net surplus of \$157,000 to the El Dorado Hills Community Service District (EDHCSD) General Fund. (Staff Report, p. 25.)
- The economic benefits of the Project through the creation of new jobs were explicitly acknowledged by the Planning Commission. (Staff Memo, p. 3.)
- Public comments in support of the Project have noted the Project will bring benefits to the region through the “museum, hotel units, additional housing, tourism, and job opportunities” (Staff Memo, p. 4.)
- As noted by a Planning Commissioner, “it makes sense, from a planning perspective, to locate mixed-use projects next to major transportation corridors where vehicle can easily access the project and get on and off the freeway. (Staff Memo, p. 5.)
- Planning Commissioners also recognized that the BLHSP is approximately 30 years old and should be considered a “‘living document’ that may be revised over time, as appropriate, to reflect current development trends.” (Staff Report, p. 5.)
- The proposed revisions to the BLHSP are “intended to generate economic growth in the area.” (Staff Report, p. 22.)

The above-noted substantial evidence is not “speculative and dubious” as Chair Williams contends, but is exactly the type of evidence that CEQA requires for decisionmakers to determine that the unavoidable environmental impact of a project are “acceptable.” (CEQA Guidelines, § 15093(a) [decisionmakers must balance the “economic, legal, social, technological” and “other benefits” of a proposed project against its unavoidable environmental risks to determine whether these unavoidable impacts may be considered “acceptable”].)

Despite the Chair’s baseless assertions regarding County staff’s findings on Project benefits, his own arguments are based on unsubstantiated opinion. (See e.g., CEQA Guidelines, § 15384 [argument, speculation, and unsubstantiated opinion do not constitute substantial evidence].) Whereas the Project’s benefits to housing, economic growth, and transportation circulation are well-documented by substantial evidence in the record—i.e., by the inclusion of “facts, reasonable assumptions based upon facts, and expert opinion supported by facts” (CEQA Guidelines, § 15384(b))—Chair Williams’ baseless assertions are not.

The Project’s Consistency with the General Plan is Supported by Substantial Evidence

Without citing to any evidence, Chair Williams asserts that the Project is inconsistent with the General Plan and the “County’s own Vision Statement for managed growth and community development.” However, Chair Williams’ “opinion” on the Project’s level of compliance is highly-subjective, speculative, and fails to show exactly how the Project obstructs the attainment of any of General Plan goals or objectives he cites. (See *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1562-1563 [an action is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their obtainment]; see also CEQA Guidelines, § 15384 [argument, speculation, and unsubstantiated opinion do not constitute substantial evidence].)

Despite Chair Williams’ exceedingly rigid stance on General Plan consistency requirements, it is well-established that “perfect conformity” is not required and the standard by which consistency is judged is highly deferential to decisionmakers. (*Sequoiah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 717 [decisionmakers’ consistency determination comes with a “strong presumption of regularity”].) Regardless, the record here shows that County staff’s consistency determination, along with the consistency analysis contained in the DEIR, are supported by ample substantial evidence before the Board:

- Pursuant to Board of Supervisors (BOS) Policy J-6, the Project went through a Conceptual Review Process, which was brought to the BOS for review on September 28, 2021, after which staff tentatively determined that a number of components of the Project were consistent with the General Plan. (See Staff Report, pp. 5-6; see Staff Memo, Exhibit M (DEIR), p. 470.)
- See DEIR 4.8 Land Use and Planning/Population and Housing Chapter, determining that the Project would not have any environmental impacts due to impacts with any land use plan. (See generally Staff Memo, Exhibit M, pp. 463-484.)

- See DEIR Appendix N—El Dorado County General Plan, BLHSP, & El Dorado County LAFCO Policy Consistency Table. (See generally Staff Memo, Exhibit P, pp. 966-1014.)
- See Staff Report Consistency Analysis where staff determines the Project is consistent with Community Region policies in the General Plan including the Project site's location at the intersection of major transportation corridors; inclusion of mixed uses; and that the Project was consistent with the General Plan's Housing Element and "specifically implements several policies from the Housing Element." (Staff Report, pp. 18-21.)

It is precisely this substantial evidence before the Board that informed County staff's General Plan Findings when they determined, among other things, that:

- The Project provides "a full-range of uses to serve existing and future residents and visitors of El Dorado County." (Findings, p. 2.)
- The BLHSP may incorporate additional land use designations at the project site, for near-term development" of the Project because "all proposed land use changes would be consistent with the Community Region concept area consistency matrix." (Findings, p. 2.)
- The Project provides a "full range of land uses that will distribute growth and development in a manner that maintains the rural character of the County, utilizes infrastructure in an efficient, cost-effective manner to serve existing and future residents and visitors of El Dorado County." (Findings, p. 3.)
- "The Project Development Area includes a hotel and event center which would benefit economic development and public welfare." (Findings, p. 3.)
- The Project "would maintain compatibility with the surrounding area, which is also being developed consistent with the Bass Lake Hills Specific Plan (BLHSP)." (Findings, p. 4.)
- "Although the hotel component may attract a regional clientele, the event center, museum, and commercial components are intended to serve the local community." (Findings, p. 5.)
- "A Transportation Impact Study was prepared by T.KEAR for the proposed project and the LOS is anticipated to remain at acceptable levels consistent with this General Plan policy." (Findings, p. 5.)
- "A Transportation Impact Study was prepared for the proposed project and DOT has required the necessary improvements as Conditions of Approval." (Findings, p. 6.)
- "The project had technical reports conducted for emergency evacuations, wastewater, storm drainage, hydrology, utilities, among others to determine adequacy of service. In addition, the proposed project includes a Revision to the BLHSP Public Facilities Financing Plan (PFFP), which sets forth the strategy to finance the backbone infrastructure and other public facilities required to serve the proposed land uses in the BLHSP." (Findings, p. 6.)

County staff's comprehensive findings on the Project's consistency with the General Plan show that Chair Williams' "opinion" with regard to the Project consistency with the General Plan is entirely speculative and not based on any evidence whatsoever.

The Project is Consistent with the BLHSP

Chair Williams baldly asserts, without citing to any evidence, that the Project is inconsistent with the BLHSP. However, as with County staff's determination that the Project is consistent with the General Plan, staff's determination is supported by ample substantial evidence in the record. For instance:

- As noted above, the DEIR analyzed the Project's consistency with the requirements of the BLHSP and determined there would be no significant and unavoidable environmental impacts due to conflicts with the BLHSP. (See generally Staff Memo, Exhibit M, pp. 463-484; Staff Memo, Exhibit P, pp. 966-1014.)
- The Project was designed to meet the open space requirements of the BLHSP. For instance, the "Project Development Area includes 4.4 acres of open space" in the form of existing drainage in the area, and the proposed cottages "have been clustered around the existing drainage to preserve this natural feature." (Staff Report, p. 23.) Also, the "Program Study Area includes 3.4 acres of open space." (Ibid.)
- Building materials and colors for the Project were specially designed to minimize the contrast with the surrounding areas, in furtherance of BLHSP requirements. (See Staff Report, p. 23.)

Again, it is exactly this type of substantial evidence in the record that County staff used to determine that the Project will be consistent with the BLHSP. (See Findings, pp. 8-11.)

Further, as noted by one Planning Commissioner, "it makes sense, from a planning perspective to locate mixed-use projects next to major transportation corridors, where vehicles can easily access the project and get on and off the freeway." (Staff Memo, p. 5.) Moreover, revisions to the BLHSP are intended to promote economic growth in the area—an important benefit of the Project. (Staff Report, p. 22.) Some Commissioners also recognized that the BLHSP was outdated and "things change over time, including land use patterns," suggesting that the BLHSP should be considered a "living document" that may be revised over time, as appropriate, to "reflect current development trends." (Ibid.) These statements not only reflect a responsible and non-controversial approach to land use planning, they also reflect the thoughtful way in which the applicant team, County staff, and some Commissioners have approached the changes that approval of the BLHSP will bring to the area.

Provision of Public Services for the Project has been Thoroughly Analyzed and Addressed

Finally, Chair Williams raises a number of ostensibly "unresolved, issues, questions and concerns" about the Project that are (1) duplicative of issues previously raised in his letter, (2) unsubstantiated opinions without any citation to evidence, (3) directly contradicted by evidence in the record, and/or (4) conditions that are not tied to any statutory requirement or County policy. Specifically, Chair Williams alleges that the "proposal lacks verified water, fire safety plans, school and law enforcement impact analysis, and equitable treatment of adjacent

communities like Cameron Park.” All of the Chair’s allegations are directly addressed and contradicted by evidence in the record. With regard to water services:

- “The project includes connection to EID water and sewer services. A Facilities Improvement Letter (FIL) identifies water and sewage availability. Therefore, adequate public services and utilities are available to serve the proposed project.” (Findings, p. 6.)
- The EIR conducted a Water Supply Assessment (WSA) of the Project that determined EID has sufficient water supplies “to meet future demands in all conditions and EID’s Board adopted the WSA as adequate on October 10, 2023.” (FEIR, p. 2-68.)
- The WSA was based on the latest water supply information from EID, which was EID’s 2020 Urban Water Management Plan (UMWP). (FEIR, p. 2-69; see Staff Report, p. 16.)
- Water and Sewer services were verified by the EID FIL No. DS0223-048 dated February 24, 2023. (Staff Report, p. 16.)
- The EID FIL states that, as of January 1, 2022, there are 11,414 EDUs of available water supply.
- With regard to sewer service, the FIL states that “sewer service in this region will require construction of a new gravity trunk main.” The new trunk main is a planned improvement identified in the BLHSP for which the Project has prepared and submitted a specific preliminary design of the sewer main consistent with the BLHSP.
- The application for annexation into the EID occurs after the EIR is certified and the project is approved. The certified EIR is the document that is used to support the annexation application.
- With regard to sewer infrastructure improvements, the FEIR analyzes potential impacts in Chapter 4.13, Utilities and Service Systems. (See FEIR, p. 2-69.) Any future development in the Program Study Area will prepare an initial study, and if it reveals significant environmental impacts beyond those previously analyzed, then further environmental review of these impacts will be required.

With regard to wildfire and potential Project impacts on fire safety plans:

- Although a Wildland Fire Safe Plan (WFSP) for the Project is not required because the Project is in a “Moderate Fire Severity Zone within a CAL FIRE Responsibility Area,” requirements from EDHFD are included as standard Conditions of Approval. (Staff Report, p. 28.)
- The EIR for the Project “include[s] Mitigation Measure 4.14-2, which requires the preparation and submittal of a Vegetation Management Plan (VMP) as part of the Improvement Plan process for review and approval by CAL FIRE, EDHFD, and the El Dorado Planning and Building Department.” (Staff Report, p. 28.)
- “EDHFS is requiring an Emergency Vehicle Hybrid Beacon (EVHB) device” to be provided on Bass Lake Road and EDHFD Fire Station 86 to provide safe emergency responding ingress/egress. (Staff Report, p. 28.)
- “The project had technical reports conducted for emergency evacuations, wastewater, storm drainage, hydrology, utilities, among others to determine adequacy of service. In

addition, the proposed project includes a Revision to the BLHSP Public Facilities Financing Plan (PFFP), which sets forth the strategy to finance the backbone infrastructure and other public facilities required to serve the proposed land uses in the BLHSP.” (Findings, p. 6.)

- The DEIR fully analyzed the Project impacts on wildfire and whether it would have significant impacts on emergency evacuation in the area and determined that it would not. (Staff Memo, Exhibit M, pp. 666-705.)
- The Project is expected to contribute \$312,000 annually to the EDHFD. (Staff Report, p. 24.)

With regard to Project impacts on schools and law enforcement services:

- Potential impacts were fully analyzed in the DEIR, which determined that the Project would have less than significant impacts on both. (Staff Memo, Exhibit M, pp. 549-574.)
- Further, the “El Dorado County Sheriff’s Department has reviewed the proposed project and has noted the ability of the department to provide protection services” and Conditions of Approval have been included to ensure compliance General Plan policies in this regard. (Findings, p. 8.)

Finally, regarding Chair Williams’ concerns about the “equitable fiscal treatment of” the Cameron Park Community Services District (CPCSD), no portion of the Project is within CPCSD, nor within CPCSD’s sphere of influence. In fact, the Project is entirely within the boundaries of the EDHCSD and is therefore required to pay impact fees to EDHCSD, which has specific needs that have been analyzed in the Project’s EIR and are addressed by conditions of approval for the Project. There is no legal mechanism for districts to share fees and the County has no requirement or policies that would allow or mandate mitigation or conditions of approval of project not within a community services boundary. (See Gov. Code, § 56133(e) [no extended services outside of jurisdictional boundary where “service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider”].) This fact was made evident to Chair Williams both before and during the Planning Commission meeting, yet he continues to disregard the facts, County policies, and legal requirements.

The Chair’s Opinion of the Project Appears to Have Been Predetermined.

As noted above, the County has no provision in its Code authorizing a “minority report” from a Planning Commissioner or any other advisory board member. Chair Williams’ decision to provide his report appears to be an attempt to undermine the legitimate public process undertaken by the County for the Project. From the very outset of the Project hearing, the Chair suggested that the item should be held over until the second day several times, despite not having any substantive questions to ask of County staff with respect to its review and analysis of the Project. His attempt to stall the proceeding, even before County staff and the applicant had provided their presentation and before any public testimony, reflects what the applicant team can only assume was a predetermination to vote against the Project, regardless of the evidence and testimony submitted to the Commission.

Conclusion

All things considered, the applicant team is both disappointed and deeply concerned with the propriety of the highly unusual comments Chair Williams has submitted to the Board “independent” of his role as Planning Commission Chair—both for his letter’s lack of substance and, more importantly, for his apparent willingness to undermine the procedural and substantive determination of the majority of the Planning Commission, who carefully considered all the issues presented before making its decision to recommend the Project to the Board. Even more concerning is Chair Williams’ total disregard for County staff and its environmental consultants’ findings and determinations, which were the result of years of hard work and diligent preparation. We believe the Board should disregard Chair Williams’ comments, as they lack validity and seem to have been presented with the express purpose of de-legitimizing the Planning Commission’s determination to recommend approval of the Project.

Respectfully,

A handwritten signature in black ink, appearing to read 'ARH', with a horizontal line drawn underneath it.

Amy R. Higuera
STOEL RIVES LLP



Outlook

Proposed Town and Country Village Project

From Elizabeth harris <harris.liz@hotmail.com>

Date Mon 10/27/2025 12:30 PM

To BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>

Cc Christopher Harris <harris.christopher59@outlook.com>; BOS-Clerk of the Board <edc.cob@edcgov.us>

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Good Afternoon El Dorado County Board of Supervisors,

I am resending a letter my husband and I prepared in response to The Town and Country Village El Dorado project that is being proposed on Bass Lake Road in El Dorado Hills, for your review and consideration when evaluating the project. It was initially sent in August, 2023 to the prior board of supervisors. You will find that I made a note of signage being added to the site notifying residents of the proposed project and I do understand that some signage was added to the site this summer (2025). Based on conversations I have recently had with neighbors, friends, and other residents of El Dorado Hills, the mention of the proposed project is still news to many.

I appreciate your time in reading the enclosed letter.

Respectfully,

Elizabeth Harris & Christopher Harris
219 Zenaida Court, El Dorado Hills

August 17, 2023

Members of the Board of Supervisors
County of El Dorado
330 Fair Lane, Building A
Placerville, CA 95667

To Chairman and Members,

Our family recently learned of the proposed zoning change adjacent to HWY 50 off on Bass Lake Road for The Town and Country Village El Dorado project which is a large hotel with event center and multi-family housing. We would like to express our concerns regarding the project for your consideration. Our family lives in a single-family home off of Bass Lake Road. The proposed project would completely change the landscape of this quiet and rural area exhibited in this part of El Dorado Hills, which we consider an ideal place to raise our family.

Bass Lake Road is zoned as low-density housing, with only single-family homes. The exception is the small shopping center with Safeway as the anchor, where all of the commercial buildings are single-story structures. The town center on White Rock Road, which is a more suitable location for a project of this scale, does not currently have a 5-story structure, thus does not make reasonable sense to build one in a rural area, especially one so far from mass transit routes, such as light rail, bus routes, etc. A project of this caliber would open the door to other development of this magnitude to move in, further diminishing the country lifestyle which has made El Dorado Hills a desirable community.

We don't see that this project has the goal of creating long term jobs for local residents. Half of the cottages proposed are to house employees, implying hotel jobs will not be created for locals, but for seasonal employees that are outside of driving distances. El Dorado Hills is not a tourist attraction or a resort town. The proposed hotel development's sole purpose is to be one, and it bears costs and risks.

The influx of people drawn to the hotel and event center will increase crime, traffic, and decrease property value. The increased traffic would not be isolated from HWY 50 to County Club Drive on Bass Lake Road, which is all that is assumed in the project proposal. The county would be burdened with the cost to widen the remainder of Bass Lake Road sooner than necessary, which are expenses the county should consider when evaluating this project. Transient lodging of this scale should remain where land is currently zoned to receive it, adjacent to metropolitan areas near currently available mass transit. This does not belong within our small and quiet hillside community.

We believe this project has not been properly advertised to the community. Many of our neighbors are hearing about it for the first time through conversations with our family. If the county does not currently require signage to be placed on property where development is proposed, with upcoming hearing dates and project description, we urge the county to incorporate this into their county requirements. As elected officials of our community please help to deny the zoning change to preserve our rural community. Thank you for your time a consideration.

Respectfully,

Christopher and Elizabeth Harris, Residents of El Dorado Hills

Support for Town & Country Village El Dorado

From Emily Idleman <emily@boldmediacomms.com>

Date Mon 10/27/2025 2:45 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

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Dear Members of the El Dorado County Board of Supervisors,

I am writing as a business owner and resident of El Dorado County to respectfully express my support for the Town & Country Village El Dorado project.

I believe this project offers a thoughtful balance of preserving our local history and natural spaces while creating meaningful benefits for our community. The inclusion of a public museum celebrating El Dorado County's heritage, the preservation of the oak grove and public trails, and opportunities for locally owned shops, dining, and community gathering make this more than a development — it is an investment in our identity and future.

Additionally, the project will generate local jobs and provide long-term revenue to support essential county services, which is especially important as the County manages current budget pressures.

For years, we have said no to developers because they don't "fit" El Dorado County and they are trying to erase some part of our community. The Mohanna family has been local to our county for decades. Mr. Mohanna has a deep appreciation and knowledge of our county's rich history and is doing what many of us have been asking developers for years - preserve it. The amount of detail in his project proposal is evident of that. Additionally, the dining restaurants included in this project will use local resources - farms, wineries, etc. to support its business. How can we say no to locals supporting locals?

Furthermore, El Dorado County severely lacks hotel space for travelers. The one motel in Cameron Park was riddled with drugs and crime, leaving the Best Western in Placerville as the only option until you reach Folsom or South Lake Tahoe. The Best Western lacks appeal for similar reasons to the one that was in Cameron Park. Tourism is important for our local economy and businesses, the county should be willing to further support them with this development.

I understand the expansion of Bass Lake Road is another issue holding up full support. To be fair to Mr. Mohanna and his project, the expansion was supposed to be part of projects that went on in that area in 1980 and 1990, but was never followed through by the developers or Board of Supervisors at those times. I do not think it is fair to expect Mr. Mohanna to pay for the lack of follow through by previous developers and administration. Fair would be to expect him to make a contribution to that project, while also expecting the proposed housing development to make significant contribution as well.

Thank you for your time, your service, and your consideration of this community-focused project.

Respectfully,

Emily Idleman

Chief Executive Officer
Bold Communications

(530) 205-3570

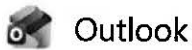
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Outlook

Town & Country Village El Dorado SP-R21-0001, PD-R19-0003, TM22-0005, PD21-0005, SP-R21-0002 Z21-0013 - EDC Board of Supervisors Public Hearing October 28, 2025

From El Dorado Hills Area Planning Advisory Committee <info@edhapac.org>

Date Mon 10/27/2025 12:18 PM

To Ande Flower <Ande.Flower@edcgov.us>; BOS-Clerk of the Board <edc.cob@edcgov.us>; BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>; Planning Department <planning@edcgov.us>

Cc Joe H. Harn <joe.harn@edcgov.us>; Rafael Martinez <Rafael.Martinez@edcgov.us>; Karen L. Garner <Karen.L.Garner@edcgov.us>

 3 attachments (1,014 KB)

EDH APAC Findings_ Town & Country Village El Dorado Oct 28 2025 BOS.pdf; Exhibit 1 - applicant APAC Response letter.pdf; EDH APAC Findings_ Town & Country Village El Dorado.pdf;

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Hello,

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to submit the following public comments to the Board of Supervisors in advance of your public hearing to consider the **Town & Country Village El Dorado Project, SP-R21-0001, PD-R19-0003, TM22-0005, PD21-0005, SP-R21-0002 Z21-0013**.

EDH APAC has spent several years, and numerous meetings reviewing the proposed project. We'd like to extend our thanks to the applicant for their commitment to engagement in the El Dorado Hills community, as well as to the Planning Staff, and the Planning Commission as they reviewed both the project, and our findings and recommendations.

Attached:

EDH APAC Findings: Town & Country Village El Dorado Oct 28 2025 BOS

Applicant Response To EDH APAC findings

EDH APAC Planning Commission Public Comments Oct 4, 2025

El Dorado Hills Area Planning Advisory Committee <https://edhapac.org>

"Non-Partisan Volunteers Planning Our Future Since 1981" 1021 Harvard Way, El Dorado Hills, CA 95762



EDH APAC 2025 Officers

John Davey, Chair jdavey@daveygroup.net

John Raslear, Vice Chair jrazzpub@sbcglobal.net

Timothy White, Vice Chair tjwhitejd@gmail.com

Brooke Washburn, Vice Chair Washburn_bew@yahoo.com

Bill Jamaca, Secretary bjamaca@gmail.com

Monday October 27, 2025

El Dorado County Board of Supervisors

330 Fair Lane

Placerville, CA 95667

ATTN: Clerk of the Board

RE: Town & Country Village El Dorado SP-R21-0001, PD-R19-0003, TM22-0005, PD21-0005,
SP-R21-0002 Z21-0013

Chair, and Members of the Board of Supervisors,

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to offer the following Project Review Findings regarding the Town & Country Village El Dorado project completed by the EDH APAC Town & Country Village El Dorado subcommittee.

EDH APAC has benefited from a tremendous amount of engagement and outreach from the project applicant, which includes more than seven years of ongoing communication. This is unique among most development projects proposed for El Dorado Hills, and our volunteer committee feels that we have enjoyed a very collaborative process as the project has progressed. In the past several years this has also included numerous meetings, discussions, and communications with EDH APAC officers, as well as multiple public discussions at EDH APAC meetings attended by community members.

Additionally, EDH APAC appreciates the significant outreach that the applicant has made in the community, in El Dorado Hills, and pointedly in the Bass Lake Community.

EDH APAC would request that as the project moves forward towards entitlements and approvals, that any Conditions of Approval be required to have identified and enforceable timelines, and oversight management in place.

Our Subcommittee findings for Conditional Support were previously submitted to the El Dorado County Planning Commission for their September 10, 2025 hearing for the Town & Country Village El Dorado Project. The project applicant provided a very well organized response to the EDH APAC Subcommittee Findings (attached Exhibit 1)

In the Project Review Findings below, "EDH APAC" refers to our Town & Country Village El Dorado subcommittee volunteers. These findings were approved by voting members of EDH

APAC at our October 22, 2025 public meeting, six members in support, and one member opposed.

MEMBER	SUPPORT	OPPOSED
Kniffen-Jennings	✓	
Knox	✓	
Campbell		✓
Jamaca	✓	
Raslear	✓	
White	✓	
Davey	✓	

EDH APAC Member Linda Campbell, in opposition to the finding of Conditional support, shared the following concerns:

1. Concerned about the project's alignment with the general plan.
2. Concerned that the project is in conflict with the Bass Lake Hills Specific Plan, and its intent.
3. The removal of open space that was intended to be a separation/ buffer between the El Dorado Hills community region, and the Cameron Park community region, and to maintain a semblance of the rural nature of both regions. The separation/buffer between the communities has a significant value that will be lost and unrecoverable with the project.
4. Observed that a statement by Commissioners at the September 10th Planning Commission hearing was that it now seems that "we plan based on specific plans." This is not accurate. The TCVED project is a discretionary project.
5. The County suffers from broken promises and ever-changing development plans, and development agreements, post project entitlements and approvals over the span of many years. What was intended in the original entitlements seems to be forgotten over time.
6. Concerned about the Program Study area - it seems vague and unknown.
7. Very Concerned about the inadequacies of evacuation routes - which are limited to Bass Lake Road, and Country Club Drive, the only connector roads in the project area.

Development Services Staff Report Concerns

1. Deferred CEQA Analysis and Public Review

The staff report acknowledges the split of the project into a "Project Development Area" and a "Program Study Area." While it states that the EIR analyzed the Program Study Area at a "program level," it also notes that if future development is consistent with the EIR's assumptions, "further CEQA analysis may not be required." This is a significant concern because it implies that a substantial portion of the project (30.41 acres) has been conceptually approved with a one-time environmental review, even though specific plans have not been meaningfully vetted by the public. This could limit future opportunities for detailed review of potential impacts from the 352 multifamily residential units, 200 mixed-use multifamily units, and 150 senior housing units proposed for this area.

A - Staff Report Concerns

1. Inconsistent statements regarding potential SB35 applicability

On page 10 of the "A Staff Report" exhibit, under Future Development:

- Statement: "The project site is not currently designated as a census Urban Area, which means that until and unless such a designation occurs at this location, no future project in the Program Study Area could be determined eligible for any housing-focused state streamlining, such as SB 35."
- HOWEVER, in the BOS meeting on August 26, 2025 under item 25-1408 staff specifically said "they map the urban areas referenced in SB35 to our Community Regions, since they most closely correspond to their opportunity map of resource areas".
- Result: Once this project is moved into the community region, it will in fact be considered an option for state streamlined housing projects.

EDH APAC recommends aligning these two opposing concepts, to clarify for the community the applicability of *any* the project parcels for potential SB35 development opportunities, if the Community Region Boundary is modified to include the Project Development Area and Program Study Area.

Concerns with the Final Environmental Impact Report

1. FEIR Responses to EDH APAC DEIR Concerns

Based on our review of the Final Environmental Impact Report (FEIR), specifically the responses to comments 4-19 through 4-26, we maintain our significant concern that the project's analysis of water and sewer infrastructure is insufficient. While the FEIR asserts that the El Dorado Irrigation District (EID) has sufficient water supply to serve the project and other planned developments, it fails to provide adequate detail on the capacity of the *physical infrastructure* required to deliver that water and treat the wastewater.

The FEIR's conclusion relies on a Water Supply Assessment (WSA) that references the EID's 2020 Urban Water Management Plan (UWMP). This plan is now five years old, and a more current analysis should be provided to account for cumulative impacts, including the significant proposed developments of 3,200 residential units of The Village of Marble Valley Specific Plan, and the 800 residential units of the Lime Rock Valley Specific Plan. Without a robust and updated analysis, there is a substantial risk that the burden of funding the necessary capital improvement programs for water delivery and wastewater treatment will fall disproportionately on existing EID ratepayers, rather than being fully funded by the new developments that necessitate the upgrades.

A separate, yet critical, concern is the lack of a clear, public timeline for the necessary **EI Dorado Local Agency Formation Commission (LAFCO)** annexation of the property into EID's service area. This ambiguity raises the possibility of the project applicant seeking approval for a temporary or interim septic solution, which we believe is an unacceptable approach that could lead to unforeseen environmental and public health issues and should be avoided entirely.

2. Transportation and Circulation Impact Analysis

The Town & Country Village El Dorado project applicant committed to completing a very robust super-cumulative traffic impact analysis, which factored in several other large proposed projects in El Dorado Hills, adjacent to the Bass Lake area. EDH APAC appreciates the efforts of the applicant to provide a more comprehensive TIA than required. This super-cumulative TIA provides much greater detail and insight to the transportation and circulation impacts beyond just the Town & Country Village El Dorado project.

The unusually high amount, and significant density changes in the project area being processed for multiple projects for entitlements in the same compressed time frame justifies such a cumulative review:

CEQA states that past, present, and probable future projects, whether they are exempt from CEQA or not, must be considered when evaluating cumulative effect

California Unions for Reliable Energy v. Mojave Desert Air Quality Management District (2009)
178 Cal.App.4th 1225

[Cal. Code Regs. Tit. 14, § 15130 - Discussion of Cumulative Impacts](#)

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents, including, but not limited to, general plans, specific plans, regional transportation plans, plans for the reduction of greenhouse gas emissions, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

EDH APAC believes that cumulative impacts for all projects being processed must be subject to analysis and consideration.

Concerns with Conditions of Approval

1. Phased Development and Deferred Entitlements

The most significant concern lies in the approach to the **Project Development Area** and **Program Study Area**. Condition #3, "Future Planned Development Permit," states that any future development in the Program Study Area will require a separate Planned Development Permit. While this seems to provide for a future review, the overall approval of the EIR and the Rezone (Z21-0013) effectively grants a high level of entitlement for the future uses. The staff report notes that if future submittals are "consistent with assumptions in the Town & Country Village El Dorado EIR, further CEQA analysis may not be required." This phrasing could make it difficult for the public to meaningfully influence or review future projects in the Program Study Area, as the core environmental and land use decisions will have already been made.

2. Indemnity and Litigation Exposure

Condition #5, the Indemnity clause, is a significant point of concern. It requires the developer and landowner to "defend, indemnify, and hold harmless" the County from any legal action

challenging the project approval. This is not unusual, but the addition that this applies to a challenge of the **Employee Housing Program** specifically highlights that the County anticipates potential legal exposure on this point. It's a clear signal from the County's legal team that they foresee litigation as a risk for the project, particularly regarding the novel employee housing program.

3. Timing and Funding of Infrastructure Improvements

Several conditions regarding traffic and infrastructure improvements use conditional or vague language.

- **Bass Lake Road Widening:** Condition #34.a.i states that the widening of Bass Lake Road "shall be completed prior to issuing the certificate of occupancy for the first building." While this is a strong condition, the language "may be eligible for reimbursement through the County's Traffic Impact Fee Program" introduces a potential financial risk to the applicant, which could create a point of contention if the TIF funds are not sufficient.
- **Bass Lake Road/Hawk View Road Signal:** Condition #34.b.i requires the signalization "prior to development levels in the project site that would require the improvement." This language is not a hard deadline and could be open to interpretation, potentially delaying a crucial traffic mitigation measure until significant impacts have already occurred.
- **Off-site Improvements:** Condition #36 requires the developer to enter an agreement with the County to acquire land for off-site improvements if they cannot secure it themselves. While this provides a mechanism for action, it shifts the burden of a potentially lengthy and costly process to the developer, which could lead to project delays or abandonment if the process becomes too complex.

4. Perpetual Maintenance of Infrastructure

Conditions related to maintenance of private roads and common areas warrant close scrutiny.

- **Maintenance Entity:** Condition #38 requires the formation of a maintenance entity or joining an existing one for the maintenance of "public and private roads and drainage facilities." It also states that the County will reject the offers of dedication for these roads and that a maintenance entity "shall be created and funded." This places the long-term responsibility and financial burden of maintaining these public-use roads and facilities on the residents or a private entity, rather than the County.
- **Common Fence/Wall Maintenance:** Condition #39 places the responsibility for maintenance on the Covenants, Codes, and Restrictions (CC&Rs) of a future Homeowner's Association (HOA). This is standard for HOAs but ensures the financial and logistical responsibility for these structures remains with the future property owners, not the developer or the County.

5. Public Notification and Transparency

The conditions do not explicitly require ongoing public notification for future phases of the Program Study Area, outside of the standard public hearing for a Planned Development Permit. Given the scale of the project and the community's engagement, a condition requiring specific, proactive outreach for future phases could be beneficial. The current framework relies on the public to actively monitor a future, undefined application process.

- *This space intentionally left blank* -

EDH APAC Finding of Conditional Support

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) conditionally supports the Town & Country Village El Dorado project based on its potential to provide a better use of the property than previous zoning allowed. The project offers a mix of uses, including tourist services, employee housing, and a future "village center" concept that aligns with the Community Region designation. However, the committee has significant concerns regarding the project's two-tiered review process and its long-term impacts, particularly as defined by the proposed Conditions of Approval. These concerns must be addressed through the following recommendations to the County Planning Commission.

Recommended Modifications and Mitigations

EDH APAC recommends that the Planning Commission adopt the following conditions and modifications to ensure the project's development proceeds responsibly and transparently.

1. Transportation and Circulation Improvements

We recommend that all required improvements to **Bass Lake Road** be constructed either **prior to or concurrent with** the issuance of a certificate of occupancy for the first building. This includes the widening of Bass Lake Road to four lanes and the installation of an Emergency Vehicle Hybrid Beacon (EVHB) at the Bass Lake Road and EDHFD Fire Station 86 intersection. We are concerned that the current condition for the signalization at **Bass Lake Road/Hawk View Road** is too vague, relying on an undefined "development level" to trigger the improvement. We recommend that the timing of this critical improvement be more clearly defined and tied to either specific ADT metrics, LOS data, or a specific phase of development to ensure it is not indefinitely delayed.

We also question the amended PFFP II **PUBLIC IMPROVEMENTS** list that indicates **4. Ancillary Facilities a. Park & Ride (100 Vehicle Finished)**. The amended PFFP is unclear if it is just listing the completed 100 vehicle Park & Ride facility as portion of the Public Improvements, or if the amended PFFP is removing the requirement to complete an additional 100 vehicle parking spaces - the original BLHSP PFFP first amended in 2016 included a Park & Ride facility for 200 Vehicles in two phases. This was intended not just to serve the El Dorado Transit commuter bus service, but also as a Park & Ride facility for Car Pool users, and as a parking facility for BLHSP trail users. Retroactively reducing the prior approved 200 Vehicle Park & Ride facility to the completed 100 units violates the original intent of the 1996 BLHSP, and the amended 2016 BLHSP PFFP. As it stands, in November 2020, the Developer of the approved BLHSP Phase 2 residential project "Bass Lake North" requested that their BLHSP PHASE 2 requirement to construct 100 of the of 200 Vehicle parking stalls be reduced to 50 parking stalls due to 'costs'. The Planning Commission heard this matter in a public hearing on November 12, 2020, and rejected the request, requiring that the Bass Lake North project fully construct the required initial 100 parking stalls. The Developer then appealed this Planning Commission decision to the Board of Supervisors, which rejected the appeal. The unique

approach of the BLHSP PFFP was that it sought to front load public improvements from Phase 1, Phase 1A and Phase 2 projects, with the opportunity for these costs to be reimbursed by future projects. Modifying the BLHSP PFFP to remove required Public Improvements does not make the PFFP better, it would fundamentally weaken the BLHSP PFFP, counter to its intended purpose. To wit, in July 2024, when El Dorado Transit opened the constructed 100 Vehicle Park & Ride facility, they then chose to close an existing nearby Park & Ride facility in Cameron Park - instead of adding more Park & Ride vehicle capacity with the opening of the Bass Lake Road Park & Ride facility, El Dorado Transit undercut the intent of the BLHSP PFFP by removing existing Park & Ride spaces in Cameron Park - essentially addition via subtraction. With the Town & Country Village El Dorado project's admired and valuable commitment to improving public trails, and preserving historic trails to add to the community's public trail system, reducing the approved 2016 PFFP requirement for 200 units of parking stalls to the 2024 completed 100 units of parking stalls short changes the community.

2. Entire Site Inclusion in Community Region

EDH APAC agrees with the General Plan Amendment (GPA) that modifies the Community Region boundary to include the entire 60.5-acre project site. This ensures that the entirety of the project, including the Project Development Area and the Program Study Area, is consistently aligned with the objectives of a denser, mixed-use community, and is a better land use than the previously zoned 10-acre residential estates.

3. Rigorous Public Facilities Financing Plan (PFFP)

EDH APAC recommends that the project's Public Facilities Financing Plan (PFFP) be implemented with a rigorous, front-loaded approach to ensure improvements and mitigations are in place **prior to** the creation of any impacts. The developer should be held to strict adherence to the updated PFFP and its updated Capital Improvement Program (CIP). We are concerned with the language in the Conditions of Approval regarding the formation of a **maintenance entity** for public and private roads and drainage facilities, as it places the long-term financial burden on a private entity or future projects rather than the County. The PFFP should clearly define the mechanisms for long-term maintenance funding to ensure sustainability.

4. PFFP Lack of Pre-Approved Financial Terms

The Public Facilities Finance Plan states that the specific terms for "credit and reimbursement agreements will be subject to future negotiations between the developer, County, and other applicable agencies." This lack of concrete, pre-approved financial terms is a major concern. It introduces significant **financial uncertainty** and could lead to future disputes or delays in funding and completing essential public infrastructure. EDH APAC recommends that a more definitive financial agreement be established prior to the project's approval to protect both the public and the developer from future financial risk and implementation delays.

5. Concerns Regarding the Two-Tiered Review Approach

EDH APAC is deeply concerned about the unique approach of the two-tiered review process, which divides the project into a **Project Development Area** and a **Program Study Area**. We find this approach to be "piece-meal" and potentially a way to avoid the intent of the California Environmental Quality Act (CEQA). The language in the staff report, which suggests future CEQA analysis "may not be required" for the Program Study Area if it's consistent with the EIR's assumptions, raises significant concern, as these are subjective standards, where only objective standards should apply. This novelty risks exposing both the project and the County to potential litigation by appearing to grant entitlements for the Program Study Area without the same level of detailed, project-specific public and governmental review as the Project Development Area. Objective standards should be crafted to ensure compliance with the EIR's assumptions.

6. Future Review of the Program Study Area (Subcommittee Findings)

EDH APAC recommends that the future review of any projects within the Program Study Area be subject to a **rigorous and deep review**, particularly concerning transportation and circulation impacts. While the EIR included a program-level analysis of this area, the focus of public discussion has been solely on the hotel project and related amenities of the Project Development Area. The Planned Development Permit (-PD) for the Program Study Area should not be considered a "fast track" or "rubber stamp" for full buildout. It must be a starting point for a comprehensive review and analysis of future development proposals, ensuring that all subsequent phases are transparently vetted. We recommend that the conditions of approval require **proactive, defined public outreach** for any future projects in the Program Study Area, as the current process relies on the public to monitor for future, undefined applications.

***6A. Amended at October 22, 2025 EDH APAC Meeting by EDH APAC VOTE**

Our review focused on the project area, with only very high-level visibility into the potential Program Study Area development. EDH APAC recommends that all future Program Study Area development go through the full Planning Commission and Board of Supervisor review process. This should be memorialized as a condition of approval.

7. Water and Sewer Infrastructure Funding and Capacity Assessment

To address our concerns and ensure the project moves forward responsibly, we recommend the following mitigation measures be adopted:

- A. **Updated Water and Wastewater Capacity Assessment** The County should encourage the El Dorado Irrigation District (EID) to either update its **Urban Water Management Plan (UWMP)** or complete a new, regional-scale Water and Wastewater Capacity Assessment. This assessment must specifically analyze the cumulative impacts of the Town & Country Village El Dorado project, the Village of Marble Valley Specific Plan, and the Lime Rock Valley Specific Plan on the existing water delivery and wastewater treatment infrastructure. The findings should be used to confirm that adequate physical infrastructure exists to serve all three projects concurrently and identify any necessary capital improvements.

- B. Annexation and Service Timeline** A clear and binding timeline for the LAFCO annexation of the project parcels into the EID service area shall be outlined and made public as part of the project conditions of approval. The annexation process must be completed, and the project must be connected to the EID's water and sewer systems **prior to the issuance of any building permits or certificates of occupancy.**

* A cautionary reminder - the original 1996 Bass Lake Hills Specific Plan was composed of multiple properties that required annexation into the EID service area - it took nearly a decade for these annexations to be completed. The first BLHSP project, the Phase1 Hollow Oaks, began construction in 2004/05. The next set of projects in Phase 1A, Hawk View, Bell Ranch, and Bell Woods, and Phase 2 Bass Lake North, didn't begin construction until after the original twenty year development agreement was expiring in 2016, and required a development agreement extension, a ten year tentative map extension, an update to the PFFP, an amended FEIR, and a Specific Plan amendment.

- C. Prohibition of Temporary Septic Solutions - Subcommittee findings** The use of any temporary or interim septic systems, including but not limited to on-site wastewater treatment plants, shall be **strictly prohibited**. EDH APAC strongly advocates that the project be designed and conditioned to rely exclusively on a direct, permanent connection to the El Dorado Irrigation District's wastewater treatment facilities from the outset. This will prevent potential long-term issues and uphold our community's standards for responsible development.

7. C-a* Amended at October 22, 2025 EDH APAC Meeting by EDH APAC VOTE
EDH APAC fully supports the Planning Commission recommendation of making a full sewer connection to EID Facilities a Condition of Approval for the project.

EDH APAC appreciates the opportunity to discuss, review, and provide findings on proposed development projects in El Dorado Hills.

Respectfully,

John Davey
Chair

El Dorado Hills Area Planning Advisory Committee
"Non-Partisan Volunteers Planning Our Future Since 1981"

September 9, 2025

El Dorado Planning Commission
2850 Fairlane Court, Placerville, CA 95667
ATTN: Clerk of the Planning Commission

RE: Town & Country Village El Dorado Responses to El Dorado Hills Area Planning Advisory Committee Letter

Dear Honorable Planning Commissioners:

On behalf of the entire applicant team for the Town & Country Village El Dorado project, we look forward to your consideration of the project at tomorrow's Special Meeting. We have reviewed the September 4, 2025, letter from the El Dorado Hills Area Planning Advisory Committee (EDH APAC) and appreciate the thoughtful consideration they have given in issuing their Finding of Conditional Support for the project.

As noted in the APAC letter, the applicant team has been engaged with both EDH APAC and the El Dorado Hills community for many years to design and build a project that is responsive to input from both the El Dorado Hills community and Project neighbors. In the spirit of maintaining an open, transparent process that builds dialogue around the project, we submit this letter for your consideration, to provide a response to the concerns raised by EDH APAC as part of their Finding of Conditional Support.

Deferred CEQA Analysis and Public Review

The APAC letter expresses concerns regarding the "two-tiered" review process, which divides the Project into a "Project Development Area" and a "Program Study Area." As noted in the letter, the majority of public discussion has been directed toward the project-specific environmental analysis of the hotel portion of the Project, and the letter expresses concerns that the Planned Development Permit (-PD) for the Program Study Area should be a "starting point for a comprehensive review and analysis of future development proposals." EDH APAC then goes on to recommend that the Project conditions of approval require proactive, defined public outreach for any future projects in the Program Study Area.

We agree with this recommendation.

As detailed in the Project's Final Environmental Impact Report (FEIR), evaluation of both project-level and program-level components of a project is allowable pursuant to CEQA, and there are numerous examples of lead agencies employing such an approach. (FEIR, at p. 2-62 [Response to EDH APAC Comment 4-2].) For instance, where one aspect of a project may be clearly defined, but later phases may not be sufficiently well defined to be analyzed in detail, agencies often prepare an EIR that evaluates the entire project at a "program level" and the more clearly defined aspects at a more specific "project level" of detail. This does not mean, however, that the Program Study Area would be considered a "fast track" or "rubber stamp" for full buildout. At such time as the Applicant pursues development of the Program Study Area, a Plan Development (-PD) permit application would need to be submitted to the County for review and

approval as required by El Dorado County Code section 130.28.040. As part of that process, any future project would be evaluated for consistency with the Bass Lake Hills Specific Plan and applicable zoning standards. Future development of the Program Study Area will also be examined in light of the original program EIR to determine whether an additional environmental document must be prepared. (FEIR, pp. 2-62 to 2-63;

Please see Project Conditions of Approval, Condition #3 – Future Planned Development Improvement, p. 2.)

Even though, as noted, any future development will be thoroughly vetted for new environmental impacts and consistency with local land use plans, the Applicant, in the spirit of transparency and community outreach, would be amenable to amending Condition #3 for Future Planned Development Permits or adding another condition of approval requiring any new development in the Program Study Area to submit an initial study that would be made available for public review and would consider the appropriate CEQA document for the future proposed development.

FEIR Responses to EDH APAC Water Supply and Wastewater Treatment Concerns

The letter suggests that the FEIR's responses to EDH APAC's comments did not adequately address their concerns regarding the capacity of the physical infrastructure "required to deliver water and treat the wastewater." Specifically, with the combination of other development in the area, and concerns about future annexation into the El Dorado Irrigation District ("EID"), EDH APAC anticipates there would be a risk that infrastructure improvements would be delayed or fall on existing EID ratepayers.

However, as noted in the FEIR's response to EDH APAC's comments, the EIR conducted a Water Supply Assessment of the Project that determined that the EID has sufficient water supplies "to meet future demands in all conditions and EID's Board adopted the WSA as adequate on October 10, 2023." (FEIR, p. 2-68 [Response to EDH APAC Comment 4-20].) The WSA information included in the FEIR was based on the latest water supply information from EID, which was EID's 2020 Urban Water Management Plan ("UMWP"). (FEIR, p. 2-69; see Project Staff Report, p. 16.)

With regard to sewer infrastructure improvements, the FEIR analyzes potential Project impacts to the sewer system in Chapter 4.13, Utilities and Service Systems. (See FEIR, p. 2-69 [Response to EDH APAC Comment 4-30].) Any future development of the Project in the Program Study Area will be subject to further environmental review. If an initial study reveals there will be significant environmental impacts to water supply or wastewater treatment would be cumulatively considerable with the addition of other projects that have been subsequently built in the area, then further environmental review of these impacts will be required.

With respect to concerns regarding annexation leading to the use of an interim septic solution and the need for additional expanded water and wastewater treatment, these issues were examined in the draft EIR, which contains a detailed review of these subjects. (DEIR, pp. 4.13-25 to 4.13-31.) Because the initial development of the Project will not necessarily require annexation into EID, an annexation and service timeline cannot be provided at this time. Despite

the letter's assertion that an interim septic solution "could lead to unforeseen environmental and public health issues," this statement is not supported by any facts in the record and the DEIR analyzed the environmental impacts of interim use of septic for the Project Development Area and determined based on substantial evidence that it would not result in significant environmental impacts. (DEIR, p. 4.13-31.) However, as noted above, any new significant environmental impacts identified for future development of the Program Study Area would be addressed on a project-by-project basis.

In response to the letter's concerns regarding future funding of water and wastewater infrastructure improvements, while not a CEQA issue, the Bass Lake Hills Specific Plan Public Facility Financing Plan (PFFP) is being updated by the County to address the Project's land uses and associated infrastructure costs. (FEIR, p. 2-69 [Response to EDH APAC Comment 4-30]; see generally Staff Report, Exhibit K – BLHSP Public Facilities Financing Plan.) Specifically, County staff have determined that the "PFFP has been amended to include the proposed project, which sets forth a strategy to finance the backbone infrastructure and other public facilities required to serve the proposed land uses in the BLHSP." (Project Staff Report, p. 25.) The changes to the PFFP will accomplish this through: (1) the formation of land secured financing districts; (2) development impact fees; (3) use of a plan area fee program; and (4) credit and reimbursement agreements. Among the backbone infrastructure included in the amended PFFP are provisions for both sewer and water improvements in the BLHSP area, ensuring that these improvements will not fall disproportionately on existing EID ratepayers. (Staff Report, Exhibit K – BLHSP Public Facilities Financing Plan, p. 12.)

In addition to the applicant contributing to backbone infrastructure in the BLHSP, it is important to note that the project is expected to contribute positive revenues to the County General Fund in the amount of approximately \$2.68m annually, with an estimated additional \$157,000 contributed to the El Dorado Hills Community Services District each year. (See Project Staff Report, Exhibit J – Final Fiscal Impact Analysis, pp. 7-9.)

Transportation and Circulation Improvements

As noted in the letter, the Project completed a "very robust super-cumulative traffic impacts analysis" that factored in several other planned projects in the area, providing "much greater detail and insight to the transportation and circulation impacts" beyond just the Project. EDH APAC comments that the cumulative impacts for all projects being processed must be subject to analysis and consideration. While this comment appears to be directed primarily toward other pending projects, it is important to note that the Local Transportation Analysis (LTA) prepared by T. KEAR and the DEIR analyzed all cumulative transportation impacts (DEIR Chapter 4.11, pages 4.11-29 to 4.11-31, and that the findings in these reports are supported by substantial evidence in the record.

EDH ACAP, however, does take issue with the timing and funding of traffic and infrastructure improvements that are to be implemented through Project conditions of approval. The letter asserts that Applicant eligibility for the County's Traffic Impact Fee Program (TIF) in widening Bass Lake Road as part of Condition #34.a.i may introduce financial risk to the Applicant that could create a point of contention if the TIF funds are insufficient. However, the Letter presents no facts to suggest that this is or will be the case, and the Applicant is willing to

accept the requirements set forth in Condition #34.a.i. Further, there is nothing unusual about reimbursing developers for roadway improvements, and the use of the TIF to offset these types of backbone transportation improvements has been explicitly analyzed in the proposed amended BLHSP PFFP. (See Staff Report, Exhibit K – BLHSP Public Facilities Financing Plan, pp. 8-11, 16, 19.)

The Letter also asserts that the language of Condition #34.b.i, requiring the signalization of Bass Lake Road and Hawk Lake Roads is impermissibly vague and should be tied to some sort of specific metric. The Applicant is amenable for this condition to be tied to a specific ADT metric, LOS data, or a specific phase of development as requested by EDH APAC.

Employee Housing Program Indemnity

The Letter asserts that the inclusion of an indemnity provision for the Project's planned Employee Housing Program indicates a potential litigation risk identified by the County's legal team. However, as noted in the terms of the proposed Employee Housing Program that is attached to the Project Staff Report as Exhibit L, the inclusion of such a program that provides employee housing for hotel and resort employees is not unique to this Project, but has been used for variety of similar types of uses with locations throughout California. (See Staff Report, Exhibit L – Employee Housing Program, pp. 2-3.) Further, the program will help provide much needed housing in El Dorado County which is known to have a significant shortage of "missing middle" and workforce housing as a result of the lack of statewide programs and other such projects aimed at providing these types of units. (*Id.*, p. 1.)

Conclusion

As highlighted in detail above, the Planning Commission's approval of the Project would bring many benefits to El Dorado County, the BLHSP area, the El Dorado Hills community and Project neighbors. The Applicant thanks EDH APAC for its finding of conditional support for the Project, and sincerely appreciates the opportunities it has had to work with EDH APAC in developing and improving this Project.

As showcased above, the our team is willing to abide by a number of important conditions of approval, and is willing to amend those conditions to provide greater transparency and cooperation with the County. As noted above, we understand EDH APAC's concerns and assure both EDH APAC and the Planning Commission, as well as Auditor/Controller Joe Harn, that the Project is fully vetted with no impacts that have not been studied. These conclusions are supported by substantial evidence in the record as corroborated by County staff. Accordingly, I requests the Planning Commission recommend approval of the entirety of the Project as presented. Please call should you have any questions.

Respectfully,

JOSH PANE

1123 J Street, 3rd Floor Sacramento CA 95814

El Dorado Hills Area Planning Advisory Committee <https://edhapac.org>

"Non-Partisan Volunteers Planning Our Future Since 1981" 1021 Harvard Way, El Dorado Hills, CA 95762



EDH APAC 2025 Officers

John Davey, Chair jdavey@daveygroup.net

John Raslear, Vice Chair jrazzpub@sbcglobal.net

Timothy White, Vice Chair tjwhitejd@gmail.com

Brooke Washburn, Vice Chair Washburn_bew@yahoo.com

Bill Jamaca, Secretary bjamaca@gmail.com

Thursday September 4, 2025

El Dorado County Planning Commission

2850 Fairlane Court, Placerville, CA 95667

ATTN: Clerk of the Planning Commission

RE: Town & Country Village El Dorado SP-R21-0001, PD-R19-0003, TM22-0005, PD21-0005, SP-R21-0002 Z21-0013

Honorable Planning Commissioners,

The El Dorado Hills Area Planning Advisory Committee (EDH APAC) would like to offer the following Project Review Findings regarding the Town & Country Village El Dorado project completed by the EDH APAC Town & Country Village El Dorado subcommittee.

EDH APAC has benefited from a tremendous amount of engagement and outreach from the project applicant, which includes more than seven years of ongoing communication. This is unique among most development projects proposed for El Dorado Hills, and our volunteer committee feels that we have enjoyed a very collaborative process as the project has progressed. In the past several years this has also included numerous meetings, discussions, and communications with EDH APAC officers, as well as multiple public discussions at EDH APAC meetings attended by community members.

Additionally, EDH APAC appreciates the significant outreach that the applicant has made in the community, in El Dorado Hills, and pointedly in the Bass Lake Community.

EDH APAC would request that as the project moves forward towards entitlements and approvals, that any Conditions of Approval be required to have identified and enforceable timelines, and oversight management in place.

In the Project Findings below, "EDH APAC" refers to our Town & Country Village El Dorado subcommittee volunteers.

Development Services Staff Report Concerns

1. Deferred CEQA Analysis and Public Review

The staff report acknowledges the split of the project into a "Project Development Area" and a "Program Study Area." While it states that the EIR analyzed the Program Study Area at a "program level," it also notes that if future development is consistent with the EIR's assumptions, "further CEQA analysis may not be required." This is a significant concern because it implies that a substantial portion of the project (30.41 acres) has been conceptually approved with a one-time environmental review, even though specific plans have not been meaningfully vetted by the public. This could limit future opportunities for detailed review of potential impacts from the 352 multifamily residential units, 200 mixed-use multifamily units, and 150 senior housing units proposed for this area.

A - Staff Report Concerns

1. Inconsistent statements regarding potential SB35 applicability

On page 10 of the "A Staff Report" exhibit, under Future Development:

- Statement: "The project site is not currently designated as a census Urban Area, which means that until and unless such a designation occurs at this location, no future project in the Program Study Area could be determined eligible for any housing-focused state streamlining, such as SB 35."
- HOWEVER, in the BOS meeting on August 26, 2025 under item 25-1408 staff specifically said "they map the urban areas referenced in SB35 to our Community Regions, since they most closely correspond to their opportunity map of resource areas".
- Result: Once this project is moved into the community region, it will in fact be considered an option for state streamlined housing projects.

EDH APAC recommends aligning these two opposing concepts, to clarify for the community the applicability of *any* the project parcels for potential SB35 development opportunities, if the Community Region Boundary is modified to include the Project Development Area and Program Study Area.

Concerns with the Final Environmental Impact Report

1. FEIR Responses to EDH APAC DEIR Concerns

Based on our review of the Final Environmental Impact Report (FEIR), specifically the responses to comments 4-19 through 4-26, we maintain our significant concern that the project's analysis of water and sewer infrastructure is insufficient. While the FEIR asserts that the El Dorado Irrigation District (EID) has sufficient water supply to serve the project and other planned developments, it fails to provide adequate detail on the capacity of the *physical infrastructure* required to deliver that water and treat the wastewater.

The FEIR's conclusion relies on a Water Supply Assessment (WSA) that references the EID's 2020 Urban Water Management Plan (UWMP). This plan is now five years old, and a more current analysis should be provided to account for cumulative impacts, including the significant proposed developments of 3,200 residential units of The Village of Marble Valley Specific Plan, and the 800 residential units of the Lime Rock Valley Specific Plan. Without a robust and updated analysis, there is a substantial risk that the burden of funding the necessary capital improvement programs for water delivery and wastewater treatment will fall disproportionately on existing EID ratepayers, rather than being fully funded by the new developments that necessitate the upgrades.

A separate, yet critical, concern is the lack of a clear, public timeline for the necessary **EI Dorado Local Agency Formation Commission (LAFCO)** annexation of the property into EID's service area. This ambiguity raises the possibility of the project applicant seeking approval for a temporary or interim septic solution, which we believe is an unacceptable approach that could lead to unforeseen environmental and public health issues and should be avoided entirely.

2. Transportation and Circulation Impact Analysis

The Town & Country Village El Dorado project applicant committed to completing a very robust super-cumulative traffic impact analysis, which factored in several other large proposed projects in El Dorado Hills, adjacent to the Bass Lake area. EDH APAC appreciates the efforts of the applicant to provide a more comprehensive TIA than required. This super-cumulative TIA provides much greater detail and insight to the transportation and circulation impacts beyond just the Town & Country Village El Dorado project.

The unusually high amount, and significant density changes in the project area being processed for multiple projects for entitlements in the same compressed time frame justifies such a cumulative review:

CEQA states that past, present, and probable future projects, whether they are exempt from CEQA or not, must be considered when evaluating cumulative effect

California Unions for Reliable Energy v. Mojave Desert Air Quality Management District (2009)
178 Cal.App.4th 1225

[Cal. Code Regs. Tit. 14, § 15130 - Discussion of Cumulative Impacts](#)

(c) With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.

(d) Previously approved land use documents, including, but not limited to, general plans, specific plans, regional transportation plans, plans for the reduction of greenhouse gas emissions, and local coastal plans may be used in cumulative impact analysis. A pertinent discussion of cumulative impacts contained in one or more previously certified EIRs may be incorporated by reference pursuant to the provisions for tiering and program EIRs. No further cumulative impacts analysis is required when a project is consistent with a general, specific, master or comparable programmatic plan where the lead agency determines that the regional or areawide cumulative impacts of the proposed project have already been adequately addressed, as defined in section 15152(f), in a certified EIR for that plan.

EDH APAC believes that cumulative impacts for all projects being processed must be subject to analysis and consideration.

Concerns with Conditions of Approval

1. Phased Development and Deferred Entitlements

The most significant concern lies in the approach to the **Project Development Area** and **Program Study Area**. Condition #3, "Future Planned Development Permit," states that any future development in the Program Study Area will require a separate Planned Development Permit. While this seems to provide for a future review, the overall approval of the EIR and the Rezone (Z21-0013) effectively grants a high level of entitlement for the future uses. The staff report notes that if future submittals are "consistent with assumptions in the Town & Country Village El Dorado EIR, further CEQA analysis may not be required." This phrasing could make it difficult for the public to meaningfully influence or review future projects in the Program Study Area, as the core environmental and land use decisions will have already been made.

2. Indemnity and Litigation Exposure

Condition #5, the Indemnity clause, is a significant point of concern. It requires the developer and landowner to "defend, indemnify, and hold harmless" the County from any legal action

challenging the project approval. This is not unusual, but the addition that this applies to a challenge of the **Employee Housing Program** specifically highlights that the County anticipates potential legal exposure on this point. It's a clear signal from the County's legal team that they foresee litigation as a risk for the project, particularly regarding the novel employee housing program.

3. Timing and Funding of Infrastructure Improvements

Several conditions regarding traffic and infrastructure improvements use conditional or vague language.

- **Bass Lake Road Widening:** Condition #34.a.i states that the widening of Bass Lake Road "shall be completed prior to issuing the certificate of occupancy for the first building." While this is a strong condition, the language "may be eligible for reimbursement through the County's Traffic Impact Fee Program" introduces a potential financial risk to the applicant, which could create a point of contention if the TIF funds are not sufficient.
- **Bass Lake Road/Hawk View Road Signal:** Condition #34.b.i requires the signalization "prior to development levels in the project site that would require the improvement." This language is not a hard deadline and could be open to interpretation, potentially delaying a crucial traffic mitigation measure until significant impacts have already occurred.
- **Off-site Improvements:** Condition #36 requires the developer to enter an agreement with the County to acquire land for off-site improvements if they cannot secure it themselves. While this provides a mechanism for action, it shifts the burden of a potentially lengthy and costly process to the developer, which could lead to project delays or abandonment if the process becomes too complex.

4. Perpetual Maintenance of Infrastructure

Conditions related to maintenance of private roads and common areas warrant close scrutiny.

- **Maintenance Entity:** Condition #38 requires the formation of a maintenance entity or joining an existing one for the maintenance of "public and private roads and drainage facilities." It also states that the County will reject the offers of dedication for these roads and that a maintenance entity "shall be created and funded." This places the long-term responsibility and financial burden of maintaining these public-use roads and facilities on the residents or a private entity, rather than the County.
- **Common Fence/Wall Maintenance:** Condition #39 places the responsibility for maintenance on the Covenants, Codes, and Restrictions (CC&Rs) of a future Homeowner's Association (HOA). This is standard for HOAs but ensures the financial and logistical responsibility for these structures remains with the future property owners, not the developer or the County.

5. Public Notification and Transparency

The conditions do not explicitly require ongoing public notification for future phases of the Program Study Area, outside of the standard public hearing for a Planned Development Permit. Given the scale of the project and the community's engagement, a condition requiring specific, proactive outreach for future phases could be beneficial. The current framework relies on the public to actively monitor a future, undefined application process.

- *This space intentionally left blank* -

EDH APAC Finding of Conditional Support

The **EI Dorado Hills Area Planning Advisory Committee (EDH APAC)** conditionally supports the **Town & Country Village EI Dorado project** based on its potential to provide a better use of the property than previous zoning allowed. The project offers a mix of uses, including tourist services, employee housing, and a future "village center" concept that aligns with the Community Region designation. However, the committee has significant concerns regarding the project's two-tiered review process and its long-term impacts, particularly as defined by the proposed Conditions of Approval. These concerns must be addressed through the following recommendations to the County Planning Commission.

Recommended Modifications and Mitigations

EDH APAC recommends that the Planning Commission adopt the following conditions and modifications to ensure the project's development proceeds responsibly and transparently.

1. Transportation and Circulation Improvements

We recommend that all required improvements to **Bass Lake Road** be constructed either **prior to or concurrent with** the issuance of a certificate of occupancy for the first building. This includes the widening of Bass Lake Road to four lanes and the installation of an Emergency Vehicle Hybrid Beacon (EVHB) at the Bass Lake Road and EDHFD Fire Station 86 intersection. We are concerned that the current condition for the signalization at **Bass Lake Road/Hawk View Road** is too vague, relying on an undefined "development level" to trigger the improvement. We recommend that the timing of this critical improvement be more clearly defined and tied to either specific ADT metrics, LOS data, or a specific phase of development to ensure it is not indefinitely delayed.

We also question the amended PFFP **II PUBLIC IMPROVEMENTS** list that indicates **4. Ancillary Facilities a. Park & Ride (100 Vehicle Finished)**. The amended PFFP is unclear if it is just listing the completed 100 vehicle Park & Ride facility as portion of the Public Improvements, or if the amended PFFP is removing the requirement to complete an additional 100 vehicle parking spaces - the original BLHSP PFFP first amended in 2016 included a Park & Ride facility for 200 Vehicles in two phases. This was intended not just to serve the EI Dorado Transit commuter bus service, but also as a Park & Ride facility for Car Pool users, and as a parking facility for BLHSP trail users. Retroactively reducing the prior approved 200 Vehicle Park & Ride facility to the completed 100 units violates the original intent of the 1996 BLHSP, and the amended 2016 BLHSP PFFP. As it stands, in November 2020, the Developer of the approved BLHSP Phase 2 residential project "Bass Lake North" requested that their BLHSP PHASE 2 requirement to construct 100 of the of 200 Vehicle parking stalls be reduced to 50 parking stalls due to 'costs'. The Planning Commission heard this matter in a public hearing on November 12, 2020, and rejected the request, requiring that the Bass Lake North project fully construct the required initial 100 parking stalls. The Developer then appealed this Planning Commission decision to the Board of Supervisors, which rejected the appeal. The unique

approach of the BLHSP PFFP was that it sought to front load public improvements from Phase 1, Phase 1A and Phase 2 projects, with the opportunity for these costs to be reimbursed by future projects. Modifying the BLHSP PFFP to remove required Public Improvements does not make the PFFP better, it would fundamentally weaken the BLHSP PFFP, counter to its intended purpose. To wit, in July 2024, when El Dorado Transit opened the constructed 100 Vehicle Park & Ride facility, they then chose to close an existing nearby Park & Ride facility in Cameron Park - instead of adding more Park & Ride vehicle capacity with the opening of the Bass Lake Road Park & Ride facility, El Dorado Transit undercut the intent of the BLHSP PFFP by removing existing Park & Ride spaces in Cameron Park - essentially addition via subtraction. With the Town & Country Village El Dorado project's admired and valuable commitment to improving public trails, and preserving historic trails to add to the community's public trail system, reducing the approved 2016 PFFP requirement for 200 units of parking stalls to the 2024 completed 100 units of parking stalls short changes the community.

2. Entire Site Inclusion in Community Region

EDH APAC agrees with the General Plan Amendment (GPA) that modifies the Community Region boundary to include the entire 60.5-acre project site. This ensures that the entirety of the project, including the Project Development Area and the Program Study Area, is consistently aligned with the objectives of a denser, mixed-use community, and is a better land use than the previously zoned 10-acre residential estates.

3. Rigorous Public Facilities Financing Plan (PFFP)

EDH APAC recommends that the project's Public Facilities Financing Plan (PFFP) be implemented with a rigorous, front-loaded approach to ensure improvements and mitigations are in place **prior to** the creation of any impacts. The developer should be held to strict adherence to the updated PFFP and its updated Capital Improvement Program (CIP). We are concerned with the language in the Conditions of Approval regarding the formation of a **maintenance entity** for public and private roads and drainage facilities, as it places the long-term financial burden on a private entity or future projects rather than the County. The PFFP should clearly define the mechanisms for long-term maintenance funding to ensure sustainability.

4. PFFP Lack of Pre-Approved Financial Terms

The Public Facilities Finance Plan states that the specific terms for "credit and reimbursement agreements will be subject to future negotiations between the developer, County, and other applicable agencies." This lack of concrete, pre-approved financial terms is a major concern. It introduces significant **financial uncertainty** and could lead to future disputes or delays in funding and completing essential public infrastructure. EDH APAC recommends that a more definitive financial agreement be established prior to the project's approval to protect both the public and the developer from future financial risk and implementation delays.

5. Concerns Regarding the Two-Tiered Review Approach

EDH APAC is deeply concerned about the unique approach of the two-tiered review process, which divides the project into a **Project Development Area** and a **Program Study Area**. We find this approach to be "piece-meal" and potentially a way to avoid the intent of the California Environmental Quality Act (CEQA). The language in the staff report, which suggests future CEQA analysis "may not be required" for the Program Study Area if it's consistent with the EIR's assumptions, raises significant concern, as these are subjective standards, where only objective standards should apply. This novelty risks exposing both the project and the County to potential litigation by appearing to grant entitlements for the Program Study Area without the same level of detailed, project-specific public and governmental review as the Project Development Area. Objective standards should be crafted to ensure compliance with the EIR's assumptions.

6. Future Review of the Program Study Area

EDH APAC recommends that the future review of any projects within the Program Study Area be subject to a **rigorous and deep review**, particularly concerning transportation and circulation impacts. While the EIR included a program-level analysis of this area, the focus of public discussion has been solely on the hotel project and related amenities of the Project Development Area. The Planned Development Permit (-PD) for the Program Study Area should not be considered a "fast track" or "rubber stamp" for full buildout. It must be a starting point for a comprehensive review and analysis of future development proposals, ensuring that all subsequent phases are transparently vetted. We recommend that the conditions of approval require **proactive, defined public outreach** for any future projects in the Program Study Area, as the current process relies on the public to monitor for future, undefined applications.

7. Water and Sewer Infrastructure Funding and Capacity Assessment

To address our concerns and ensure the project moves forward responsibly, we recommend the following mitigation measures be adopted:

- A. **Updated Water and Wastewater Capacity Assessment** The County should encourage the El Dorado Irrigation District (EID) to either update its **Urban Water Management Plan (UWMP)** or complete a new, regional-scale Water and Wastewater Capacity Assessment. This assessment must specifically analyze the cumulative impacts of the Town & Country Village El Dorado project, the Village of Marble Valley Specific Plan, and the Lime Rock Valley Specific Plan on the existing water delivery and wastewater treatment infrastructure. The findings should be used to confirm that adequate physical infrastructure exists to serve all three projects concurrently and identify any necessary capital improvements.
- B. **Annexation and Service Timeline** A clear and binding timeline for the LAFCO annexation of the project parcels into the EID service area shall be outlined and made public as part of the project conditions of approval. The annexation process must be completed, and the project must be connected to the EID's water and sewer systems **prior to the issuance of any building permits or certificates of occupancy.**

* A cautionary reminder - the original 1996 Bass Lake Hills Specific Plan was composed of multiple properties that required annexation into the EID service area - it took nearly a decade for these annexations to be completed. The first BLHSP project, the Phase1 Hollow Oaks, began construction in 2004/05. The next set of projects in Phase 1A, Hawk View, Bell Ranch, and Bell Woods, and Phase 2 Bass Lake North, didn't begin construction until after the original twenty year development agreement was expiring in 2016, and required a development agreement extension, a ten year tentative map extension, an update to the PFFP, an amended FEIR, and a Specific Plan amendment.

- C. **Prohibition of Temporary Septic Solutions** The use of any temporary or interim septic systems, including but not limited to on-site wastewater treatment plants, shall be **strictly prohibited**. The EDH APAC strongly advocates that the project be designed and conditioned to rely exclusively on a direct, permanent connection to the El Dorado Irrigation District's wastewater treatment facilities from the outset. This will prevent potential long-term issues and uphold our community's standards for responsible development.

EDH APAC appreciates the opportunity to discuss, review, and provide findings on proposed development projects in El Dorado Hills.

Respectfully,

John Davey
Chair

El Dorado Hills Area Planning Advisory Committee
"Non-Partisan Volunteers Planning Our Future Since 1981"

Town and Country

From Barbie Faulkner <barbie.faulkner@gmail.com>

Date Mon 10/27/2025 2:55 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

This Message Is From an Untrusted Sender

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[Report Suspicious](#)

I'm writing with regards to the Town and Country project. I'm against changing the general plan to serve this project because it benefits a special interest and not the community as a whole. It will create congestion at Bass Lake, not only at 50 but miles up the road. The 5th story is uncharacteristic for our community blocking our beautiful hills, creating community blight, and laying precedent for other 5 story complexes. The employee housing means jobs won't benefit our community but transitory employees who will be a burden our our county when they lose their housing and employment simultaneously.

I ask that you give preference to our communities quality of life over the special interests of other parties.

Kind regards,
Barbie Faulkner
EDH resident



Outlook

Town & Country

From brian egan <bjegan1680@yahoo.com>

Date Mon 10/27/2025 2:50 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

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[Report Suspicious](#)

I'm writing to you to voice my absolute opposition to the new proposed Town and Country development in El Dorado Hills. I moved from the Bay Area 12 years ago to get away from the over development garbage our politicians and developers pushed for so many years. They constantly told us all the building and extra business would be great for the South Bay. It is now an overpopulated crowded dirty cesspool. And people are fleeing the area. Folsom is being over developed and is becoming an extension of Sacramento. That's not a compliment. We don't want that here. More congestion, more people, less quality of life. If it doesn't stop you will continue encroaching until we look like Folsom. No more development. The vast majority of the residents in our county are opposed to this. Listen to your constituents.

Brian Egan,
Rescue
Sent from my iPhone



Comment on Town & Country Village Final EIR General Plan Amendment (GPA22-0003), Specific Plan Revision (SP-R21-0002), Planned Development Permit (PD21-0005), Rezone (Z21-0013), and Tentative Map (TM22-0005), and Conditional Use Permit (CUP23-0008)]

From Kylah Staley <kylah@lozeaudrury.com>

Date Mon 10/27/2025 1:48 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>; PL-Town and Country Village El Dorado <TownandCountryElDorado@edcgov.us>; Ande Flower <Ande.Flower@edcgov.us>

Cc Michael Lozeau <michael@lozeaudrury.com>; Juliana Lopez <juliana@lozeaudrury.com>

 1 attachment (11 MB)

2025.10.27 LIUNA Comments - Town and Country Village FEIR - Final.pdf;

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Report Suspicious

Dear Chair Turnboo, Honorable Supervisors, and staff:

On behalf of Laborers International Union of North America, Local Union 185 ("LIUNA"), please find attached written comments on the Town & Country Village Final Environmental Impact Report being heard tomorrow by the El Dorado County Board of Supervisors, Agenda Item 25-1703.

Sincerely,
Kylah Staley

--

Kylah Staley
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
kylah@lozeaudrury.com

Confidentiality Notice: This message and any attachment(s) may contain privileged or confidential information. Unauthorized interception, review, use or disclosure is prohibited by law. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments. Thank you.



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Via Email

October 27, 2025

George Turnboo, Chair
Brooke Laine, First Vice Chair
Lori Parlin, Second Vice Chair
Brian Veerkamp, Supervisor
Greg Ferrero, Supervisor
El Dorado County Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667
edc.cob@edcgov.us
TownandCountryElDorado@edcgov.us

Ande Flower, Planning Manager
El Dorado County Planning
Ande.Flower@edcgov.us

Re: Comment on Town and Country Village Final Environmental Impact Report, General Plan Amendment (GPA22-0003), Specific Plan Revision (SP-R21-0002), Planned Development Permit (PD21-0005), Rezone (Z21-0013), and Tentative Map (TM22-0005), and Conditional Use Permit (CUP23-0008)]

Dear Chair Turnboo, Honorable Supervisors, and staff:

The following comments are submitted on behalf of Laborers Union of North America, Local Union 185 ("LIUNA") on the Town and Country Village Draft Environmental Impact Report ("Project"). The Project involves a "Project Development Area" and a "Program Study Area," the latter of which may include future development but currently has no development plans. The Project Development Area would include the construction of two 150-room hotels, 112 residential cottages, retail space, restaurants, an event center/museum, recreational amenities, and parking lots.

On September 6, 2024, LIUNA submitted comments on the Draft EIR for the Project. These comments were supported by expert wildlife biologist Dr. Shawn Smallwood, Ph.D.; air quality experts Dr. Paul E. Rosenfeld, Ph.D, and Matt Hagemann, P.G., C.Hg. of the environmental consulting firm Soil, Water, Air Protection Enterprise ("SWAPE"); and indoor air quality expert Francis Offerman. LIUNA's comments here are supported by further comments made by Dr. Smallwood and Dr. Rosenfeld and Mr. Hagemann. Dr. Smallwood's supplemental comments are attached as Exhibit A. Dr. Rosenfeld's and Mr. Hagemann's supplemental comments are attached as Exhibit B.

LEGAL STANDARD

I. CEQA and Environmental Impact Report

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 CCR § 15002(a)(1).) “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. (14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1349, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.)

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an Environmental Impact Report (EIR) except in certain limited circumstances. (See, e.g., Pub. Resources Code, § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. The EIR is an “environmental ‘alarm bell’ whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004), 124 Cal.App.4th 1184, 1220.) The EIR also functions as a “document of accountability,” intended to “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.)

The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” (14 CCR § 15002(a)(2).) Critical to this purpose, the EIR must contain an “accurate and stable project description.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at 192-93 (“An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”)) The project description must contain (a) the precise location and boundaries of the proposed project, (b) a statement of the project objectives, and (c) a general description of the project's technical, economic, and environmental characteristics. (14 CCR § 15124.)

II. Standard of Review

The California Supreme Court has emphasized that:

When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the EIR (1) includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises [citation omitted]....

(*Sierra Club v. Cty. of Fresno* (2018) 6 Cal.5th 502, 510 (2018) [citing *Laurel Heights Improvement Assn.*, 47 Cal.3d at 405].) The Court in *Sierra Club v. Cty. of Fresno* also emphasized that another primary consideration of sufficiency is whether the EIR “makes a reasonable effort to substantively connect a project’s air quality impacts to likely health consequences.” (*Id.* at 510.) “Whether or not the alleged inadequacy is the complete omission of a required discussion or a patently inadequate one-paragraph discussion devoid of analysis, the reviewing court must decide whether the EIR serves its purpose as an informational document.” (*Id.* at 516.)

Although an agency has discretion to decide the manner of discussing potentially significant effects in an EIR, “a reviewing court must determine whether the discussion of a potentially significant effect is sufficient or insufficient, i.e., whether the EIR comports with its intended function of including ‘detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.’” (*Sierra Club*, 6 Cal.5th at 516 [citing *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197].) “The determination whether a discussion is sufficient is not solely a matter of discerning whether there is substantial evidence to support the agency’s factual conclusions.” (*Id.* at 516.) As the Court emphasized:

[W]hether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question. A conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence.

(*Id.* at 514.) Additionally, “in preparing an EIR, the agency must consider and resolve every fair argument that can be made about the possible significant environmental effects of a project.” (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App. 4th 1099, 1109.)

III. Mitigation Measures

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (14 CCR § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (14 CCR § 15126.4(a)(1)(B).) A lead agency may not make the required CEQA findings unless the

administrative record clearly shows that all uncertainties regarding the mitigation of significant environmental impacts have been resolved.

If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” (Pub. Res. Code, § 21081; 14 CCR § 15092(b)(2)(A) and (B).)

DISCUSSION

IV. The Final EIR’s Analysis of Impacts to Biological Resources is Not Supported By Substantial Evidence.

A. The Final EIR relies on an incorrect definition of special status species.

The County employs a vague and overly restrictive definition of the term “special status species,” and, as a result, understates the presence of such species and fails to sufficiently disclose the biological impacts of the Project. The EIR defines “special status species” to “specifically include[] only species that have been determined to be sufficiently rare to require analysis under CEQA.” (Final EIR, p. 2-341; Draft EIR, p. 4.3-1.)

The County’s restrictive and vague definition is inconsistent with the CEQA Guidelines. Special status species are those which “may be protected as threatened or endangered under state or federal law *or are otherwise being tracked by the California Department of Fish and Wildlife (or the United States Fish and Wildlife Service)* or a private organization such as the California Native Plant Society because the species are declining at a rate that could lead to their being listed or are otherwise sufficiently rare or threatened enough to warrant monitoring.” (*Practice Under the California Environmental Quality Act* (2d. ed. Cal. CEB 2024 § 20.53 [“CEB CEQA Treatise”] [emphasis added]; see also *Rialto Citizens*, 208 Cal.App.4th at 942; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1466 n.16.) Appendix G of the CEQA Guidelines instructs that, to determine the significance of a project’s impacts on biological resources, lead agencies answer the question:

Would the project: a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or *special status species* in local or regional plans, policies, or regulations, or by the *California Department of Fish and Game or U.S. Fish and Wildlife Service*?

(CEQA Guidelines, 14 Cal. Admin. Code, Div. 6 Ch. 3 App. G [emphasis added].) The California Department of Fish and Wildlife (“CDFW”) maintains a “Special Animals List” as part of the agency’s California Natural Diversity Database (“CNDDDB”) program. (Exhibit C [CDFW Special Animals List, 2025].) “Special Animals” is a broad term used to refer to all of the animal

taxa tracked by the ... CDFW[] ... CNDDDB[], regardless of their legal or protection status.” (Exhibit C, p. i.) “This list is also referred to as the list of ‘species at risk’ or ‘*special status species*’.” (*Id.*)

The County’s definition attempts to eliminate the key role recognized by the Guidelines that CDFW plays in identifying special status species consistently under CEQA. By using a more restrictive definition, the County has failed to address numerous special status species utilizing the Project site.

B. Dr. Smallwood’s expert comments and analysis of the Project’s biological impacts are substantial evidence.

The Final EIR asserts that Dr. Smallwood’s comments and analysis of the Project’s biological impacts are speculative, specifically taking issue with the scientific models Dr. Smallwood relies on to draw conclusions about the Project’s wildlife impacts. However, Dr. Smallwood’s reliance on these scientific models to draw reasonable assumptions and inferences based on his observations of the Project Site does not render his conclusions regarding the Project’s impacts speculative. Dr. Smallwood’s findings and conclusions are exactly what substantial evidence is supposed to be: “facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.” (14 CCR § 15384.)

First, the Final EIR claims that the Species Model Dr. Smallwood relies on to estimate the number of species that occur on the Project Site is “inherently speculative, inaccurate, and lacks foundation” because the model was developed for predicting wildlife in Alameda County, not El Dorado County, where the Project is located. However, the Final EIR “confuses scientific inference with speculation.” (Ex. A, p. 2.) Dr. Smallwood used the peer-reviewed Species Model to infer, not speculate, the number of species that may occur on the Project Site. He did this through the use of an analytical bridge, to “link a finding in one location to the same type of finding at another location, and to then rely on the pattern at the other location where the pattern is yet to be known. The use of an analytical bridge is like solving an algebra problem for a term of unknown value. Analytical bridges have been in use in ecology for a long time.” (*Id.* at p. 7.) Here, the Species Model was used to determine something unknown about the Project Site, the number of species that may occur on the site, based on species occurrence findings at a research site in Alameda County used to develop the Species Model. (*Id.*) Dr. Smallwood explains the veracity of the Species Model:

“The research site is similar to the [P]roject [S]ite in topography and ground cover, and the rates of species detections are similar. My comment letter of 29 August 2024 identifies the research site and describes in detail the surveys that were completed there. I even provided the graphed relationship between species detection rates and accumulated survey time across surveys []. Moreover, the prediction of the analytical bridge for 119 detectable species at the [P]roject [S]ite

over the period of a year or longer is well on its way to being proven accurate, because two additional surveys have increased the number of species detected from 15 to 33 to 46. Additional surveys would continue this trend until about 119 species are detected. The same outcome has been realized at other sites subjected to repeat surveys over periods longer than one year []. The pattern is repeatable, and it is therefore sound foundation for drawing scientific inference.”

(*Id.* at pp. 7-8.) Thus, the Species Model Dr. Smallwood utilized to estimate the number of species that may occur on the Project Site is anything but speculative. As such, Dr. Smallwood’s conclusions drawn from his use of this model are substantial evidence.

Second, the Final EIR takes issue with Dr. Smallwood’s estimates regarding impacts to birds including the loss of avian reproductive capacity through the loss of nesting sites. However, like the Species Model, the model Dr. Smallwood relied on to estimate the loss of avian reproductive capacity is peer-reviewed and the research site on which the model is based has similar characteristics to those of the Project Site. (*Id.* at 25.) As a result, the model Dr. Smallwood relied on is suitable for drawing inferences regarding the loss of avian reproductive capacity at the Project Site.

Third, the Final EIR also asserts that Dr. Smallwood’s conclusion that the Project Site is important to bird movement in the region is speculative, claiming that “bird species do not require wildlife corridors to move through an area.” However, Dr. Smallwood explains that “[b]irds are selective of their flight paths, most species selecting to fly across open space on migration, dispersal, or home range patrol.” (*Id.* at p. 29.) For example, golden eagles, which Madrone determined as having high potential to occur on the Project site, “turn around or veer away when encountering suburbia” and “do not fly over residential areas to visit open spaces of only a few acres each.” (*Id.*) These are not speculative findings, and as such constitute substantial evidence regarding impacts on bird movement.

Fourth, the Final EIR claims that Dr. Smallwood’s conclusions regarding significant wildlife fatalities that would be caused by project-generated traffic are speculative. However, Dr. Smallwood relied on a traffic-caused wildlife mortality study conducted in Contra Costa County in combination with the VMT estimated for the Project to reach his estimate for the number of wildlife fatalities that would result from project-generated traffic. This study was used to draw a reasonable scientific inference. (*Id.* at p. 30.) As Dr. Smallwood explains: “[g]iven that wildlife are killed by traffic elsewhere, it is reasonable to conclude that wildlife would be killed by project-generated traffic.” (*Id.*) Furthermore, Dr. Smallwood documented traffic-caused wildlife mortality occurring on Country Club Drive, which runs through the Project Site. (*Id.*) “Adding more residents and more automobile traffic to the region would surely contribute to more wildlife mortality on the region’s roads.” (*Id.*)

Lastly, the Final EIR claims that Dr. Smallwood's method to determine the number of bird fatalities that would occur due to window collisions is speculative. The Final EIR asserts that Dr. Smallwood's method does not consider the locations where the associated modeling surveys on which Dr. Smallwood relies, does not mention the types of species killed during the surveys, and does not indicate which special status species would be affected. Dr. Smallwood's method is not speculative. The locations for the modeling surveys as well as the affected species are cited in his comments. (*Id.* at p. 34.) Furthermore, "[m]any special-status species have been documented as window collision victims, including local special-status species such as Allen's hummingbird, American kestrel, bank swallow, Cassin's finch, Cooper's hawk, grasshopper sparrow, merlin, northern saw-whet owl, peregrine falcon, purple martin, rufous hummingbird, sharp-shinned hawk, summer tanager, yellow warbler, and yellow-breasted chat." (*Id.*)

Dr. Smallwood's initial and supplemental comments detail his methods for reaching his conclusions, which are all backed by robust scientific models and reasonable inferences based on his observations of the Project Site. The Final EIR's claims that Dr. Smallwood's conclusions are speculative are unsubstantiated. Dr. Smallwood's findings are conclusions are substantial evidence.

C. The Final EIR's characterization of the environmental setting is not supported by substantial evidence

After analyzing the Final EIR, Dr. Smallwood maintains that the environmental setting has not been accurately characterized for the Project. While the Final EIR states that the Draft EIR's analysis of wildlife that may occur on the Project Site was informed by numerous visits as well as literature review, Dr. Smallwood's own survey findings indicate that the site supports much more wildlife, including special status species, than is documented in the Final EIR. (*Id.* at p. 11.) As Dr. Smallwood explains:

"Madrone's biologists detected 15 species and in only two surveys I detected an additional 31 species . . . Not only does the County need to commit to a sufficient effort in the environmental review, the effort needs to be performed to standards. The fact that I can visit the site only twice to detect triple the number of wildlife species is evidence that the consulting biologists have not performed to standards. An adequate survey effort is needed . . . both biologists appear more focused on plant surveys than wildlife surveys . . . Madrone need to deploy one or more experienced wildlife ecologists, and the ecologists needed to be assigned the sole task of surveying for wildlife."

(*Id.* at pp. 11-12.) Given Dr. Smallwood's conclusion that Madrone failed to accurately characterize the environmental setting, including the occurrence likelihoods of special-status species, the Project's description of the environmental setting is insufficient and does not constitute substantial evidence of the Project's impacts to biological resources.

D. Significant impacts to wildlife

i. Habitat loss

Dr. Smallwood maintains that the Final EIR fails to sufficiently analyze the loss of avian reproductive capacity resulting from habitat loss. (*Id.* at p. 24.) The Final EIR states that with focused surveys and protections required by the Migratory Bird Treaty Act, that impacts to nesting birds would be less than significant. However, Dr. Smallwood explains that the Final EIR's reasoning does not address significant impact he identified, which is the permanent loss of avian productivity, not the fate of nests at the time of construction. (*Id.*) While the Final EIR implies that there would be no significant loss of avian productivity, it provides no support for this implication. Accordingly, this impact must be considered and analyzed. (*Id.*)

ii. Interference with wildlife movement

Dr. Smallwood maintains that the Project's interference with wildlife has not been adequately analyzed. (*Id.* at p. 28.) The Final EIR "continues to rely on speculation over how the project would not interfere with wildlife movement in the region. Madrone [] collected no data that would inform of how wildlife move across the site, and it did not consider any type of movement other than along a corridor" and [n]o data [was] collected that would support conclusions over how the [P]roject [S]ite is used by wildlife for movement in the region." (*Id.*) Thus, the Final EIR's conclusion that the Project would not significantly interfere with wildlife movement is not supported by substantial evidence.

iii. Wildlife-vehicle collisions

Dr. Smallwood maintains that significant wildlife fatalities that would result from project-generated traffic have not been sufficiently analyzed. While the Final EIR claims that no new roads are being proposed and that roadways in and around the Project Site would be traveled at low speeds, the County provides no support for these claims. On the other hand, Dr. Smallwood explains that his wildlife fatality estimate did not assume the construction of any new roads and his own observations of motorists speeding on Country Club Drive runs counter to the Final EIR's claim that vehicles would travel at low speeds. (*Id.* at p. 30.) Thus, the Final EIR has not provided substantial evidence to support its conclusion that the Project would not result in significant wildlife mortality due to project-generated traffic.

iv. Bird-window collisions

Dr. Smallwood maintains that the bird-window collisions have not been adequately analyzed. While the Final EIR claims that common birds are the most likely to collide with windows, this does not negate Dr. Smallwood's finding that special-status birds will be

significantly impacted by window collisions, as “many known special-status species have been documented as window collision victims. (*Id.* at p. 34.) Thus, the Final EIR fails to provide substantial evidence that the Project will not result in significant bird-window collisions.

V. The Final EIR’s Air Quality Analysis is Not Supported by Substantial Evidence Because a Health Risk Assessment is Required to Evaluate the Project’s Emissions of Diesel Particulate Matter

The Final EIR asserts that a health risk assessment (“HRA”) is not warranted to evaluate the Project’s emissions of diesel particulate matter (“DPM”) for the following reasons: (1) DPM concentrations rapidly disperse from the source of DPM; (2) the Project would comply with off-road diesel construction equipment regulations; and (3) SWAPE’s screening-level HRA is erroneous and otherwise not representative of the Project.

A. DPM dispersal does not negate the need for an HRA and is not substantial evidence that the Project will not result in a significant health risk.

To support its argument that an HRA is not warranted for the Project, the Final EIR cites the California Air Resources Board (“CARB”) Air Quality and Land Use Handbook, stating that “a key finding of CARB’s Handbook . . . is that emissions of DPM are highly dispersive, and concentrations diminish rapidly with distance from the source,” and in particular, CARB’s Handbook “indicate[s] that pollutant concentrations decrease substantially within the first 300 feet from sources of DPM.” (FEIR, p. 2-374.) The Final EIR notes that the nearest sensitive receptor is 500 feet away from the Project Site and reasons that “dispersion of DPM from construction equipment would occur similarly to the rapid dispersion of DPM discussed in the CARB’s Handbook.” (*Id.*)

However, SWAPE notes that the Final EIR “erroneously extrapolates CARB’s conclusion” regarding DPM dispersal, explaining that while “pollutant concentrations decline within the first 300 feet, this does not eliminate the need to prepare an HRA for projects with sensitive receptors beyond that distance.” (Ex. B, p. 2.) Indeed, “[t]here is no guidance on the preparation of HRAs indicating that such assessments are unnecessary for projects with sensitive receptors located farther than 300 feet.” (*Id.*) Furthermore, the screening-level HRA that SWAPE prepared demonstrates that the Project’s emissions of DPM would result in a cancer risk of approximately 27.7 per million, even with the nearest sensitive receptor being 500 feet from the Project Site. (*Id.* at p. 4.) SWAPE’s estimated cancer risk is well over the El Dorado County Air Quality Management District (“EDCAQMD”) cancer risk threshold of 10 per million. (*Id.*) Thus, the fact that DPM disperses from the source, does not mean that the Project’s DPM emissions will not result in a significant cancer risk, as SWAPE’s screening-level HRA indicates.

B. Compliance with off-road diesel construction equipment regulations is not substantial evidence that the Project will not have a significant health risk.

The Final EIR provides the Project's compliance with off-road diesel vehicle regulations as another reason why an HRA is not warranted. However, compliance with these regulations does not mean that an analysis of the health risk the Project's DPM emissions pose is not required nor does it eliminate the health risk posed by the Project's use of off-road diesel construction equipment. Indeed, "[a] regulatory standard [cannot] be applied so as to foreclose consideration of substantial evidence showing a significant environmental impact from a project." (*East Sacramento Partnerships for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 300-301; see *Save Our Capitol! v. Dept. of Gen. Servs.* (2023) 87 Cal.App.5th 655, 696 [agency's determination that compliance with LEED and CALGreen building standards was sufficient to prevent significant light and glare impacts "did not satisfy the demands of CEQA."].) Here, SWAPE's screening-level HRA is substantial evidence that the Project's emissions of DPM will create a significant health risk, even assuming that compliance with applicable regulations will occur. Thus, the Project's compliance with off-road diesel construction equipment regulations is not substantial evidence that the Project will not have a significant health risk.

C. SWAPE's screening-level HRA is substantial evidence that the Project will result in a significant and unmitigated health risk.

The Final EIR attempts to discount SWAPE's screening level HRA and raises the following issues: (1) SWAPE's calculations included sources of operational DPM that the Project will not have; (2) SWAPE's use of PM₁₀ as a surrogate for DPM inflates the amount of emissions that would occur; and (3) SWAPE's calculations assume simultaneous construction on both the Program Development Area and Study Area.

First, in SWAPE's supplemental comments, it recognizes that the Project would not have any sources of operational DPM. However, even without any operational sources of DPM, SWAPE's screening-level HRA still shows that the Project's construction emissions of DPM will result in a significant health risk. (Ex. B, p. 4.)

Second, the Final EIR's assertion that SWAPE's use of PM₁₀ as a surrogate for calculating DPM emissions inflates the amount of emissions that would occur is unsubstantiated. As SWAPE explains, "the difference between the exhaust PM₁₀ and PM_{2.5} in the DEIR's CalEEMOD model is negligible, so the use of PM_{2.5} as a surrogate would not result in any meaningful change to the calculated cancer risk."

Lastly, while SWAPE's initial calculations did assume simultaneous construction of both the Program Development Area and Study Area covering 60.5 acres, SWAPE's supplemental comments show new calculations for only the Program Development Area, which covers 30.3 acres. (Ex. B, p. 3.) SWAPE's new calculations demonstrate that the Project would still result in a significant cancer risk at 27.7 per million. Furthermore, in its supplemental comments, SWAPE

thoroughly explains that its calculations were based on the CalEEMod output files provided in the Draft EIR.

CONCLUSION

For the forgoing reasons, LIUNA respectfully requests that Project's Final EIR revised to adequately analyze and mitigate significant impacts and to ensure compliance with CEQA. Thus, the EIR should be revised and recirculated.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kylah Staley". The signature is fluid and cursive, with the first name "Kylah" and last name "Staley" clearly distinguishable.

Kylah Staley
Lozeau | Drury LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Bret Sampson, Planning Manager
County of El Dorado
Planning and Building Department
2850 Fairlane Court, Building C
Placerville, CA 95667

22 October 2025

RE: Town & Country Village Project

Dear Mr. Sampson,

I write to rebut the County of El Dorado's responses to my 29 August 2024 comments on the DEIR prepared for the proposed Town & Country Village Project. In my rebuttals below, I further separate some responses by additional alphabetical letters. I do this for responses to multiple comments or issues under one response number.

Response 11-38: The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration. In addition, with regard to describing the proposed project as a "piecemeal" project, please see Response to Comment 4-2.

Rebuttal: The Response is internally inconsistent by first claiming my comment does not address the adequacy of the DEIR, and then by stating my comment letter addresses the DEIR's piecemealing of the review. The Response refers me to Response 4-2, which explains that the lead agency can switch back and forth between programmatic and project levels of detail. Nevertheless, part of the biological technical report addresses a proposed project, and another part of it addresses another project that reportedly might to developed at some undefined later date. I am concerned that the program-level analysis in this DEIR will later be adopted as an adequate CEQA review for the additional project, the location of which is not even disclosed in this DEIR.

Response 11-39: The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Rebuttal: The paragraph at issue is not a comment.

Response 11-40: The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Rebuttal: I disagree. This comment presents the type of reporting that should have been provided in the DEIR. The biological resource consultants should have reported

details of survey methodology that are essential to interpretation of survey results. The reporting should have included photographic evidence to the degree that is feasible.

Response 11-41: The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers for their consideration.

Rebuttal: See my rebuttal to Response 11-40.

Response 11-42: As discussed in more detail in Response to Comment 11-45, the Species Model that the commenter relies on to estimate the number of species on-site is inherently speculative, inaccurate, and lacks foundation. Accordingly, any use of this model to measure purported species “not detected” at the project site is not based on substantial evidence. CEQA Guidelines Section 15384(a) states the following: “Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” In addition, CEQA Guidelines Section 15204 establishes that “an effect shall not be considered significant in the absence of substantial evidence” (see *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928; “mere argument, speculation, and unsubstantiated opinion, even expert opinion, is not substantial evidence.”).

Rebuttal: The Response confuses scientific inference with speculation, but the differences are large. An inference is a conclusion derived logically from data that are available about a phenomenon, whereas a speculation is an inconclusive guess or ponderance on a phenomenon without the benefit of data.

The Response alleges the model I used is inaccurate, but it does not explain how it is inaccurate or to what degree it is inaccurate. This part of the Response is unfounded.

The Response alleges the model I used lacks foundation, but the model is clearly founded on data. The model underwent peer review and was published in a scientific journal (Smallwood and Smallwood 2023). The model’s coefficient of determination was 0.98, thus indicating that nearly all the variation in the response variable could be explained by change in the independent variable.

The Response’s citing of the CEQA Guidelines is misdirected, as it applies to the type of speculation that is evident in the Response.

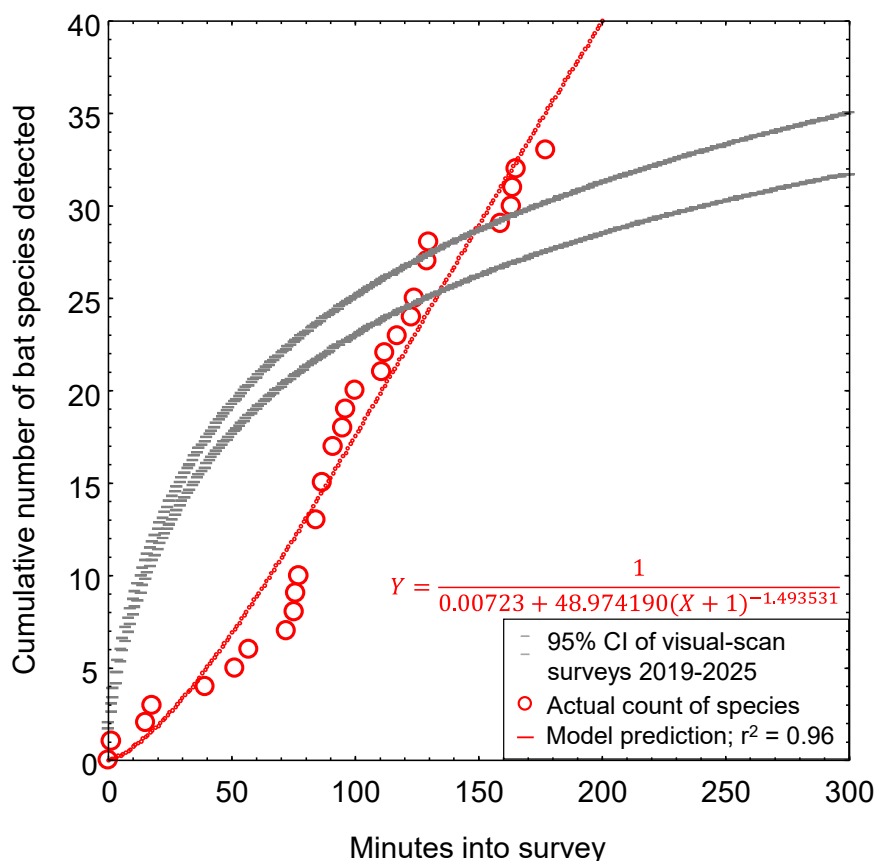
Response 11-43: As noted in Responses to Comments 11-42 and 11-45, the commenter’s use of the Species Model does not represent substantial evidence, as the model is inherently speculative and not based on substantial evidence.

Rebuttal: Contrary to the Response, observational data are substantial evidence. The data are even more substantial when they are repeatable, and the repeatability of observations of phenomena is one of the gold standards of scientific evidence. In fact, I

repeated the survey one year later than the survey I report in my comment letter of 29 August 2024. This time I started the survey at 06:18 hours on 13 September 2025, and I walked the same perimeter of the project at the same pace over the same time period, and I used the same binoculars. Perhaps because the survey was two weeks later into the fall migration period, I detected six more species than I did last year, and the shape of the model took on a slightly different shape than last year's model, but like last year, the model fit the data reasonably well (Figure 1). The models from last year and this year shared similarities as well, such as the rate of species detections initially falling below the lower bound of the 95% confidence interval that I estimated from hundreds of surveys across California, and the eventual breaching of the lower bound of the 95% CI, this time a few minutes earlier than the same breach last year. This time, however, the model predicts many more species were available to be detected had I more time or more biologists surveying the site with me, again probably because this year's survey was further into the fall migration.

Of the 23 species I detected last year, I detected 17 (74%) this year, contributing to a Sørensen Index of Similarity value of 0.61 on a 0 to 1 scale (Sørensen 1948). In my experience, an Index value >0.5 indicates considerable similarity considering the surveys were separated by one year, and this year's survey was deeper into the fall migration. Overall, most of the observations were repeatable, and the rates of species detections were very similar, thereby lending scientific credibility to the substantial evidence in my testimony.

Figure 1. Actual and predicted relationships between the number of vertebrate wildlife species detected and my elapsed survey time on 13 September 2025.



Response 11-44: As noted in Responses to Comments 11-42 and 11-45, the commenter's use of the Species Model to predict wildlife on the project site is inherently speculative and does not represent substantial evidence. Please also see Response to Comment 11-6 regarding the scope of the Draft EIR's identification of potential species on the project site, including reliance on the CNDBB database.

Species are reported to the CNDBB database year-round and are not restricted to a single site visit. Furthermore, senior expert biologists from Madrone conducted field surveys on various portions of the project area during different seasons (on April 13, 2022, September 27, 2023, and October 6, 2023) to assess the suitability of habitats therein to support special-status species. Accordingly, the Draft EIR's assessment of the special-status species that may occur on the project site is supported by substantial evidence.

Rebuttal: The Response defends Madrone's wildlife data collection, but the comment at issue – the comment the County labels as 11-44 – had characterized the limitations of my own data. My comment was intended to explain why I needed to analytically bridge my data to the data collected from a similar environment over a much longer period of time. Although I did not say so in comment 11-44, Madrone should have taken a similar analytical step to contextualize its data. Surveying once in spring and twice in fall is nothing like bridging to the results of surveys conducted throughout one or more years. Had Madrone reported its results from each survey separately, it would have provided the means to reveal the pattern of species detections that would support my point.

My survey findings, which after two surveys include 32 species I found but that Madrone did not (Table 1), prove that Madrone's biologists did not find all the species that were available to be found. Our two survey efforts generated results that look like they do not even represent the same wildlife community even though they must. The Sørensen Index of Similarity value between the findings of Madrone and myself is 0.38, which is substantially lower than the Index value between my two surveys. The difference in Index values resulted from Madrone's biologists not finding many of the available species. Again, because the survey effort could not have detected all potentially occurring special-status species, it was insufficient for assessing habitat other than for those species that had been detected.

Over three surveys in 2022 and 2023, Madrone detected 15 species of vertebrate wildlife. My two subsequent surveys added 18 species and another 14 species respectively, bringing the total to 47 species of vertebrate wildlife. Based on this pattern of increasing number of species detected with additional surveys, and based on the patterns seen elsewhere, it is readily obvious that Madrone's surveys had detected few of the available wildlife species on the project site, and it is perfectly predictable that more species would be detected with additional surveys (Figure 2). The survey results-to-date shown in the left graph reveal the same pattern as resulted at another project site in Napa County depicted in the right graph of Figure 2. I had sufficient data from the Napa County site to fit a model, and the model predicts 135 species of diurnally active,

vertebrate wildlife would eventually be found there with additional surveys. A similar number would be found at the Town & Village site with additional surveys.

Table 1. Species of vertebrate wildlife detected by Madrone's biologists and by me (KSS) in either 2024 or 2025.

Common name	Species name	Status ¹	Detected	
			Madrone	KSS
Acorn woodpecker	<i>Melanerpes formicivorus</i>		X	X
American crow	<i>Corvus brachyrhynchos</i>			X
American goldfinch	<i>Spinus tristis</i>			X
American kestrel	<i>Falco sparverius</i>	BOP	X	X
Anna's hummingbird	<i>Calypte anna</i>			X
Barn owl	<i>Tyto furcata</i>	BOP	X	
Black phoebe	<i>Sayornis nigricans</i>			X
Black-tailed jackrabbit	<i>Lepus californicus</i>		X	X
Botta's pocket gopher	<i>Thomomys bottae</i>			X
Brewer's blackbird	<i>Euphagus cyanocephalus</i>			X
California kingsnake	<i>Lampropeltis californica</i>			X
California scrub-jay	<i>Aphelocoma californica</i>		X	X
California towhee	<i>Melospiza crissalis</i>		X	X
California vole	<i>Microtus californicus</i>			X
Common raven	<i>Corvus corax</i>			X
Cooper's hawk	<i>Accipiter cooperii</i>	TWL, BOP	X	X
Coyote	<i>Canis latrans</i>			X
Deer mouse	<i>Peromyscus manicularus</i>			X
Desert cottontail	<i>Sylvilagus audubonii</i>			X
Downy woodpecker	<i>Picoides pubescens</i>			X
Fox				X
Great horned owl	<i>Bubo virginianus</i>	BOP		X
House finch	<i>Haemorhous mexicanus</i>			X
House wren	<i>Troglodytes aedon</i>			X
Kangaroo rat	<i>Dipodomys</i>			X
Killdeer	<i>Charadrius vociferus</i>			X
Lesser goldfinch	<i>Spinus psaltria</i>			X
Mourning dove	<i>Zenaida macroura</i>			X
Mule deer	<i>Odocoileus hemionus</i>			X
Northern flicker	<i>Colaptes auratus</i>			X
Northern Pacific rattlesnake	<i>Crotalus o. oreganus</i>		X	X
Nuttall's woodpecker	<i>Dryobates nuttallii</i>	BCC		X
Oak titmouse	<i>Baeolophus inornatus</i>	BCC		X
Raccoon	<i>Procyon lotor</i>			X
Red-shouldered hawk	<i>Buteo lineatus</i>	BOP	X	
Red-tailed hawk	<i>Buteo jamaicensis</i>	BOP		X
Red-winged blackbird			X	
Rock pigeon	<i>Columba livia</i>	Non-native		X

Common name	Species name	Status ¹	Detected	
			Madrone	KSS
Rufous-crowned sparrow	<i>Aimophila ruficeps</i>			X
Say's phoebe	<i>Sayornis saya</i>			X
Turkey vulture	<i>Cathartes aura</i>	BOP	X	X
Western bluebird	<i>Sialia mexicana</i>			X
Western fence lizard	<i>Sceloporus occidentalis</i>		X	X
Western meadowlark	<i>Sturnus vulgaris</i>		X	X
White-breasted nuthatch	<i>Sitta carolinensis</i>		X	X
Yellow-headed blackbird	<i>X. xanthocephalus</i>	SSC ₃		X

¹ Listed on CDFW's Special Animals List (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406>) as BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (<https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf>); SSC = California Species of Special Concern, and SSC₁, SSC₂ and SSC₃ = California Bird Species of Special Concern priorities 1, 2 and 3, respectively); WL = CDFW's Taxa to Watch List; BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see <https://wildlife.ca.gov/Conservation/Birds/Raptors>).

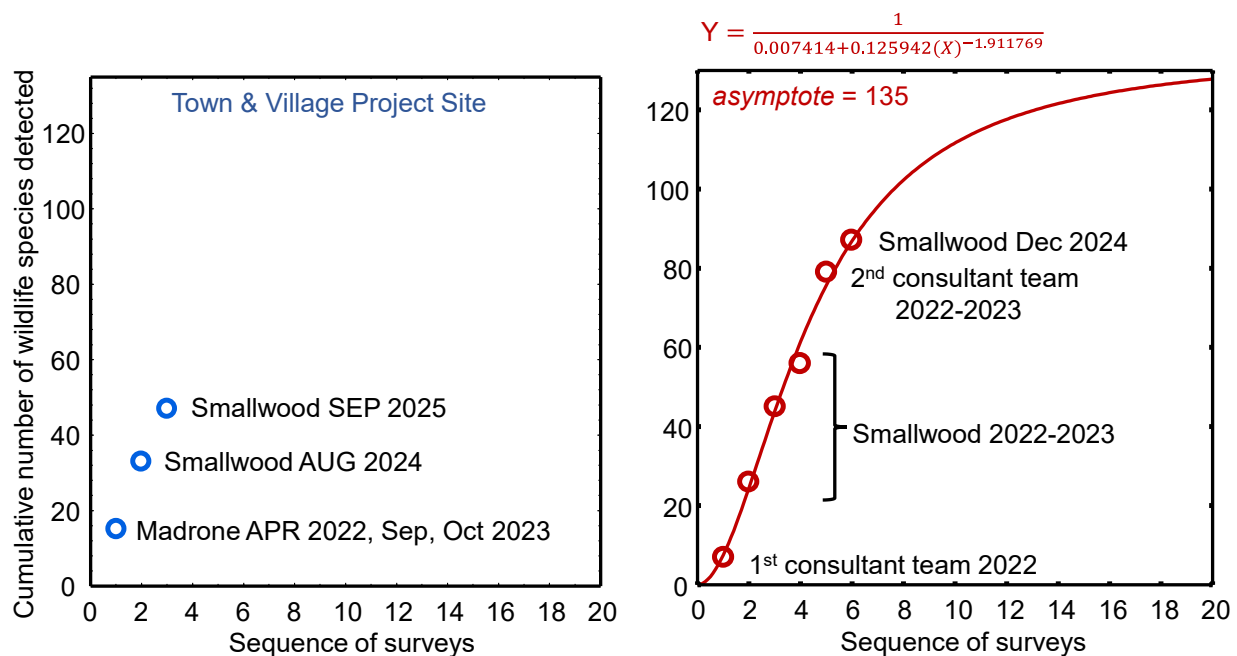


Figure 2. The cumulative number of wildlife species detected increases with increasing number reconnaissance surveys at both the project site (left graph), a reference site in Napa County (right graph) and generally.

Including nocturnally active species, Madrone's surveys detected less than 10% of the species of vertebrate wildlife that occur on the project site. This matters to habitat assessment because the confirmed presence of a species is the surest means of determining the presence of habitat. Habitat is that part of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997), and as observed or measured (Smallwood 2002). In contrast to this clearcut determination of

habitat, the question of whether a site provides habitat cannot be answered with certainty for any species that was not detected by the survey or which lacks occurrence records in the CNDDDB or other positive-sighting databases. In fact, so long as the geographic range overlaps the site and the environment appears conceivably useful to the species, concluding the species is absent or of low likelihood of occurrence would not be consistent with the precautionary principle in risk analysis (National Research Council 1986). And it is for these species that detection survey protocols have been formulated; the principle of these protocols is to ensure that a sufficient survey effort involving appropriate methods have been implemented in support of any absence determination.

Madrone (2024) failed to (1) complete a sufficient survey effort, (2) focus sufficiently on detecting species of wildlife, (3) report essential methodological details needed to interpret the survey findings, and (4) appropriately interpret its survey findings. These deficiencies left too many species undetected and therefore subject to high uncertainty in habitat analysis, and they prevented any comparative analysis of what was found to what should have been expected to have been found.

Response 11-45: As stated above in Response to Comment 11-42, the commenter's use of the Species Model to predict wildlife on the project site is inherently speculative and not supported by substantial evidence.

The commenter notes that the Species Model was developed during previous research while surveying the annual grasslands of the Altamont Pass Wind Resources Area in Alameda County. However, the comment does not explain how a survey model for predicting wildlife in Alameda County is at all predictive of wildlife located in El Dorado County, where the proposed project is located. Accordingly, in addition to the Species Model being inherently speculative, use of the Species Model to predict the amount of wildlife at the project site lacks the site-specific details necessary to rise to the level of substantial evidence under CEQA.

Rebuttal: The Response mixes two modeling efforts together, but my comments in my letter of 29 August 2024 clearly separate them. The first, which I addressed earlier, is a best-fit model to data from a single survey on a single date. The second, which is addressed in my comments the County labels 11-45, is a best-fit model to the cumulative increase in species detections over many surveys spanning multiple years at a research site. This second model was used in what is known as an analytical bridge to link a finding in one location to the same type of finding at another location, and to then rely on the pattern of a sequence of findings at one location where the pattern is known to predict the pattern at the other location where the pattern is yet to be known. The use of an analytical bridge is like solving an algebra problem for a term of unknown value. Analytical bridges have been in use in ecology for a long time.

The research site is similar to the project site in topography and ground cover, and the rates of species detections are similar. My comment letter of 29 August 2024 identifies the research site and describes in detail the surveys that were completed there. I even provided the graphed relationship between species detection rates and accumulated

survey time across surveys (Figure 2 in that letter). Moreover, the prediction of the analytical bridge for 119 detectable species at the project site over the period of a year or longer is well on its way to being proven accurate, because two additional surveys have increased the number of species detected from 15 to 33 to 46. Additional surveys would continue this trend until about 119 species are detected. This same outcome has been realized at other sites subjected to repeat surveys over periods longer than one year (Figure 3 and 4). The pattern is repeatable, and it is therefore sound foundation for drawing scientific inference.

Figure 3. Cumulative wildlife species detections with increasing hours of survey across 41 surveys over three years at a site in Rancho Cordova, California.

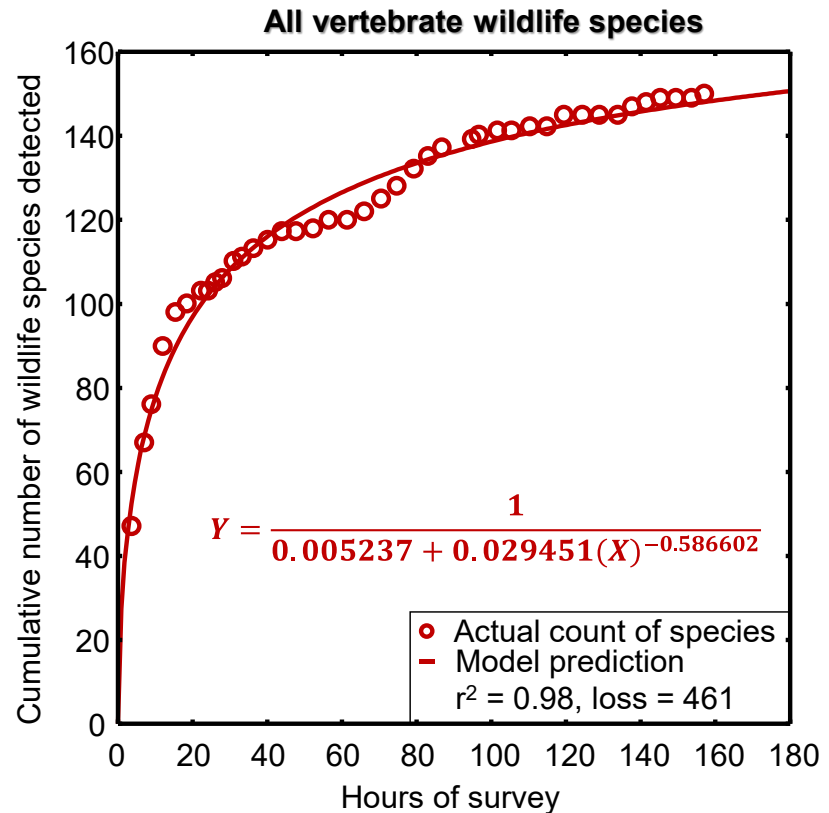
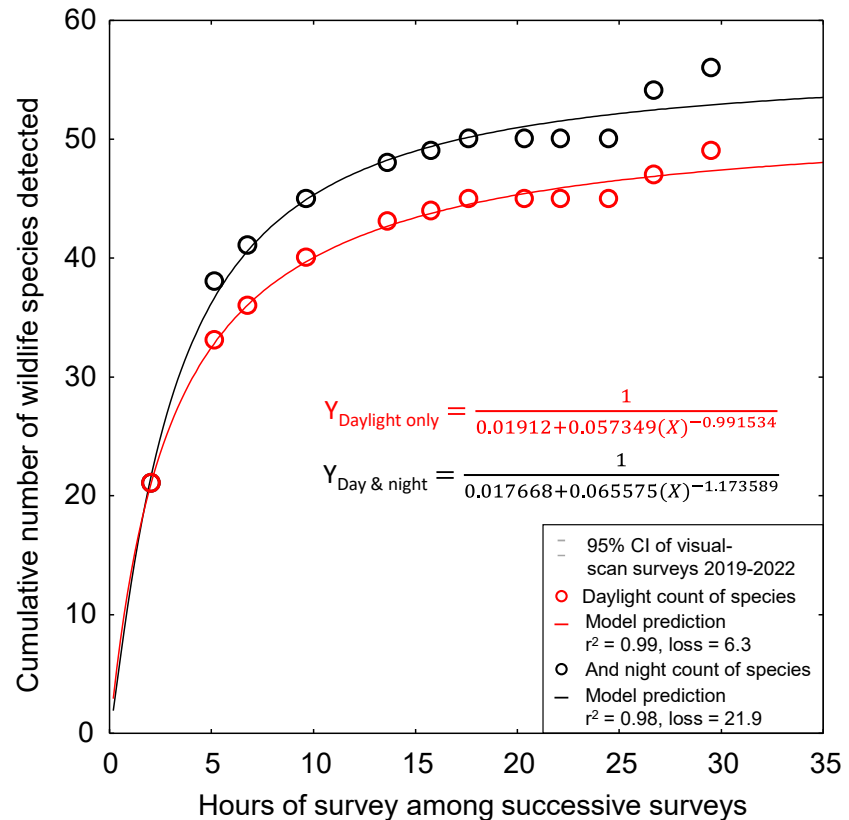


Figure 4. Cumulative wildlife species detections with increasing hours of survey across 12 surveys over two years at a site in Bakersfield, California.



Response 11-46: Please see Responses to Comments 11-44 and 11-7.

The Draft EIR is not required to inventory all biological species within the project site boundaries where the Draft EIR provides sufficient explanation of the proposed project's effects.

Rebuttal: My comments did not state that an inventory is necessary. My comments were instead warning that the 15 species detected by Madrone's biologists should not be treated or discussed in the DEIR as if those 15 species represent the species inventory. Many more species occur on the project site than the 15 species found by Madrone's biologists.

Ideally a species inventory would benefit the characterization of the wildlife community, but obtaining an inventory would be extremely costly and probably never satisfactory because it would never be known with certainty that all the species of the wildlife community had truly been detected. All this said, the value of surveying until most of the species of a site have been detected is that as the number of species of known occurrence increases, the number of species of uncertain occurrence decreases, and as this latter number decreases so do the uncertainties over habitat assessments. A species detection is the most certain form of habitat assessment, whereas habitat assessments of species of unknown occurrence must rely on assumptions and often poor knowledge of what truly composes the species' habitat. For example, if 150 species of vertebrate wildlife compose the wildlife community of the project site, which is probably a

reasonable estimate, then Madrone's 15 species known to occur on the site leaves 135 species of uncertain occurrence and therefore in need of habitat assessment. And 135 habitat assessments would introduce a large amount of uncertainty to the characterization of the existing environmental setting.

There are three legitimate ways to assess habitat for species yet to be detected on a project site. The simplest approach – and the approach that would be consistent with the Precautionary Principle – is to assume presence, and then to formulate a mitigation strategy accordingly. Another approach would be to resume surveys or to initiate more appropriate surveys to either detect the species or to obtain sufficient evidence in support of a defensible determination of absence. A third approach is to determine occurrence likelihood through what is known as habitat association analysis. Scientific inference can be drawn from experience elsewhere to link species occurrences with vegetation complexes or other categorized environmental settings, or it can be speculated. Evidence of the use of inference would include citations to the relevant scientific literature or comparisons to other projects or reference sites where similar environments have been found to support or not support the species at issue. Evidence of speculation includes the lack of citations to specific sources, the lack of comparison to findings elsewhere, overly narrow descriptions of a species habitat, and the splitting of habitat into alleged functional parts such as “breeding habitat” or “foraging habitat” (Habitat is habitat, some of which provides breeding opportunities and some of which provides opportunities for foraging or refuge, but all of functions are critical to survival and reproduction.) Speculated habitat associations are prone to error, and occurrence records often fail to comport with determinations of species occurrence likelihood. As I commented, this is a problem with the DEIR's habitat assessments.

Response 11-47a: The commenter mischaracterizes what type of analysis is required in an EIR's discussion of existing environmental setting. According to CEQA, the description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project in order to give the most accurate and understandable picture of the project's likely near- and long-term impacts (see CEQA Guidelines Section 15125[a]).

Rebuttal: My comment does not suggest that the EIR's discussion of the existing environmental setting should be longer than necessary to provide understanding of potentially significant effects. My comment merely lays out the types of information needed to understand the environmental setting sufficiently to predict impacts. If one does not know which species are present, other than the 15 species detected by Madrone, then one lacks the foundation for predicting impacts. The CEQA guidance cited in the Response does not justify an inadequate characterization of the existing environmental setting.

Response 11-47b: The commenter fails to allege any near- or long-term impacts the proposed project may have on the special-status species allegedly located on the project site.

Rebuttal: Not in the comment at issue, but I most certainly do predict project impacts to special-status species as a result of the project. My predictions begin under the section headed, Potential Biological Impacts.

Response 11-47c: Furthermore, as discussed in detail in Responses to Comments 11-6, 11-7, 11-44, and 11-46, the assessment of the species likely to occur at the project area is supported by substantial evidence, including a review of literature, field surveys, and habitat analysis. The Draft EIR extensively describes the physical setting of the project area and the habitat extant therein (see page 4.3-2 to 4.3-8 of the Draft EIR) to provide the public an understanding of the proposed project and the potential impacts of the project on the biological resources found on-site. As noted in Responses to Comments 11-6 and 11-7, the analysis is based on review of relevant literature and databases, as well as multiple field surveys. The methods of evaluating the proposed project included a review of the project plans, literature review of biological resources occurring on the site and surrounding vicinity, multiple field visits, and an investigation of the various habitat conditions found on-site.

Field surveys were conducted on the project site, the existing conditions of the project area are well-documented, and the methods for research and field collection conducted for the BRA were consistent with accepted standards. Accordingly, the analysis represents substantial evidence supporting the description of the existing environmental setting on the site, and the adequacy of the BRA that was conducted by expert biologists.

Rebuttal: The question is whether the information compiled in the review is sufficient, and more importantly, whether the information is appropriately analyzed and interpreted. Even the detection of only 15 species of vertebrate wildlife can be sufficient so long as the reporting acknowledges that many other species occur on the site, and the wildlife community is much richer in species than the survey findings can support in evidence.

Response 11-48: As noted in detail in Responses to Comments 11-6, 11-44 and 11-46, the Draft EIR's analysis of wildlife that may occur on the project site is informed by numerous visits to the site by expert biologists as well as extensive literature review. Accordingly, the Draft EIR's analysis regarding potential biological impacts at the project site, including its discussion of the environmental setting, is supported by substantial evidence.

Rebuttal: Madrone's biologists detected 15 species, and in only two surveys I detected an additional 31 species. Had Madrone detected 0 species, would the Response continue to be that surveys were performed so therefore the DEIR presents substantial evidence? Not only does the County need to commit to a sufficient effort in the environmental review, but the effort needs to perform to standards. The fact that I can visit the site only twice to detect triple the number of wildlife species is evidence that the consulting biologists have not performed to standards. An adequate survey effort is needed, and it needs to be conducted by qualified biologists. This Response and other Responses characterize Madrone's biologists as skilled, and technical report characterizes them as senior biologists. However, both biologists appear more focused on plant surveys than

on wildlife surveys, and regardless I can only know what I see of what they found. Madrone needed to deploy one or more experienced wildlife ecologists, and the ecologists needed to be assigned the sole task of surveying for wildlife.

Response 11-49: As noted in detail in Responses to Comments 11-6, 11-44 and 11-46, the Draft EIR contains extensive analysis and investigation of potential biological resources that may be located on the project site. The Draft EIR is supported by substantial evidence. In criticizing the adequacy of the environmental review, the comment mischaracterizes the requirements of CEQA, as CEQA does not require an EIR to provide an exhaustive list of every species that may be found on or near a project site. Accordingly, the analysis of the project's potential impacts to biological resources is adequate and supported by substantial evidence.

Rebuttal: My comment does not demand an exhaustive list of wildlife species. The comment states that the biologists surveyed a large area on only three dates in pursuit of five survey objectives. It is no wonder that the botanists who were assigned the task of surveying for wildlife along with multiple additional objectives on only a few dates managed to detect only 15 species of wildlife. The Response does not address my comment.

Response 11-50a: As stated in the BRA, Madrone conducted three protocol-level surveys: an aquatic resources delineation, a special-status plant survey, and an oak resources inventory. All three surveys document static resources; therefore, time of day and survey duration are not required to be recorded. Special-status plant surveys must be conducted at the time of year that the target plants are in bloom, and the report for that survey documented that component.

Rebuttal: My comment obviously did not go to these protocol-level surveys, which were not the types of surveys to be conducted for wildlife. This part of the Response is a misdirection.

Response 11-50b: The surveys conducted for the BRA were reconnaissance-level, and the BRA does not suggest that the surveys were comprehensive for all wildlife species on the site. With respect to a checklist of habitat elements, the Madrone biologists conducting the surveys have decades of experience with plant and wildlife species in the region, and are able to analyze habitat suitability without the aid of checklists.

Rebuttal: The Madrone biologists are described in Madrone (2024) as more specialized on rare plants and invertebrates, but it is certainly possible that the biologists have ample experience with vertebrate wildlife as well. However, the few vertebrate species detected by Madrone's biologists indicate that they are less experienced with vertebrate wildlife, and if this is true, then their skills at assessing habitat may have been inadequate. Regardless, habitat assessment is most effective by either detecting the species on the site or by completing a survey effort that is sufficient for defending an absence determination. If biologists were so skilled as to be able to determine the presence or absence of a species through visual inspection of the environmental setting alone, then there would be no need for protocol-level detection

surveys. I concede that biologists can make such determinations in the coarsest sense, such as determining that oak titmouse is absent from a site entirely devoid of trees, or determining western spadefoot is absent from a site entirely devoid of seasonal wetlands, but otherwise the skills alleged in the Response are fantastical and unrealistic.

As an aside, there is no such thing as *suitable habitat*, because the converse would be that there is such a thing as *unsuitable habitat*. Habitat is habitat, and it is defined as that part of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). Suitable habitat is redundant, and as such it is meaningless (see Krausman 2015).

Moreover, Madrone's determinations of habitat suitability (aka, habitat) comported poorly with species occurrence records.

Response 11-50c: The commenter mischaracterizes the type of analysis required by CEQA, as a lead agency is not required to conduct every recommended test and perform all recommended research to evaluate the impacts of a proposed project. As detailed in Responses to Comments 11-6, 11-44 and 11 46, the Draft EIR contains extensive analysis of the investigation of potential biological resources that may be located on the project site, which is supported by substantial evidence in both the Draft EIR and the BRA.

Rebuttal: The Response mischaracterizes my comment, as my comment does not argue for “every recommended test” and all research to evaluate the impacts of the project. My comment does not even address the impacts analysis, which was to come in later comments. What my comment addresses, and which the Response ignores, is the lack of reporting of what methods Madrone's biologists implemented in the field. Madrone does not report the start times or durations surveys, both of which are essential to comparative analysis. And in fact, there is no comparative analysis of the survey findings in the DEIR. The survey findings are presented without any context of what would normally be found with similar survey efforts, or at similar locations or at similar times of year. There is no reporting of confidence intervals or measures of uncertainty, and there is no reporting of anything that would assist the reader in understanding the meaning of the findings.

Response 11-51a: The statement made in the comment on how “the detection of wildlife species is the surest means of assessing whether a site supports habitat” is untrue. The detection of wildlife species is the surest means of assessing whether a particular species is present. However, the analysis in the Draft EIR is not based on presence or absence of species, but rather on whether the species has the potential to be present. As stated in Response to Comment 11-50 above, the Madrone biologists were not conducting comprehensive wildlife species surveys, as such surveys are not a required component of a CEQA analysis. Instead, the biologists focused on documenting habitat for the species, which is a required component of a CEQA analysis.

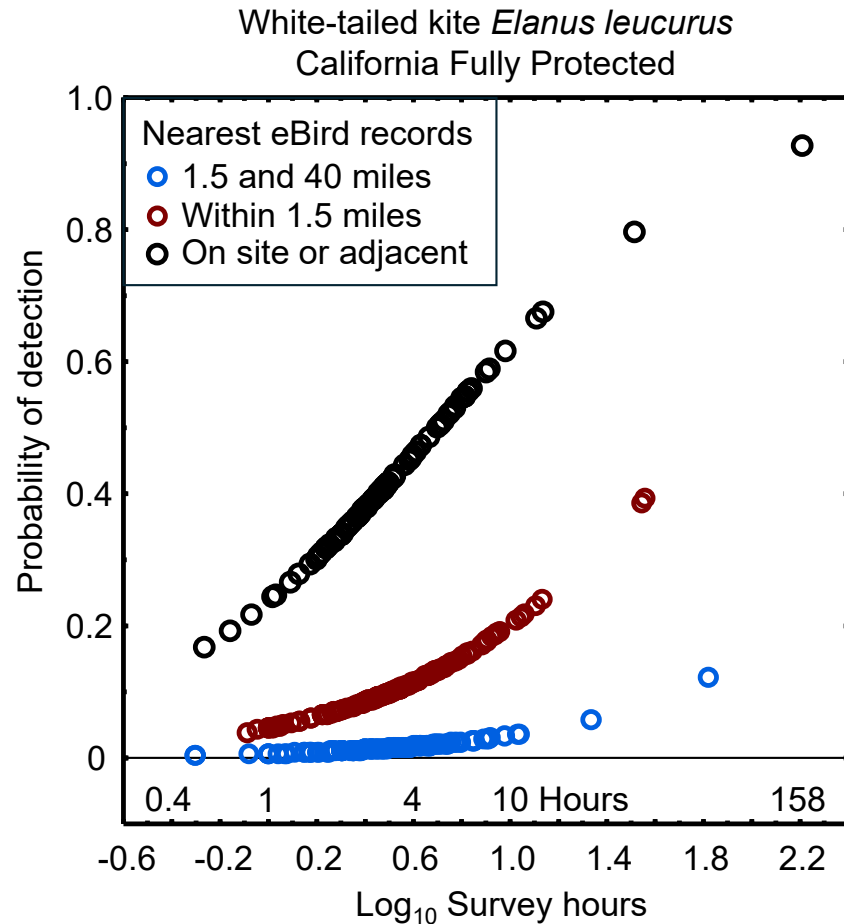
Rebuttal: The presence of a species is the most reliable test of whether the place at issue provides habitat. The most fundamental measure of habitat is the observed

occurrence of one or more members of a species. Measures to weight habitat are based on use and availability analysis of various types (see Smallwood 2002 for a review).

The Response claims that the DEIR's analysis is based not on presence but on the potential for a species to be present. However, the potential for a species to be present is not assessable without having observed members of the species in similar settings as the site at issue. A potential presence must be informed by past observations of presences and absences. In fact, this process must rely on the drawing of inference from data from other locations, which is a process that previous responses to my comments claimed is inappropriate because it relies on speculation (it does not). This hypocrisy aside, there are multiple problems with the drawing of inferences from presence and absence observations from other similar settings as the project site. One problem is that many such observations are needed to draw sound inferences, and it is unlikely that Madrone's biologists would have accumulated enough such observations for every special-status species to be as skilled as the County claims. Another problem is that habitat is not always occupied when it is surveyed, because animal populations and centers of activity naturally shift every few generations or so, and animals with large home ranges might be present on a site only once every week or so. For these reasons, and because many special-status species are either rare or cryptic (or both), protocol-level detection surveys are relied upon to either detect the species or to provide defensible evidence of absence. Unless detection surveys have been implemented at all sites whose environmental settings resemble that of the project site, then the absence observations in the biologist's experience is not helpful. These problems, and others, are the sources of uncertainty in habitat assessment in lieu of actual detections of species on the project site.

Regarding the Response's claim that the DEIR's analysis goes to the potential of a species to be present, I must point out that the DEIR and the Response present no foundation for such an analysis, such as a data set from which such potential could be calculated. And anyway, there is not as much of a difference between determining the potential of occurrence and determining presence/absence. A species given no potential for occurrence is the same as determining it is absent. Determining low, moderate or high potential for occurrence is not the same as determining presence, but these types of determinations can be misleading. Take the white-tailed kite, for example. My employee and I compared our reconnaissance survey findings throughout the geographic range of white-tailed kite over the past five years, comparing whether we detected white-tailed kite as functions of proximity of occurrence records and survey duration. Using logit regression analysis, we found that the probability of detection of white-tailed kite was certainly highest on sites where the species had already been documented to occur, but that the probability was always greater than zero so long as sufficient survey effort was invested. Even at sites where the nearest occurrence records were relatively distant, the species could be detected with greater survey effort. Ultimately, determinations of low, moderate and high occurrence potential are equivalent to a determination of present.

Figure 5. Probability of detection of white-tailed kite as a function of survey effort and proximity of occurrence records to a project site.



Response 11-51b: As discussed in detail in Responses to Comments 11-6, 11-44, 11-46, and 11-50, the findings in the Draft EIR are supported by substantial evidence partially based on multiple site visits by biological experts from Madrone. Furthermore, a lead agency has discretion to employ the survey methodology of its choice so long as it is supported by substantial evidence. CEQA does not require an EIR to provide an exhaustive list of every species that may be found on or near a project site; the commenter's assertions with regard to possible reasons the alternative model detected more species than during filed surveys conducted by Madrone biological experts is speculative and does not constitute substantial evidence.

Rebuttal: Most of this Response merely repeats claims in previous Responses. The argument that lead agencies have discretion over the level of effort is true, but it does not mean that the conclusions following from the effort are accurate or at all adequate to the CEQA's objectives. Enough of an effort must be made to satisfy the CEQA's principal objectives of conserving the environment.

Response 11-52: As detailed in Response to Comment 11-45, the commenter's use of the Species Model is inherently speculative and does not represent substantial evidence of wildlife types or amounts on the project site. Further, as discussed in Responses to Comments 11-6, 11-44, 11-46 and 11 50, CEQA does not require an EIR to provide an

exhaustive list of every species that may be found on or near a project site and a lead agency has discretion to employ the survey methodology of its choice so long as it is supported by substantial evidence. Despite the commenter's assertion that the project site requires further surveys, the environmental setting is properly characterized in the Draft EIR and is supported by substantial evidence.

Rebuttal: The Response merely repeats earlier Responses, but it avoids responding to my comment that Madrone's survey effort was deficient.

Response 11-53a: Madrone has conducted a full set of protocol-level special-status plant surveys; the report documenting the methodology and results of those surveys is included as Attachment E to the BRA (see Appendix E to the Draft EIR). As stated in the report, the surveys were conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 2000), the Botanical Survey Guidelines of the California Native Plant Society (CNPS 2001), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). The survey included five survey dates and visits to available reference populations of target plant species to ensure that the target plants were identifiable at the time of the survey. In addition, the surveys were floristic in nature, which means that all plant species observed on-site were identified to the taxonomic level necessary to determine rarity. Thus, if a special-status plant was present but not on the target list, the plant would have been detected and documented. A total of 205 plant species were documented during the course of the surveys.

Rebuttal: Madrone (2024) achieved many but not all the minimum standards of CDFW (2018), but the standards that were unmet were the most important of the standards (Table 2). Though five surveys were completed, one was a throwaway survey outside the breeding season in October, and the two surveys of the second year were spaced by only one month. The first three botanical surveys doubled as wildlife surveys and included multiple other simultaneous objectives as well, which means they were not focused on rare plants. Most importantly, Madrone (2024) and the Response misrepresent the detection probabilities associated with surveys for biological resources. According to Madrone (2024:1) and the Response, "if a special-status plant was present but not on the target list, it would have been detected and documented." This assertion implies perfect detection, which is widely known in ecology to be untrue.

Table 2. Summary crosswalk of survey steps completed and CDFW's (2018) minimum standards of survey conduct.

Standard in CDFG (2018)	Assessment of surveys completed	Was the standard met?
Purpose and Timing to adequately disclose potential impacts pursuant to CEQA		
Qualifications		
Knowledge of plant taxonomy and natural community ecology	Summary of qualifications provided	Yes
Familiarity with plants of the region, including special status plants	Summary of qualifications provided	Yes
Familiarity with natural communities of region, including sensitive natural communities	Summary of qualifications provided	Yes
Experience with the CNDDDB, BIOS, and Survey of California Vegetation Classification and Mapping Standards	No information provided	Assume yes
Experience conducting floristic botanical field surveys as described in this document, or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor	Summary of qualifications provided	Yes
Familiarity with federal, state, and local statutes and regulations related to plants and plant collecting	Summary of qualifications provided	Yes
Experience analyzing the impacts of projects on native plant species and sensitive natural communities	No information provided	Assume yes
Survey Preparation		
Compile relevant botanical information in the general project area to provide a regional context, i.e., data base review, and to generally identify vegetation and habitat types potentially occurring in the project area based on biological and physical properties (e.g., soils) of the project area	Reviewed CRPR and CNDDDB	Partial
Develop list of special status plants and sensitive natural communities with potential to occur within the vegetation and habitat types identified (special status plants and sensitive natural communities in a project area may not be limited to those on the list)		Yes
Survey Design		

Standard in CDFG (2018)	Assessment of surveys completed	Was the standard met?
Survey extent should cover entire project area, including areas that will be directly or indirectly impacted by the project, and adjoining properties	Covered 81.8 acres	Yes
Use systematic field techniques, e.g., parallel transects, in all habitats of the project area to ensure thorough coverage	Surveyed on foot along rough transects	Yes
Survey at the times of year when plants will be both evident and identifiable, usually during flowering or fruiting	Perhaps not the September and October surveys for most species; only one survey during blooming periods of big-scale balsamroot, Red Hills soaproot, dwarf downingia, and Tuolumne button-celery	Probably yes
Space (multiple) survey visits throughout the growing season to accurately determine what plants exist in the project area	April and fall one year, and only April and May the second year	Marginal
When special status plants are known to occur in the type(s) of habitat present in a project area, observe reference sites to determine whether those plants are identifiable at the times of year the surveys take place; Describe reference site(s), if visited, and phenological development of special status plant(s) at those reference sites	Reference sites were visited for half of the target species	Partial
Survey Methods		
Identify names and qualifications of botanical field surveyor(s)	Names reported	Yes
Dates of surveys (indicating the botanical field surveyor(s) that surveyed each area on each survey date)	Dates reported	Yes
Total person-hours spent	No information	No
Discuss survey preparation methodology	No information	No
List special status plants and sensitive natural communities with potential to occur in the region; identify all taxa to level necessary to determine whether they are special status	Lists are reported in the main biological technical report	Yes
Describe and map the area surveyed relative to the project area	Survey area was the project area	Yes
Reporting		
Describe the proposed project		Yes
Discuss all adverse conditions in the botanical survey report	No mention	No

Standard in CDFG (2018)	Assessment of surveys completed	Was the standard met?
Document all plant taxa observed		Yes
Detailed data and maps for all special status plants and sensitive natural communities detected	“No special status species were observed”	Yes
Report specific geographic locations where the special status plants and sensitive natural communities were found, usually via GPS		NA
Site-specific characteristics of occurrences, such as associated species, habitat and microhabitat, structure of vegetation, topographic features, soil type, texture, and soil parent material. If in wetland, describe direction of flow and integrity of surface or subsurface hydrology and adjacent off-site hydrological influences as appropriate		NA
The number of individuals in each special status plant population as counted (if population is small) or estimated (if population is large)		NA
Percentage of each special status plant in each life stage such as seedling, vegetative, flowering, and fruiting		NA
Density of special status plants		NA
Digital images of special status plants and sensitive natural communities in the project area, with diagnostic features		NA
Detailed map of the project area that identifies topographic and landscape features and includes a north arrow and bar scale		Yes
Vegetation map of project area using Survey of California Vegetation Classification and Mapping Standards at thematic and spatial scale that allows the display of all sensitive natural communities		Yes
Soil map of the project area		Yes
Describe biological setting, including all natural communities, geological and hydrological characteristics, and land use or management history		Yes
Discuss potential for a false negative botanical field survey	Reports perfect detection of all rare plants	No
Discuss how climatic conditions may have affected survey results		No
Discuss how survey timing may affect comprehensiveness		No
List references used, including persons contacted and herbaria visited		Yes

Response 11-53b: CEQA does not require an agency to undertake a protocol-level survey when assessing whether a project would affect special-status species, and a lead agency may employ other survey methodologies, such as reconnaissance-level surveys, as long as the methodology is supported by substantial evidence. As discussed in detail in Responses to Comments 11-44 and 11-46, the Draft EIR's findings, as supported by the BRA, constitute substantial evidence with respect to the project's analysis of potential impacts on special-status species that may be found on the site.

Rebuttal: The stated condition, "as long as the methodology is supported by substantial evidence," is backwards. A methodology is intended to acquire substantial evidence, not the other way around as implied by the conditional phrase in the Response.

In fact, detection surveys are intended to obtain substantial evidence. One type of evidence provided by detection surveys is presence of the target species. Detection surveys are formulated to provide survey personnel with a reasonable likelihood of detecting the species if the species is indeed present. The other type of evidence provided by detection surveys is absence of the target species at the time of the survey(s). So long as the site is within the species' geographic range and the site's condition is conceivably supportive of members of the species, the negative finding of a properly implemented detection survey is the only evidence that can be used to support an absence determination. The finding of a detection survey qualifies as substantial evidence. Unfortunately, Madrone (2024) does not provide this type of evidence in support of its many absence determinations applied to species of wildlife.

There are many aspects of environmental review that are not required by the CEQA, but which are expected by biologists because these aspects of review are needed for achieving the CEQA's principal objectives. The flowchart in Figure 6 identifies the most common steps taken to predict project impacts and to determine the significance of impacts. None of the steps needed to assess species occurrence likelihoods are specifically required by the CEQA, but biologists understand that these steps are necessary. If one is to accurately characterize the wildlife community, then one needs to learn which species might occur there, so a desktop review is needed, and so is a reconnaissance-level visit. The reconnaissance-level visit is also needed to assess which special-status species detection surveys are needed in support of presence-absence determinations.

Should any of the steps in Figure 6 not be taken, or should any of the steps have been completed incompletely or inadequately, then the remaining uncertainties of the wildlife community's composition should be reported, impact predictions and significance determinations tempered, and the mitigation strategy adjusted to accommodate the uncertainties. But this is not what is happening in this EIR inclusive of the Responses to comments.

Assess species occurrence likelihoods

1. Desktop review
 - a. Species geographic range overlap or database occurrence records
 - b. Crosswalk habitat associations with mapped ground cover
2. Reconnaissance survey/Habitat assessment
3. Detection surveys for special-status species



Characterize wildlife community

4. Lists of species detected and of those expected but not yet detected, and any known trends



Outcomes

5. Predict impacts
6. Formulate mitigation strategy
7. Determine significance of impacts

Note: Impact predictions and significance determinations have been of unknown accuracy in the absence of experimental measurement

Figure 6. General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.

Response 11-54: As detailed in Responses to Comments 11-44 and 11-46, the analysis of biological resources on the project site, including the literature review, conducted by Madrone consistent with generally accepted industry standards and included in the Draft EIR and BRA, are extensive and constitute substantial evidence under CEQA.

Rebuttal: The Response cites industry standards without actually citing any substantial guidelines document or other source of the standards. Which industry standards?

There exist industry standards in the forms of guideline documents and the scientific literature. The CDFW (2018) rare plant survey guidelines could have been followed more closely. The detection survey guidelines for multiple wildlife species could have been implemented. The California Natural Diversity Data Base (CNDDB) could have been used as intended by the CNDDB, instead of for using lack of CNDDB records to determine multiple species are absent. As I noted my comment letter, the CNDDB specifically warns against using the CNDDB in the manner in which Madrone (2024) uses it. The EIR's conclusions about special-status species of plants and wildlife are not based on industry standards.

Response 11-55a: Lead agencies have discretion to employ survey methodologies of their choosing, so as long as the choice of methodology is supported by substantial evidence. As discussed in detail in Responses to Comments 11-6, 11-44 and 11-46, the Draft EIR's findings, as supported by the BRA, constitute substantial evidence about the

project's analysis of potential impacts on special status species that may be found on the project site.

Rebuttal: See my rebuttal to the preceding Response.

Response 11-55b: The additional databases noted in the comment letter (eBird and iNaturalist) provide occurrence data that is not confirmed or verified by the resource's agencies. As a result, the two databases are not generally reliable, and thus, are not used as references for understanding current site conditions. Furthermore, although not referenced in the Draft EIR, the BRA used the eBird website to examine whether bald eagles may be present near the site, in addition to the other desktop searches described above (see page 31 of the BRA).

Rebuttal: According to the Response, Madrone (2024) relies on eBird despite its assertion that eBird is not reliable. This inconsistency of the Response aside, the assertion that eBird and iNaturalist are unreliable is readily refuted.

As to the issue of verifiability of occurrence records, the CNDDDB deserves credit for the screening it requires of posted records. The standards are appropriately high. However, postings to eBird and iNaturalist are also scrutinized by built-in filters and by other users of the databases, including by professionals at Cornell University Lab of Ornithology. Documentation of observations is also often provided in the form of photographs and written notes. I have found a few errors in both databases, usually involving immature birds mistaken as other species. Overall, however, accuracy has been high and sufficiently trustworthy to have resulted in a large and growing list of papers published in the peer-reviewed scientific literature. Hundreds (1,180 through 2024) of peer-reviewed papers have resulted from analysis of eBird data over the past decade (<https://science.ebird.org/en/research-and-conservation/publications>). The same cannot be said of the CNDDDB.

More importantly, my comment goes to the way in which Madrone (2024) uses the CNDDDB. The CNDDDB specifically warns against using the CNDDDB in the manner in which Madrone (2024) uses it. Lack of CNDDDB records should not be used to determine a species absence, which is what Madrone does. If no surveys had been conducted by professional biologists prior to Madrone's surveys, then there would be no CNDDDB occurrence records only because no surveys had been to supply the records.

Response 11-56: As discussed in detail in Response to Comment 11-55, the Draft EIR uses a variety of sources to determine whether special-status species would be significantly impacted by the proposed project, and the choice of methodology is within the sound discretion of the lead agency if backed by substantial evidence, as is the case here. Furthermore, CEQA requires that information developed in EIRs be incorporated into a database, such as CNDDDB, which may be used for subsequent or supplemental environmental determinations (see PRC Section 21003[e]).

Rebuttal: The Response does not address my comment.

Response 11-57: As noted in detail in Response to Comment 11-55, the information within the alternative databases cited by the commenter (i.e., eBird and iNaturalist) is unreliable, and not verified by any resource's agencies. Further, page eight of the BRA specifically states that the BRA conducted an additional review of any special-status species known to occur in the region, but not identified in any of the aforementioned database searches. CEQA does not require a lead agency to adopt any particular methodology so long as the methods used to determine significant impacts to biological resources are supported by substantial evidence, as is the case here.

Rebuttal: The premise of the Response is not supported by more than 1,000 scientific papers in the peer-reviewed literature based on eBird records. As for the claim of having used additional review of special-status species not identified in the database searches, it would be helpful to identify the sources. The bottom line is that available occurrence records provide evidence of 106 special-status species near enough to the project site to warrant habitat assessments, while the EIR addresses only 23 of these species.

Response 11-58: Please see Responses to Comments 11-55 and 11-57. Furthermore, analysis of Swainson's hawk habitat located in Contra Costa County is not substantial evidence that Swainson's hawk would be affected by the proposed project, which is located in El Dorado County.

Rebuttal: See my rebuttal of Responses 11-42 and 11-51a. My drawing of inferences of species observations elsewhere is the basis of habitat associations that are used in habitat assessments. Madrone (2024) presumably practices the same sort of habitat assessment.

Response 11-59: The comment alleges that the existing environmental setting for the proposed project has not been accurately characterized, and several important types of potential impacts have been inadequately analyzed, including impacts from habitat loss, interference with wildlife movement, wildlife automobile collision mortality, and bird-window collision mortality. The commenter provides specifics regarding these claims in subsequent comments; responses to the substance of the comments are provided below.

Rebuttal: The Response is only a summary of my comment.

Response 11-60a: The comment fails to present any evidence that the proposed project would have direct impacts to the reproductive capacity of any species in particular. In addition, as discussed throughout this chapter, a lead agency has discretion to employ survey methodologies of its choosing, so as long as the methodology is supported by substantial evidence.

Rebuttal: Providing direct evidence of an impact before it happens would be impossible, but it is readily predictable that reproductive capacity would be reduced for any and all species likely to breed on the project site. Such species can include most of not all the bird species listed in Table 1, as well as many other bird species. Through scientific inference, analysts rely on evidence of impacts from other projects to predict impacts at a given project (see Figure 4). Smallwood and Smallwood (2023) measured

impacts of development projects on numerical abundance and species richness, but not on productivity. It is reasonable to expect, however, that substantial declines in species richness and animal abundance would correspond with substantial declines in wildlife productivity.

Response 11-60b: Furthermore, Impact 4.3-7 of the Draft EIR analyzes potential impacts to nesting birds and raptors protected under the MBTA and CFGC either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications. The Draft EIR recognizes that the project area provides suitable nesting habitat to accommodate nesting songbirds and raptors protected under the MBTA and CFGC.

Rebuttal: Recognizing that the project area provides nesting opportunities to birds is not an impacts analysis nor an impact prediction.

Response 11-60c: Because disturbance to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is considered a potentially significant impact, the Draft EIR contains protections for nesting birds in Mitigation Measure 4.3-7, which requires conducting focused surveys for various types of protected bird species prior to ground disturbance or other construction activities. If birds are found during the focused surveys, then mandatory protections are put in place to protect these birds consistent with the MBTA. However, as discussed on page 4.3-52 of the Draft EIR and based on substantial evidence, the proposed project's impacts to nesting birds would be less-than-significant. In addition, the comment's concern with all bird species, including species that are not special-status, potentially nesting in the future is considered speculative.

Rebuttal: The Response does not address my comment, which is about the permanent loss of avian productivity, and not about the fate of nests at the time of construction. The Response fails to explain how my comment is speculative on the grounds that my comment addresses all birds rather than only special-status species of birds. This part of the Response makes no sense.

Response 11-60d: As a final point in this response, it is noted that preconstruction nesting bird surveys are not solely focused on counting the number of bird nests, but also observing nesting behavior to detect nesting birds and aid in identifying nesting birds whose nests may otherwise be difficult to detect. Nesting bird behavior is readily observable by a qualified biologist, and such can include, carrying nest material, carrying food, frequent activity near a particular location (e.g., flights to/from), etc.

Rebuttal: Sometimes nesting behavior is readily observable by a skilled biologist, but oftentimes it is not. If nesting behavior was always readily observable, no nests would survive savvy predators, which are always looking for cues of nesting and nest locations. Unless the County commits to requiring many surveys by qualified biologists to ensure that all nesting birds are found and salvaged or protected by no-disturbance buffers, it must be understood that nests would be destroyed by the project, and that all nest sites would be permanently lost. Compensatory mitigation is warranted.

Response 11-61a: The comment is not based on observations of actual nests on the project site and instead is based on a speculative estimate of nest attempts based off averaging the amount of nests in sites that are unrelated to the project site. The study site that the commenter chose to compare to the project site is not comparable to the project site. The vast majority of impacts associated with the proposed project would occur in annual grassland, while the study site the commenter chose is comprised of two types of tree-dominated communities (orchard and riparian), both of which support more nests than grasslands. The commenter then averages the results of his study site with two other prior studies: Young (1948) and Yahner (1982). Young analyzes a five-acre site comprised of a mowed lawn interspersed with hedges of medium to tall shrubs and trees. In addition, the entire site analyzed by Young is surrounded by a pond and lake. Overall, the Young site does not bear any resemblance to the on-site grasslands potentially impacted by the proposed project. Yahner analyzes nest densities in “farmstead shelterbelts,” which are described in the article as “wooded islands.” Similar to the Young study, such a description cannot be extrapolated as comparable to the grasslands within the project site. As such, none of the three study sites used to build the model discussed in the comment have any similarity to the project site; therefore, the results of the model are not applicable. Because the comment does not show any direct impacts on nesting sites as a result of the proposed project and fails to detail what types of nesting birds may be affected, the comment is inherently speculative and does not represent substantial evidence of a significant impact to nesting birds.

Rebuttal: The Response portrays the project site as a grassland, but only a portion of the site is grassland. The site is composed of riparian woodland and oak woodland savannah inclusive of wetland seeps. The bird community and its likely total nesting density should both be similar to the sites I selected for drawing inference. Moreover, the Response cites no evidence in support of the notion that on-site avian productivity differs significantly from the sites I selected, nor does the Response introduce evidence in support of its implied assertion that no permanent loss of avian productivity would result from the project.

Response 11-61b: Further, as detailed in Response to Comment 11-60, because disturbance to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is considered a potentially significant impact, the Draft EIR contains protections for nesting birds as provided in Mitigation Measure 4.3-7. The implementation of Mitigation Measure 4.3-7 involves conducting focused surveys for various types of protected bird species prior to ground disturbance or other construction activities. If birds are found during the focused surveys, then mandatory protections are put in place to protect these birds consistent with the MBTA. However, as discussed on page 4.3-52 of the Draft EIR and based on substantial evidence, the proposed project’s impacts to nesting birds would be less-than-significant. In addition, the comment’s concern with all bird species, including species that are not special-status, potentially nesting in the future is considered speculative.

Rebuttal: Again, the Response only addresses the nests that would be active during the preconstruction survey. It does not address my comment, which is about permanent loss of avian productivity that would result from the loss of nest sites.

Response 11-62a: As detailed in Responses to Comments 11-60 and 11-61, the analysis contained in the comment fails to show any direct impact the project would have on any special-status bird species.

Rebuttal: Multiple of the bird species observed on the project site are special-status species (see Table 1). It is reasonable to assume that the species in Table 1 breed on site. Therefore, these species would be directly affected by loss of nest sites and permanent loss of productivity.

Response 11-62b: The comment's use of formulaic estimates to determine the amount of birds that may be affected by the project is inherently speculative and therefore does not constitute substantial evidence.

Rebuttal: My use of a simple model does not meet the definition of speculative, as I noted earlier. The model was peer-reviewed and published in a leading scientific journal (Smallwood 2022). On the other hand, the DEIR could have addressed this impact, but it did nothing about it. Even a bit of speculation in the EIR would be better than no analysis at all of the potential impact. The potential impact is too big to ignore.

Response 11-63: As detailed in Responses to Comments 11-60 and 11-61 above, the comment's estimates are inherently speculative and do not constitute substantial evidence of the project's potential impacts on nesting birds. Furthermore, the commenter's position is largely based on difficulties in detecting nests, but see the survey methodology explained in Response to Comment 11-60 whereby it is explained that biologists rely on detecting readily observable nesting behavior to identify nesting birds. Please see Response to Comment 11-99 regarding compensatory mitigation for the project's oak woodland impacts.

Rebuttal: The Response only repeats earlier Responses, which I already rebutted.

Response 11-64a: The Draft EIR examined the potential impacts the proposed project could potentially have on wildlife movement and whether development of the project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites, under Impact 4.3-12. The above emphasis on "substantially" is important and overlooked by the commenter. Appendix G of the CEQA Guidelines includes the following threshold question in Section IV, Biological Resources:

Would the project:

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Importantly, the question being asked is whether the project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. The commenter's neglect in recognizing this important distinction is instructive. The Draft EIR does not claim that the proposed project would not interfere with wildlife movement, but rather that the proposed project would not substantially interfere with wildlife movement, for the reasons set forth in the Draft EIR. The analysis is supported by substantial evidence in the Draft EIR using the analysis found in the BRA, which was based on both literature review and site visits.

Rebuttal: I did not overlook the word "substantially." I commented that considering the degree of habitat fragmentation that has already taken place in the region of the project site, the loss of the project site's open space would exacerbate the project's interference with wildlife movement. I commented that Madone's standard for determining the significance of this interference is flawed because it does not consider the habitat fragmentation that has already happened.

Response 11-64b: The commenter states that "suburban residential development surrounds the Project area in all directions but the south, but U.S. 50 borders the south side of the Project. As habitat fragmentation has progressed in the area, the area's capacity to support wildlife movement in the region has declined, while at the same time it has elevated the importance of the project site to wildlife movement." The foregoing portrayal is disingenuous. Figure 4.3-2 of the Draft EIR shows an aerial view of all of the land surrounding the project site. The closest suburban development to the west and north of the project site is more than a half of a mile away, and is over a third of a mile from the eastern edge. Apart from US 50, the project site is entirely surrounded by grassland and scattered oak habitat nearly identical to the habitat located within the project site. The project site is part of an area of contiguous habitat spanning over 1,100 acres. The proposed project would convert less than 50 acres (less than five percent) of that habitat on the edge of the habitat block. As such, the commenter's conclusion that the habitat is fragmented and that this fragmentation has elevated the importance of the project site to wildlife movement is flawed.

Rebuttal: The Response accuses my comments as disingenuous. However, the Response claims that only 50 acres of 1,100 acres of contiguous open space would be taken, while the surveys and planning performed by Madrone is for 53.7 acres on the primary site and for 81.8 acres including the Program Study Area. As for the basis of the 1,100 acres of contiguous open space, this acreage could only be derived creatively while ignoring the new paved roads, parking lot (park and ride), and the highly fragmented nature of the open spaces left between residential tracts that snake all over the landscape. There is no 1,100-acre patch of open space north of Highway 50, and inclusive of or adjacent to the project site, that can be said to be contiguous.

Response 11-65a: As detailed in Response to Comment 11-64, the Draft EIR's determination that the project site is not in a wildlife corridor and would not have a significant impact on wildlife movement is supported by substantial evidence in the Draft EIR using the analysis found in the BRA, which was based on both literature review and site visits.

Rebuttal: The Response does not address my comment, which is about Madrone's exaggeration that culverts at the ends of onsite drainages somehow transform drainages into low-quality wildlife corridors. Madrone cites no evidence that culverts restrict wildlife movement or that culverts have any effects on wildlife movement. And no species are identified that would lose quality in the corridor due to culverts. Madrone (2024) only speculates over the meaning of culverts to wildlife movement, and the speculation of over-generalized.

Response 11-65b: As noted in Response to Comment 11-64 above, the project site is located in a large area of contiguous grasslands and scattered oak woodlands. The only barriers to wildlife movement are roadways, leading to the focus in the text on safe methods of transit across the roadways (i.e., culverts). As noted by the commenter, most wildlife is not restricted to drainageways or woodland corridors and would be able to easily move through annual grasslands. As such, the removal of the annual grassland area within the project site would not change the ability of wildlife to move through the large area of remaining grassland surrounding the site. The discussion of the oak woodland corridor was included to discuss an area where wildlife movement might be impacted. For example, deer may indeed cross Bass Lake Road; Madrone's discussion of culvert size was intended to highlight the fact that crossing the road is already the only way for deer to get from one side of the road to the other. All smaller wildlife that currently can and do travel through the culvert under the road would continue to be able to use the same culvert following project construction, and the adjacent oak woodland would be maintained.

Rebuttal: The Response continues to rely on speculation over how the project would not interfere with wildlife movement in the region. Madrone (2024) collected no data that would inform of how wildlife move across the site, and it did not consider any type of movement other than along a corridor.

Response 11-66a: As detailed in Response to Comment 11-64, the Draft EIR's determination that the project site is not in a wildlife corridor and would not have a significant impact on wildlife movement is supported by substantial evidence in the Draft EIR using the analysis found in the BRA, which was based on both literature review and site visits.

Rebuttal: It would help for the Response to describe what it regards as evidence, because I did not see any in Madrone (2024) or the DEIR. No data were collected that would support conclusions over how the project site is used by wildlife for movement in the region.

Response 11-66b: Furthermore, although the comment opines that the presence of birds on-site shows that the site is important to wildlife movement in the region, the conclusion is speculative. The comment does not state what direct impacts the proposed project would have on particular bird species. In addition, as birds can fly, bird species do not require wildlife corridors to move through an area. All three species highlighted by the comment would still be able to use the surrounding grassland and oak savannah habitat, as well as the remaining oak woodland corridor. As such, the species' ability to move through the area would not be adversely impacted and further comment is not required.

Rebuttal: The Response characterizes my comment as speculative before it *speculates* on how wildlife would continue to be able to move around on surrounding grasslands after the project is built. Smallwood and Smallwood (2023) measured the impacts of development projects on species richness and abundance, and we found large reductions on the project sites as well as around the project sites. There is nothing speculative about our findings, and there is nothing speculative about my comment that the project would substantially interfere with wildlife movement in the region.

Birds are selective of their flight paths, most species selecting to fly across open space on migration, dispersal or home range patrol. The golden eagles I co-investigate by use of GPS telemetry turn around or veer away when encountering suburbia. The white-tailed kites I study minimize their daily flight paths over residential neighborhoods when flying between roost or nest sites in tall trees in town and foraging areas outside of town. Mixed-species flocks of hundreds to thousands of blackbirds fly between and around developed landscapes on routes from roost sites to foraging areas. Northern harriers avoid residential areas, and so do short-eared owls and burrowing owls and loggerhead shrikes and most other special-status species of birds.

The Response claims that all these birds can just go around the development. However, doing so is expensive in energy, which for many birds can make the difference between persistence and extirpation. Additionally, the surrounding patches of remaining open space would no longer qualify as habitat where those patches are too small. Golden eagles, for example, do not fly over residential areas to visit open spaces of only a few acres each.

Response 11-67: Please see Response to Comment 11-66 above.

In addition, as discussed in Responses to Comments 11-6, 11-44, 11-46, and 11-64, the BRA contains extensive discussion and investigation of the types of habitat extant on the project site, as well as the species that are likely to be present on-site. The analysis is supported by literature review and multiple field surveys. CEQA does not require any one particular method of analysis; rather, a lead agency has discretion to employ survey methodologies of their choosing, so as long as the choice of methodology is supported by substantial evidence. As such, the discussion of wildlife movement in the Draft EIR is supported by substantial evidence.

Rebuttal: The Response does not address my comment, but instead repeats earlier Responses on other issues.

Response 11-68a: The comment is speculative and does not show that the proposed project would have any direct impacts on any special-status species due to project-generated traffic. Please see Response to Comment 11-42 for specific CEQA Guidelines relevant to the comment.

Rebuttal: There is nothing speculative about a comment that cites wildlife-vehicle collision mortality estimates in the scientific literature. Given that wildlife are killed by traffic elsewhere, it is reasonable to conclude that wildlife would be killed by project-generated traffic. My comment introduces the premise for drawing inference, not speculation. Moreover, my comment letter documents wildlife mortality that is ongoing on Country Club Drive (see Photos 13 and 14 in my 29 August 2024 comment letter). During my recent visit to the site, I found an additional black-tailed jackrabbit and the remains of a small bird on Country Club Drive. Adding more residents and more automobile traffic to the region would surely contribute to more wildlife mortality on the region's roads.

Response 11-68b: Furthermore, although the proposed project would include off-site road improvements, new roads are not proposed beyond the internal roadways required for project circulation. While the project would widen Bass Lake Road from two- to four-lanes between US 50 and just north of Country Club Drive, this roadway improvement is already planned and a component of the County's Capital Improvement Program. The proposed on-site parking areas and roadways would be traveled on at low speeds, leading to very few wildlife deaths. Therefore, the proposed project would not result in wildlife deaths on roadways substantially above what already occurs.

Rebuttal: No new roads are required in support of my mortality prediction; my prediction would apply to existing roads. As for the claim that roadways would be traveled by cars at low speeds, this claim is not credible after only a short time watching traffic on Country Club Drive. While I last visited the site, a motorist drove a convertible uphill at a speed well above 100 mph, and others also exceeded the speed limit.

Response 11-69: Please see Response to Comment 11-68 above. As discussed therein, the comment fails to show any direct impacts of the proposed project on special-status species, and is inherently speculative. As such, further response is not required.

Rebuttal: The use of inference is not speculative. As for failing to show direct impacts, again doing so would be impossible. All that can be done is to predict impacts until the impacts actually occur. But it is preposterous to imply that project-generated wildlife would not kill wildlife, including members of special-status species.

Since the date of my original comment letter, I have daily searched 2.7 km (1.68 miles) of roads in my Davis neighborhood, starting with local and collector roads from my home and extending onto a minor arterial road. During this year of searches, I have found 367 wildlife fatalities on this 2.7-km transect, including 7 Western toads, 168

Sierran treefrogs, 1 California kingsnake, 35 Pacific gopher snakes, 3 Valley garter snakes, 6 Southern alligator lizards, 13 Western fence lizard, 7 Virginia opossums, 3 striped skunks, 2 black-tailed jackrabbits, 6 desert cottontails, 24 California ground squirrels, 1 California vole, deer mouse, 1 Anna's hummingbird, 2 mourning doves, 1 wild turkey, 1 black phoebe, 2 bushtits, 2 ruby-crowned kinglets, 2 American crows, 2 northern mockingbirds, 1 western bluebird, 2 lesser goldfinches, 8 yellow-rumped warblers, 3 white-crowned sparrows, 3 golden-crowned sparrows, 1 swamp sparrow and others. I still need to account for the numbers of fatalities I did not detect, and then I need to estimate mortality. My estimate will be about a third as many roadkill fatalities that I cited occurred along Vasco Road, but it will go to show that even along suburban roads surrounded by agriculture instead of wildlands, traffic-caused mortality is substantial.

As for whether traffic-caused mortality would include members of special-status species, the roadkill tallied along Vasco Road included six special-status species (Mendelsohn et al. 2009), and in my own studies of wildlife roadkill I have found fatalities of multiple additional special-status species. This said, on this comment and others, the Responses have repeatedly asserted that the evidence in my comment letter does not go to special-status species. However, one should not focus solely on special-status species in a CEQA review.

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

Response 11-70: With respect to the Traffic Fatality Model, any results obtained are inherently speculative, as the results apply survey-sample results from Contra Costa County to all areas generically, regardless of the amount of traffic and of the surrounding environment and wildlife in any particular area. Because the use of the Traffic Fatality Model is inherently speculative and invites generic results that lack foundation and could contain inaccuracies, the application of the Traffic Fatality Model

to the potential impacts of the proposed project does not constitute substantial evidence of a significant impact to wildlife under CEQA.

Furthermore, the commenter does not present evidence specific to the project site that increased traffic in the project area would result in a significant increase in wildlife roadkill or increased significant impacts to special-status species.

Rebuttal: I made no use of a Traffic Fatality Model, so it is unclear what the Response is referring to. I drew an inference from a study of wildlife mortality on a nearby roadway, and I applied that inference to the project. This is how impact predictions are usually made (Figure 7). I would assume that Madrone (2024) does something similar when it determines potential impacts and likely significance of impacts. Presumably, Madrone’s biologists draw on experience from elsewhere and from other times to predict which species likely occur on the project site, and whether the project would cause particular impacts to wildlife. If Madrone’s biologists do not rely on inference, then speculation would be the only plausible alternative.

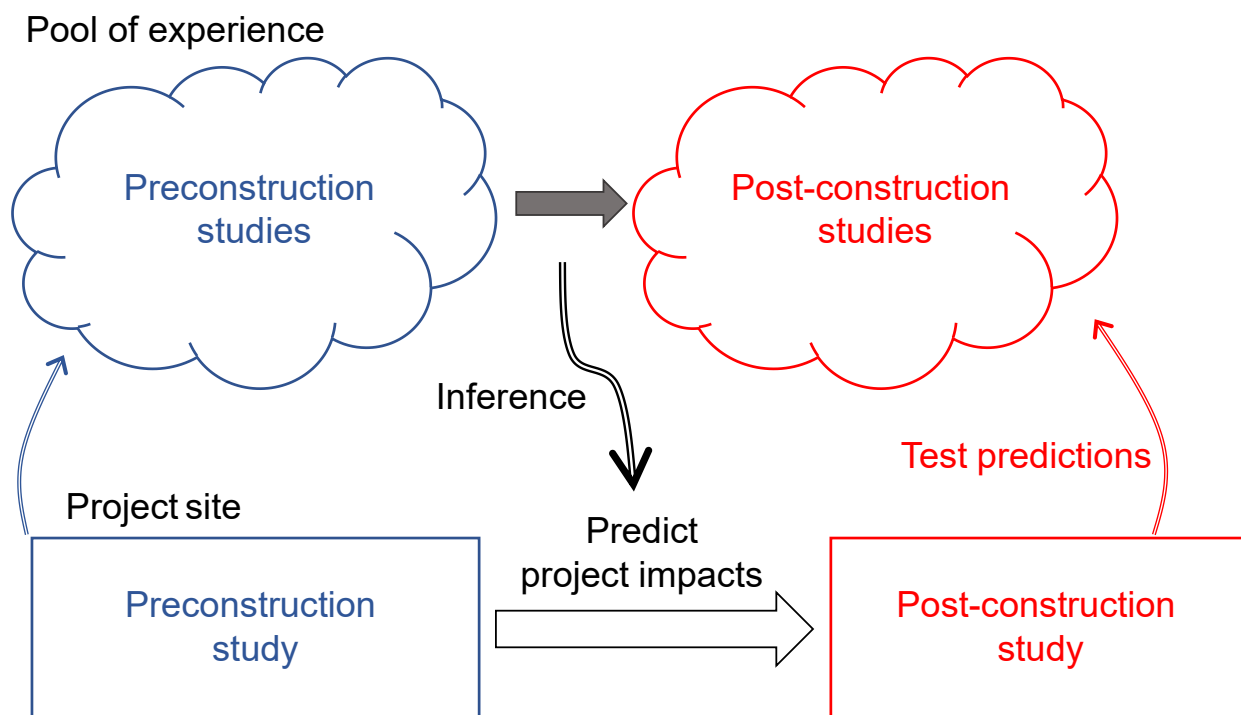


Figure 7. A framework for arriving at predicted project impacts based on experience with other project sites or study sites. Ideally, there is a pool of similar projects or studies in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.

Response 11-71: As detailed in Responses to Comments 11-68 and 11-70 above, the use of the Traffic Fatality Model is inherently speculative, and the Draft EIR’s findings related to potentially significant impacts to special-status species and other wildlife is supported by substantial evidence.

Rebuttal: As before, my comment is accused of being speculative when it clearly is not. I cited the background scientific literature and I explained my methodology for drawing scientific inference from a nearby study site of similar terrain and vegetation cover. In contrast, the Response cites no scientific literature and refers to no experience with traffic impacts on wildlife, but I notice that it refrains from predicting no wildlife would be killed by project-generated traffic. All the Response does is attempt to cast my comment as speculative.

Response 11-72: As detailed in Responses to Comments 11-68 and 11-70, the use of the Traffic Fatality Model is inherently speculative, and the Draft EIR's findings with respect to potentially significant impacts to special-status species and other wildlife is supported by substantial evidence. Because significant impacts to special-status species or other wildlife would not occur due to project-related traffic, mitigation is not required. See PRC Section 21100(b)(3), as well as CEQA Guidelines Section 15126.4(a)(3) ("Mitigation measures are not required for effects which are not found to be significant.").

Rebuttal: Without the benefit of any evidence, the Response determines the project would not cause a significant impact to wildlife as a result of project-generated traffic. The significance determination in the Response is conclusory.

Response 11-73: The comment does not address the adequacy of the Draft EIR.

Rebuttal: My comment introduces a structural property of the project that is well known to be lethal to birds, but which is not analyzed in the DEIR.

Response 11-74a: As detailed in Responses to Comments 11-6, 11-44, and 11-46, the Draft EIR's analysis of the proposed project's potentially significant impacts to special-status bird species was based on the extensive literature review and numerous field surveys conducted as part of the project-specific BRA. The Draft EIR's determinations were based on substantial evidence that the proposed project's impact on special-status birds would be less than significant with mitigation in place.

Rebuttal: The literature review and field surveys performed by Madrone did not include any consideration of potential bird-window collision mortality, which is known to have affected at least 202 bird species in the Americas. The DEIR's significance determination regarding birds is inaccurate.

Response 11-74b: Furthermore, studies on bird strikes on the California Academy of Sciences in heavily urbanized San Francisco are not directly analogous to El Dorado County or the project site.

Rebuttal: The Response cites no evidence in support of its claim that bird strikes at the California Academy of Sciences lack inferential value at the project site. The Response implies that the heavy urbanization at the Academy would lessen its inferential value, but I would expect bird-window collision mortality to be even higher in a wilder setting

such as the project region. But my expectation also lacks supporting data. What I did bring to my comment letter, however, was a collection of bird-window collision mortality estimates that I averaged to obtain a more robust estimate at the project site. I cited the California Academy of Sciences study as an example, but my inference was drawn from all the available collision mortality estimates in a wide range of environmental settings.

Response 11-75 and Response 11-76 and Response 11-77: Please see Responses to Comments 11-78, 11-79, and 11-80 below for a detailed discussion of bird fatalities due to window collisions.

Response 11-78: The Bird Strike Fatality Model is inherently speculative and lacks the foundation needed to represent substantial evidence of impacts of the proposed project.⁷ Furthermore, the Bird Strike Fatality Model does not take into account the locations where the associated modeling surveys were conducted, and does not mention the types of species killed during the surveys. As such, the use of the model to generically predict an estimate of bird strikes on any particular building or place, or to suggest that any particular special-status species would be affected, is baseless and does not represent substantial evidence of a significant impact.

Rebuttal: None of the Response is accurate. The “Bird Strike Model” is simply a mean with a confidence interval that is derived from scientific collision monitoring under windows of 213 buildings, many of which were houses. The wide range of buildings and settings adds to the robustness of the prediction. The locations of the monitoring are all available in my cited references, and the known affected species to date are also available in my cited references. Many special-status species have been documented as window collision victims, including local special-status species such as Allen’s hummingbird, American kestrel, bank swallow, Cassin’s finch, Cooper’s hawk, grasshopper sparrow, merlin, northern saw-whet owl, peregrine falcon, purple martin, rufous hummingbird, sharp-shinned hawk, summer tanager, yellow warbler, and yellow-breasted chat.

Response 11-79a: As detailed in Response to Comment 11-78 above, the Bird Strike Fatality Model is inherently flawed, speculative, and does not represent substantial evidence. Furthermore, the comment does not present evidence of a direct significant impact to any special-status species.

Rebuttal: This part of the Response merely repeats earlier Responses.

Response 11-79b: Urban adapted and common birds are the most likely to collide with windows due to their higher frequency of occurrence and likelihood of interaction along the built environment interface.

Rebuttal: This part of the Response is speculative, but probably true. However, relative to their abundance, special-status species of birds are no less likely to collide with windows, and they do collide with windows. Recently, a burrowing owl flew into a window in an urban setting where it was probably migrating through the area (Photos 1

and 2). Birds of many special-status species have flown into windows. In another example, many Allen's hummingbirds flew into windows at the San Francisco Academy of Sciences (Kahle et al. 2016). The Allen's hummingbird is a U.S. Fish and Wildlife Bird of Conservation Concern.



Photos 1 and 2. A burrowing owl fatally collided with a window in Garden Grove, California on 31 October 2024 (see the owl's imprint on the window in the right photo). The window was one of two on either side of a hallway of a commercial business, giving the false impression of a clear pathway through the building.

Response 11-79c: Moreover, as reported in the San Francisco Standards for Bird Safe Buildings and other documents, the typical bird strike zone is from grade to 60 feet, the primary concern is with any uninterrupted glazing 24 square feet or larger in size, and the likelihood of strike depends on various factors, including the glazing used, the angle of the glass, the orientation of the building, and landscaping.

Rebuttal: And these factors apply to the many estimates I collected from 213 buildings in my review, and which are represented in my mean and confidence interval.

Response 11-79d: As shown in Figures 3-8 through 3-11 in Chapter 3, Project Description, of the Draft EIR, the proposed building facades include many materials other than glass that are visible to birds. Such materials include cement plaster, fiber cement siding, porcelain tile, and vinyl windows, which would serve to minimize operation impacts related to the risk of bird strikes.

Rebuttal: And the same was true of most of the buildings and homes that contributed collision mortality estimates to my mean and confidence interval. In other words, these alleged mitigating factors also applied to the collision mortality estimates in my mean, which I used to predict collision mortality at the project site.

Response 11-80a: As detailed in Responses to Comments 11-78 and 11-79, the commenter's predictions regarding the project's potential impacts due to bird strike are inherently speculative and do not constitute substantial evidence.

Rebuttal: This part of the Response merely repeats earlier Responses.

Response 11-80b: Furthermore, as detailed in Responses to Comment 11-60, Impact 4.3-7 determined, based on substantial evidence, that the proposed project's potential impact to birds protected by the MBTA and CFGC would be less-than-significant with the implementation of Mitigation Measure 4.3-7. Please see Response to Comment 9-16 for revisions to Mitigation Measure 4.3-7.

Rebuttal: Construction timing, a preconstruction bird survey, and the use of no-disturbance buffers during construction would have no bearing on my comment. The Response is a misdirect, and as such it does not address my comment.

Response 11-81: Please see Response to Comment 11-99.

Rebuttal: Response 11-99 does not change my opinion expressed in my comment. The Response speculates that oak woodland is more important to wildlife than are other "habitat types," but the Response fails to list which species of wildlife are associated with oak woodlands in comparison to other vegetation complexes. It might be that the oak woodlands are most important, but the case has not been made that it is. Moreover, wildlife usually occur in greatest species richness and abundance where a mix of vegetation complexes occur in close proximity.

Response 11-99 explains that the applicant would pay a fee into the Oak Resources Management Plan (ORMP) as mitigation for the loss of 2.7 acres of oak woodland. The Response asserts that the ORMP is the sort of strategic regional plan that my comment recommended. But it is not. I crafted a strategic conservation plan to mitigate cumulative impacts for the Yolo County Habitat Conservation Plan (Smallwood et al. 1998). The primary strategic map I produced in Yolo County was a grid representing various degrees of ecological integrity as defined by lists of special-status species likely to occur in each grid cell. Other factors were also mapped, such as conservation opportunities based on a grid cell's proximity to existing reserves or to rivers, streams, sloughs or other wetlands, and to opportunities to connect any conserved areas within the cell to other conserved areas to magnify the conservation benefits of mitigation to the target species. However, just after I quit working for the consulting firm responsible for this plan (at the time), the plan was transformed in a manner that appears consistent with the Response's summary description of the ORMP.

According to the Response, the County's oak woodlands were mapped, and Priority Conservation Areas (PCAs) were identified as candidate areas for application of the ORMP mitigate fee by having "further narrowed to lands where oak woodland habitat would not likely undergo substantial fragmentation." In other words, the strategic value of a PCA is that the PCA is out of the way of near-future development. Based on my read of the Response, the PCAs were not selected for their ecological strategic value, but rather for their convenience of not interfering with likely future development. This is not the type of strategy my comment advocates. There needs to be a nexus between the species-specific conservation benefits of compensatory mitigation and the species-specific project impacts.

Response 11-82a: Under CEQA, for projects for which an EIR has been prepared, where substantial evidence supports the approving agency's conclusion that mitigation measures will be effective, courts will uphold such measures against attacks based on their alleged inadequacy. Substantial evidence can consist of the discussion and analysis in the EIR, expert opinion, staff reports, and other relevant evidence (see *Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 526: "...although Department of Fish and Game criticized mitigation measure, county's finding that impacts to special status species would be adequately mitigated was supported by discussion in EIR and studies of biological resources.").

Based on the above, and as detailed in Responses to Comments 11-6, 11-44, and 11-46, the Draft EIR's findings regarding the proposed project's potentially significant biological impacts on wildlife is supported by substantial evidence in the Draft EIR and the BRA.

Response: Neither the DEIR nor the Response provides any evidence of the efficacy of any of the DEIR's required mitigation measures. Per the framework illustrated in Figure 5, there is no citation of any measurement of the efficacy of any of the same or similar mitigation measures that have been implemented in other projects. The DEIR and the Responses to my comments only speculate that the required mitigation measures are effective. On the other hand, Smallwood and Smallwood (2023) measured impacts among 80 project sites, half of which had been developed and mitigation measures presumably implemented, but we nevertheless found large declines in species richness and wildlife abundance.

Response 11-82b: To the extent that the comment implies that the Draft EIR has inappropriately deferred mitigation, many of the mitigation measures in the Draft EIR have been put in place because the Draft EIR identified potentially suitable habitat on the Project site. (See, e.g., Draft EIR, 4.3-39 ["The protocol-level special-status plant surveys conducted throughout the study area during 2022, 2023, and 2024 were negative for all the aforementioned [special-status plant] species that could occur within the proposed impact area; however, given enough time, plants may become established in areas where suitable habitat exists"].) Accordingly, many of the mitigation measures in place for mitigation of potentially significant impacts in the Draft EIR rely on pre construction surveys to determine if a special-status species will be affected, at which point, tailored mitigation measures can be utilized to mitigate Project impacts. Under

CEQA, a lead agency may rely on future studies to devise the specific design of a mitigation measure when the results of later studies are used to tailor mitigation measures to fit on-the-ground environmental conditions. (See *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 524 [upholding mitigation measures, based on preconstruction surveys, requiring identified steps for avoiding impacts to biological resources to be implemented].)

Rebuttal: A preconstruction survey is not a tailored study. Preconstruction surveys do not carry anywhere near the same detection probabilities as does a reconnaissance survey in the case of rare plants (CDFW 2018) or detection surveys formulated for wildlife. The Response offers only a poor excuse for deferment of many of the mitigation measures.

Response 11-82c: Furthermore, an agency may defer formulation of the details of a mitigation measure pending further study when necessary to do so, if the agency describes the mitigation actions that will be considered, adopts clear performance standards for measuring the effectiveness of the measures that are selected, and commits the agency to the mitigation plan. A mitigation performance standard is sufficient if the measure identifies specific criteria the agency will apply in determining that the impact will be mitigated (see *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 525). The mitigation measures included in the EIR, as amplified in this Final EIR, include clear performance standards for measuring the effectiveness of the measures. Please see Responses to Comments 11-84, 11-85, 11-87, 11-94, 11-95, and 11-96.

Rebuttal: Detection surveys should have been completed prior to the public circulation of the DEIR. In most cases, the detection surveys make this point clear – that their implementation should be scheduled in support of but not after the circulation of the environmental review document.

Response 11-83: Please see Response to Comment 11-82, as well as Responses to Comments 11-6, 11-44, 11-46, and 11-53. Special-status plant species were not documented during the protocol-level surveys conducted for the project site.

Rebuttal: The Response does not address my comment, which goes to the inadequacy of the reconnaissance surveys for rare plants. I will take this opportunity to correct a misstatement in my comment. I commented that no reference sites were visited, but in fact 3 reference sites were visited, one for each of three rare plant species. However, reference sites were not visited for the other three rare plants with potential to occur on the project site.

Response 11-84: Please see Response to Comment 11-82.

If special-status plant species are found, Mitigation Measure 4.3-1 sets forth the specific mitigation measures that will be determined based on the plant species affected, physical conditions at the impact site, and conditions at a proposed mitigation site, if applicable. Options for mitigating impacts to annual plants, such as dwarf downingia, could include avoidance, seed collection and planting at a mitigation site, or collection of

seed-bearing soil to be spread at a mitigation site. Options for mitigating impacts to perennial plants, such as Sanford's arrowhead or big-scale balsamroot, include avoidance, transplantation of plant to a mitigation site, propagation using cuttings to be planted at a mitigation site, or seed collection and planting at a mitigation site.

If special-status plants are impacted, a qualified biologist shall prepare an avoidance and mitigation plan detailing protection and avoidance measures, transplantation procedures, success criteria, and long-term monitoring protocols. The plan shall be reviewed and approved by the El Dorado County Planning and Building Department and shall ensure that mitigation for the impacts to rare plants shall result in no net loss of individual plants after a five-year monitoring period. In addition, a preconstruction worker awareness training shall be conducted to alert workers to the presence of and protections for special-status plants.

If plants listed under the Federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA) are located within the project impact area and the plants cannot be avoided, the project proponent shall coordinate with USFWS and the CDFW (as appropriate) for issuance of an Incidental Take Permit (ITP) and shall implement similar mitigation measures as outlined above and ultimately approved by the appropriate agency. Nothing in the requirements allows for subjective decisions, or otherwise indicates that any aspect of Mitigation Measure 4.3-1 is unenforceable or subjective.

Nonetheless, as suggested by the comment, Mitigation Measure 4.3-1 is hereby revised in the Final EIR as follows: *A revised mitigation measure is presented.*

Rebuttal: I agree that the revised mitigation measure establishes sufficient performance standards. The revision also more clearly requires the implementation of the CDFW (2018) survey protocol, including its timing of surveys during the blooming periods of the rare plants at issue.

My only remaining concern is that the public is effectively excluded from participation with the review process should the reconnaissance survey detect the presence of one or more rare plant species. I suggest adding the requirement for a report of the reconnaissance survey to be made available to the public in a timely manner.

Response 11-85: The comment alleges that Mitigation Measure 4.3-2, which is intended to mitigate potential impacts to Crotch's bumble bee, is inadequate because the pre-construction survey does not provide the same level of detection probability as a protocol-level protection survey. Please see Response to Comment 11-82.

Nonetheless, as suggested by the comment, Mitigation Measure 4.3-2 is hereby revised in the Final EIR as follows: *A revised mitigation measure is presented.*

Rebuttal: A detection survey for Crotch's bumble bee should have been completed prior to the circulation of the DEIR. Performing the survey later effectively prevents the public from meaningfully participating with the CEQA review.

Response 11-86: Please see Response to Comment 11-82. Please see Response to Comment 9-20 for revisions to Mitigation Measure 4.3-3.

Rebuttal: A detection survey for Vernal Pool fairy shrimp should have been completed prior to the circulation of the DEIR. Performing the survey later effectively prevents the public from meaningfully participating with the CEQA review.

Response 11-87: Please see Response to Comment 11-82. Nonetheless, as suggested by the comment, Mitigation Measure 4.3-4 is hereby revised in the Final EIR as follows: *A revised mitigation measure is presented.*

Rebuttal: A detection survey for monarchs should have been completed prior to the circulation of the DEIR. Performing the survey later effectively prevents the public from meaningfully participating with the CEQA review.

Response 11-88: Please see Responses to Comments 11-82 and 11-95. With respect to Mitigation Measure 4.3 5, please see Responses to Comments 1-5 and 1-6.

Rebuttal: A detection survey for foothill yellow-legged frogs should have been completed prior to the circulation of the DEIR. Performing the survey later effectively prevents the public from meaningfully participating with the CEQA review.

Response 11-89: Please see Response to Comment 11-82. In addition, please see Response to Comment 1-13 for revisions to Mitigation Measure 4.3-6 related to potential impacts to northwestern pond turtle.

Rebuttal: A detection survey for northwestern pond turtles should have been completed prior to the circulation of the DEIR. Performing the survey later effectively prevents the public from meaningfully participating with the CEQA review.

Response 11-90: Please see Responses to Comments 11-82 and 11-95.

The comment's requirements mischaracterize the requirements of MM 4.3-6 as it appears in the DEIR, which states, in part:

If a northwestern pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to habitat of equivalent or greater value outside of the proposed impact area prior to construction. If a northwestern pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.

Furthermore, Mitigation Measure 4.3-6 has been revised as shown in Response to Comment 1 13 above. The revised mitigation language is intended to clarify Mitigation Measure 4.3-6 and allow the measure to be more inclusive and specific. Where, as here, the suggested revisions are adopted, recirculation is not required because the above revisions clarify an existing mitigation measure. Following revision, the Draft EIR's impact conclusions would remain the same. As such, the revisions do not represent a significant change to the Draft EIR that would require recirculation.

Rebuttal: My comment did not mischaracterize MM 4.3-6. The Response skips over the part of MM 4.3-6 that my comment addresses, which was the part about the requirement for a preconstruction survey. I did not even comment on the portion of MM 4.3-6 claims I mischaracterized. The Response fails to address my comment.

The fundamental problem is that whether a turtle is observed or not depends on the performance of a preconstruction survey. My comment goes to the preconstruction survey, which is not the same as performing a detection survey. No detection survey has been completed for northwestern pond turtle, so it remains unknown whether northwestern pond turtles occupy the project site. Without knowing this, the rest of MM 4.3-6 is poorly founded. If it was known that northwestern pond turtles are present, a different mitigation strategy might be warranted.

Response 11-91: Please see Responses to Comments 11-82 and 11-95.

Furthermore, Mitigation Measure 4.3-7 has been revised as shown in Response to Comment 9 16. Following revision, the Draft EIR's conclusions remain the same. As such, the revisions do not represent a significant change to the Draft EIR and recirculation is not required.

Rebuttal: Mitigation Measure 4.3-7 remains a preconstruction survey as a surrogate for the type of survey that is needed, which is a detection survey. This is a deficiency of the environmental review that remains since my original comment. It is even more of a deficiency considering that the reconnaissance survey was timed outside the avian breeding season and managed to detect very few bird species.

The revised Mitigation Measure 4.3-7 requires that construction shall begin outside the avian breeding season, and then explains what would happen if construction takes place during the breeding season. The seasonal restriction does not appear to be serious.

The portion of the revised measure that addresses burrowing owl inaccurately states that the preconstruction survey would be consistent with the CDFW (2012) survey guidelines, but it would not be. There are three types of surveys recommended and described in the CDFW's (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be performed. The detection surveys, otherwise described as either or both breeding-season or non-breeding-season surveys, are intended to detect whether the site truly does presently support burrowing owls, and

if so where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and they are to be completed in chronological order as numbered above.

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment:

- A) Are there occurrence records nearby the project site?
- B) Is the site's vegetation cover and height typical of where burrowing owls are found?
- C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but they could be implemented to make certain that burrowing owls are absent on the project site. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

To question A, there are burrowing owl occurrence records near the project site. The answer to question A is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

To question B, the vegetation on site is typical of the area, and it is typical of vegetation often used by burrowing owls. The answer to question B is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

To question C, California ground squirrels, which are mutualists of burrowing owls, are known to the area, and likely occur on the project site. Ground squirrels construct burrows used by burrowing owls, and these two species mutually alarm-call for predators and survive better together (K. S. Smallwood, unpublished data). The answer to question C is probably affirmative, and so this part of the habitat assessment warrants a detection survey effort.

The answers to all three questions are affirmative. Therefore, breeding-season detection surveys are needed, and these surveys are not to be confused with preconstruction take-avoidance surveys. Breeding-season detection surveys are needed to publicly disclose potential impacts on the burrowing owl, which is a candidate for listing under the California Endangered Species Act. Due to its candidate status, the CDFW's (2012) survey guidelines need to be implemented. Moreover, this requirement should not be

characterized as a mitigation strategy, but rather as part of the CEQA review for the purpose of characterizing the wildlife community as part of the existing environmental setting, and for the purpose of predicting project impacts on burrowing owls.

Response 11-92: Please see Responses to Comments 11-82, as well as 11-60 and 11-61. Please see Response to Comment 9-16 with respect to Mitigation Measure 4.3-7.

Rebuttal: The Response does not address my comment. A preconstruction survey would not avoid the permanent loss of avian productivity.

Response 11-93: Please see Response to Comments 11-82, as well as Responses to Comments 11-7, 11-42, 11-45, 11-46, and 11-60. In addition, please see Response to Comment 9-25 for revisions to Mitigation Measure 4.3-8 related to roosting bats.

Rebuttal: The revised measure would be implemented too late to enable meaningful participation by the public, some members of which likely have expertise on bats to share with the review. There should also be acoustic surveys for foraging bats on the project site. A mitigation strategy needs to be based on knowledge of which species of bats are present, because bats vary in habitat requirements.

Response 11-94: Please see Response to Comment 11-82. Nonetheless, as suggested by the comment, Mitigation Measure 4.3-9 is hereby revised in the Final EIR as follows: *A revised mitigation measure is presented.*

Rebuttal: The revised measure would be implemented too late to enable meaningful participation by the public, some members of which likely have expertise on ringtail to share with the review.

Response 11-95: ...Mitigation Measure 4.3 10 sets such performance standard when it states the following on page 4.3-59 of the Draft EIR: *A revised mitigation measure is presented.*

Rebuttal: This is yet another of many mitigation measures deferred to some later date, thereby preventing meaningful participation by members of the public.

Response 11-96: ... Revisions to Mitigation Measures 4.3-11(a) and 4.3-11(b) are as follows: *A revised mitigation measure is presented.*

Rebuttal: This is yet another of many mitigation measures deferred to some later date, thereby preventing meaningful participation by members of the public.

Response 11-97: Please see Response to Comments 11-64 through 11-67. Furthermore, as discussed throughout this chapter, the Draft EIR's findings related to potentially significant impacts to special-status species and other wildlife is supported by substantial evidence. Because significant impacts would not occur to special-status species or other wildlife due to substantial interference with wildlife movement or a wildlife corridor, mitigation is not required (see PRC Section 21100[b][3] and CEQA

Guidelines Section 15126.4[a][3] [“Mitigation measures are not required for effects which are not found to be significant”]).

Rebuttal: The Response merely repeats previous Responses, and it repeats the inaccuracies of previous Responses.

Response 11-98: Please see Response to Comment 11-97.

Rebuttal: Response 11-97 does not address this part of my comment.

Response 11-99: The commenter alleges that the Draft EIR’s project-level mitigations for impacts to biological resources offer nothing for cumulative effects. This statement is incorrect as will be shown in what follows. Among the options that the commenter suggests are available to mitigate cumulative impacts is “...protecting habitat at strategic locations to ensure that wildlife conservation benefits persist through the current period of rapid habitat fragmentation of the region.”

Among the on-site habitats, it can be suggested that the oak woodlands provide the greatest habitat value due to the resources they provide for wildlife, including but not limited to cover (i.e., shade provides relief from the sun in an effort to help regulate body temperature), concealment (i.e., protection from predators), nesting locations, greater soil quality and fertility (see ORMP, Appendix A, A-19), and food sources. The County recognizes that fragmentation of oak woodlands has occurred due to past activities and continues to occur. In recognition of this, and the important biological value that oak woodlands provide, the County adopted its Oak Resources Management Plan (ORMP) in September 2017. Among the stated goals of the ORMP is the following:

Identify Priority Conservation Areas (PCAs) within large expanses of contiguous oak woodland habitat where land or conservation easements may be acquired from willing sellers to offset the effects of increased habitat loss and fragmentation elsewhere;

The ORMP provides for flexibility in meeting oak resources mitigation requirements. An applicant for a development project may comply with the provisions of this ORMP by combining mitigation options. Among the options is payment of an in-lieu fee. In general, the in-lieu fee for oak woodlands is based on the costs of acquisition of land and conservation easements, along with management, monitoring, and administrative costs.

The ORPM identifies the areas in which acquisition of land or conservation easements from willing sellers shall be prioritized using the Oak Woodland Conservation Fund generated by the payment of the in-lieu fees described above. These areas were identified using the FRAP classification of oak woodland habitat in the County. After those areas were mapped, the areas were narrowed down to large expanses consisting of 500 acres or more. Those large expanses were further narrowed to lands where oak woodland habitat would not likely undergo substantial fragmentation and oak woodland conservation would be consistent with the 2004 General Plan land use designations. Areas specifically excluded were lands within Community Regions and Rural Centers

and lands designated Low Density Residential [It is noteworthy that the entirety of the Town and Country Village El Dorado project site is comprised of such areas]. These resulting areas are classified in the ORMP as Priority Conservation Areas (PCAs). The 500-acre PCAs are generally made up of 40-acre and larger privately owned parcels.

The County has an established and continual working relationship with American River Conservancy (ARC) for purposes of implementing the ORMP. Money is set aside for this collaboration annually until 2035. ARC proposes oak woodland conservation easements and land, and the County reviews and approves contributions from its oak set-aside fund. To date, two transactions have occurred:

El Dorado Ranch Phase 3 (2018) – 1,018 acres
Priority Conservation Area: 755 acres

El Dorado Ranch Phase 2 (2016) – 1,080 acres
Priority Conservation Area: 862 acres

Mitigation Measure 4.3-13 of the Draft EIR requires the applicant to mitigate the project's impacts to on- and off-site oak woodlands by complying with the County's ORMP. Thus, the project will participate in the County's adopted regional strategy for addressing ongoing fragmentation of oak woodland habitat. The project's incremental contribution to the cumulative effect of oak woodland habitat fragmentation consists of a relatively small amount, equal to a maximum of approximately 2.7 acres of oak woodland and 11-12 individual oak trees. The applicant's compliance with the County ORMP will address this incremental effect by participating in the County's regional strategy to offset fragmentation by conserving oak woodland habitat in strategic locations. Nevertheless, the Draft EIR conservatively concludes that the loss of any oak woodland habitat, in combination with other reasonably foreseeable development is a significant and unavoidable impact.

With respect to other on-site habitat types, primarily consisting of grassland, this resource does not provide the same level of biological value as oak woodlands, as explained above, and approximately 81,000 acres were identified within El Dorado County (see Table 5.12-1 of the General Plan EIR). According to the General Plan EIR, this habitat comprises mostly non-native annuals, primarily of Mediterranean origin. As mentioned in Response to Comment 11-64, apart from US 50, the project site is entirely surrounded by grassland, and to a lesser extent, scattered oak habitat. The project site is part of an area of contiguous habitat spanning over 1,100 acres. The proposed project would convert less than 50 acres (less than five percent) of that habitat on the edge of the habitat block. Thus, the County has a mitigation program in place that will protect habitat at strategic locations to ensure conservation benefits and connectivity, which includes monitoring and management. The project will be required to participate in the County's mitigation program.

Rebuttal: I rebutted this Response in my rebuttal to Response 11-81.

Response 11-100: A number of mitigation measures in the Draft EIR require presence of a qualified biologist, including Mitigation Measures 4.3-6 (“a qualified biologist shall relocate the individual to habitat of equivalent or greater value outside of the proposed impact area prior to construction”), 4.3-7 (“Construction activities or personnel shall not cross the fencing, except with approval of a qualified biologist.”), 4.3-8 (“If roosting bats are found, exclusion shall be conducted as recommended by a qualified biologist”), and 4.3-9 (“A qualified biologist shall monitor to ensure that ringtails do not disperse into the construction area.”).

As detailed above, a qualified biologist would be located on-site as required by the mitigation measures both before and during construction. Furthermore, mitigation measures provided in the Draft EIR require that construction workers who injure or kill a protected species, such as for Northern California ringtail, or discover a dead or injured ringtail, immediately report the incident to a qualified biologist (see Mitigation Measure 4.3-9). However, a qualified biologist is not required to be on-site to monitor for species that are not protected, and the comment fails to provide any specific examples of special-status species that would be affected by the proposed project that are not already listed in the Draft EIR or Revised BRA. Accordingly, any inference that a qualified biologist is required to be on-site outside of the measures already in place, are both speculative and unsupported, and further responses are required.

Rebuttal: I provided a long list of special-status species with potential to occur, and I identified special-status species I detected during my first site visit.

A standalone mitigation measure for the presence and the duties of a construction monitor ought to be required.

Response 11-101: The Draft EIR’s determinations related to potentially significant impacts to special-status species and other wildlife are supported by substantial evidence. Because significant impacts to special status species or other wildlife due to use of rodenticide or avicides would not occur, mitigation is not required (see PRC Section 21100[b][3] and CEQA Guidelines Section 15126.4[a][3] [“Mitigation measures are not required for effects which are not found to be significant”]).

Rebuttal: Non-target mortality caused by use of rodenticides has long been known about. As a graduate student, I was housed in one of the most well-known animal damage control labs in the world. One of the biggest concerns of animal damage control was nontarget mortality caused by rodenticides. Nontarget mortality often involves raptors and mammalian carnivores, but other types of animals are also killed or injured. I personally observed non-target mortality in a study of the efficacy of a new toxic bait formulation for pocket gophers (Smallwood 1999), and I observed the nontarget deaths of a colony of burrowing owls where anti-coagulant-laced baits were deployed to California ground squirrels. If rodenticides or avicides are used in the project, nontarget mortality would result.

Response 11-102: Please see Responses to Comments 11-78 and 11-79. Furthermore, consistent with CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be potentially significant.

Rebuttal: Findings of less than significant impacts are not the same as no findings of significance for impacts that have not been analyzed. Bird-window collision mortality would qualify as a large adverse impact to wildlife that is also mitigable.

Response 11-103: Please see Responses to Comments 11-68, 11-70, and 11-72. Furthermore, consistent with CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be potentially significant.

Rebuttal: Findings of less than significant impacts are not the same as no findings of significance for impacts that have not been analyzed. Project-generated traffic would result in wildlife collision mortality. The impact would qualify as a large adverse impact to wildlife that is also mitigable.

Response 11-104: Please see Responses to Comments 11-68, 11-70, and 11-72. Furthermore, consistent with CEQA Guidelines Section 15126.4(a)(3), mitigation measures are not required for effects which are not found to be potentially significant.

Rebuttal: Findings of less than significant impacts are not the same as no findings of significance for impacts that have not been analyzed. It would be inconsiderate to leave wildlife rehabilitation facilities with the bill to care for wildlife injured by activities associated with the project.

Thank you for your attention,



Shawn Smallwood, Ph.D.

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EXHIBIT B



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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September 30, 2025

Kylah Staley
Lozeau | Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94618

Subject: Comments on the Town and Country Village El Dorado Project (SCH No. 2023070297)

Dear Ms. Staley,

We have reviewed the August 2025 Final Environmental Impact Report ("FEIR") and July 2024 Draft Environmental Impact Report ("DEIR") for the Town and Country Village El Dorado Project ("Project") located in the City of El Dorado Hills ("City"). After our review of the FEIR, we find that the FEIR is insufficient in addressing our concerns regarding the Project's health risk impacts. As we asserted in our August 29, 2024 comment letter, an updated EIR should be prepared to adequately evaluate the Project's potential impacts.

Air Quality

Diesel Particulate Matter Emissions Inadequately Evaluated

As discussed in our August 29th comment letter, the DEIR failed to adequately evaluate the Project's potential health risk impacts. Review of the FEIR demonstrates that the Project again fails to adequately evaluate the Project's potential health risk impacts. For the reasons discussed below, we maintain our August 29th comment that the DEIR and FEIR are inadequate and recommend that an updated EIR is prepared to adequately evaluate the Project's potential health risk impacts on nearby sensitive receptors.

In response to our comments, the FEIR makes several incorrect arguments to undermine our screening-level HRA. First, in regard to sensitive receptors, the FEIR states:

“In particular, studies included in the CARB’s Handbook indicate that pollutant concentrations decrease substantially within the first 300 feet from sources of DPM. As discussed on page 4.2-53 of the Draft EIR, the nearest residence to the project site is located approximately 500 feet from the site’s western boundary, across Bass Lake Road” (p. 2-374).

The FEIR erroneously extrapolates CARB’s conclusion. Although CARB notes that pollutant concentrations decline within the first 300 feet, this does not eliminate the need to prepare an HRA for projects with sensitive receptors located beyond that distance. There is no guidance on the preparation of HRAs indicating that such assessments are unnecessary for projects with sensitive receptors located farther than 300 feet.

Second, the FEIR incorrectly states that we used our own updated CalEEMod model to estimate the Project’s diesel particulate matter (“DPM”) emission rate used in our screening-level HRA. The FEIR claims:

“In order to prepare a screening-level HRA SWAPE prepared a CalEEMod run that differed significantly from the CalEEMod run prepared for the proposed project. As discussed in Responses to Comments 11-114 and 11-116, the emissions estimation prepared for the proposed project was based on project-specific information provided by the project applicant, as well as guidance provided by the EDCAQMD. The changes implemented by SWAPE, such as the use of default construction phase lengths and VOC limits for architectural coatings, are not justified and have likely been implemented to artificially increase project-related emissions. Furthermore, by ignoring project-specific information SWAPE further invalidates their own analysis. Because the screening-level HRA presented by SWAPE is based on the emissions that SWAPE incorrectly estimated, the results in the screening-level HRA prepared by SWAPE may be summarily rejected as invalid and not representative of the project” (p. 2-375).

This is incorrect. As explicitly stated in our August 29th comment letter, we prepared a preliminary HRA of the Project’s construction and operational health risk impact to residential sensitive receptors using the annual PM₁₀ exhaust estimates from the DEIR’s CalEEMod “Town and Country Village - Project Development” output files.

Third, the FEIR criticizes the use of annual PM₁₀ exhaust emissions as a surrogate for DPM (p. 3-276). However, it is standard practice in CEQA analyses to use particulate emissions as a proxy for DPM, as it provides a conservative upper-bound estimate that captures the DPM fraction. For example, the construction HRA for the 2111–2139 South Pacific Avenue Project located in Los Angeles states that “the off-road PM₁₀ exhaust estimates reported by CalEEMod were used as a surrogate for DPM emissions” (p. 2).¹ Furthermore, the difference between the exhaust PM₁₀ and PM_{2.5} in the DEIR’s CalEEMod model is negligible, so the use of PM_{2.5} as a surrogate would not result in any meaningful change to the calculated cancer risk.

¹ See Attachment C for 2111 South Pacific Avenue Construction Health Risk Assessment.

Fourth, the FEIR fails to understand the calculation of our DPM emission rate and states:

“[T]he method by which SWAPE arrives at an estimate of 685 pounds of DPM emitted over the construction period is unclear. Without the ability to replicate SWAPE’s assumptions regarding DPM emissions, the accuracy of the emissions calculations used by SWAPE in the screening level HRA, and the resulting estimation of health risks, cannot be verified” (p. 2-376).

In order to calculate the total amount of DPM emitted over Project construction, we relied on the annual PM₁₀ exhaust estimates for 2025, 2026, and 2027 provided in the DEIR’s CalEEMod output files. As shown in Attachment A to this letter, health risk calculations were prepared for each construction year by converting the annual CalEEMod emissions (tons/year) to daily values (lbs/day), and then calculating yearly DPM emissions (lbs). The total DPM generated over the course of Project construction was derived by summing the emissions from all three years. In order to calculate the emission rate, we used the following equation as stated in our August 29th comment letter:

$$\text{Emission Rate } \left(\frac{\text{grams}}{\text{second}} \right) = \frac{351.1 \text{ lbs}}{685 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lbs}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.00269 \text{ g/s}}$$

Using this equation, we estimated a construction emission rate of 0.00269 grams per second (g/s) that was entered into AERSCREEN and used for our estimation of the Project’s construction-related cancer risk.

Fifth, the FEIR questions our use of 60.5-acres as the rectangular area source in AERSCREEN (p. 2-376). While the overall Project site encompasses 60.5 acres, the appropriate input should have been limited to the 30.3-acre Project Development Area. To address this discrepancy, we re-ran AERSCREEN using the correct 30.3-acre value.

Sixth, we acknowledge the FEIR’s conclusion that the proposed Project would not have any sources of operational DPM. Regardless, our screening-level HRA indicates that Project construction alone may result in a potentially significant health risk impact (see below).²

² See Attachment B for updated AERSCREEN output files.

The Maximally Exposed Individual at an Existing Residential Receptor				
Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.1159	1.34E-06
	<i>Construction</i>	<i>1.63</i>	<i>0.1159</i>	<i>2.63E-05</i>
	<i>Operation</i>	<i>0.37</i>	<i>*</i>	<i>*</i>
Infant (0 - 2)	Total	2		2.63E-05
Child (2 - 16)	Operation	14	*	*
Adult (16 - 30)	Operation	14	*	*
Lifetime		30		2.77E-05

**Did not include an operational HRA*

The excess cancer risks for the 3rd trimester of pregnancy and infants over the course of Project construction are approximately 1.34 and 26.3 in one million, respectively. The excess cancer risk over the course of Project construction is approximately 27.7 in one million. The infant and lifetime cancer risks exceed the EDCAQMD threshold of 10 in one million, resulting in a potentially significant impact not addressed or identified by the DEIR or FEIR.

Lastly, we want to reiterate that screening-level analyses are known to be conservative. The purpose of the screening-level HRA is to demonstrate the potential link between project-generated emissions and adverse health risk impacts. The U.S. EPA Exposure Assessment Guidelines suggest an iterative, tiered approach to exposure assessments, starting with a simple screening-level evaluation using basic tools and conservative assumptions.³ If required, a more refined analyses with advanced models and detailed input data can follow.

Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact. An EIR should therefore be prepared to include a refined HRA, as recommended by the U.S. EPA. Alternatively, the FEIR could proactively mitigate the potential health risk impacts during construction, such as by formally requiring Tier 4 Final emissions standards for off-road equipment engines utilized throughout Project construction in a mitigation measure.

³ "Exposure Assessment Tools by Tiers and Types - Screening-Level and Refined." U.S. EPA, May 2024, available at: <https://www.epa.gov/expobox/exposure-assessment-tools-tiers-and-types-screening-level-and-refined>.

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,

A handwritten signature in blue ink, appearing to read "M Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink, appearing to read "Paul Rosenfeld".

Paul E. Rosenfeld, Ph.D.

Attachment A: Health Risk Calculations
Attachment B: AERSCREEN Output Files
Attachment C: 2111 South Pacific Avenue Construction HRA
Attachment D: Matt Hagemann CV
Attachment E: Paul Rosenfeld CV

Construction			
2025		Total	
Annual Emissions (tons/year)	0.14	Total DPM (lbs)	351.0821918
Daily Emissions (lbs/day)	0.767123288	Total DPM (g)	159250.8822
Construction Duration (days)	275	Emission Rate (g/s)	0.002690776
Total DPM (lbs)	210.9589041	Release Height (meters)	3
Total DPM (g)	95690.9589	Total Acreage	30.3
Start Date	4/1/2025	Max Horizontal (meters)	495.22
End Date	1/1/2026	Min Horizontal (meters)	247.61
Construction Days	275	Initial Vertical Dimension (meters)	1.5
2026		Setting	Urban
Annual Emissions (tons/year)	0.07	Population	50,553
Daily Emissions (lbs/day)	0.383561644	Start Date	4/1/2025
Construction Duration (days)	365	End Date	2/15/2027
Total DPM (lbs)	140	Total Construction Days	685
Total DPM (g)	63504	Total Years of Construction	1.88
Start Date	1/1/2026	Total Years of Operation	28.12
End Date	1/1/2027		
Construction Days	365		
2027			
Annual Emissions (tons/year)	0.0005		
Daily Emissions (lbs/day)	0.002739726		
Construction Duration (days)	45		
Total DPM (lbs)	0.123287671		
Total DPM (g)	55.92328767		
Start Date	1/1/2027		
End Date	2/15/2027		
Construction Days	45		

The Maximally Exposed Individual at an Existing Residential Receptor				
Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.1159	1.34E-06
	<i>Construction</i>	<i>1.63</i>	<i>0.1159</i>	<i>2.63E-05</i>
	<i>Operation</i>	<i>0.37</i>	<i>*</i>	<i>*</i>
Infant (0 - 2)	Total	2		2.63E-05
Child (2 - 16)	Operation	14	*	*
Adult (16 - 30)	Operation	14	*	*
Lifetime		30		2.77E-05

**Did not include an operational HRA*

AERSCREEN 21112 / AERMOD 21112

09/30/25

15:01:02

TITLE: Town and Country Village, Construction

 ***** AREA PARAMETERS *****

SOURCE EMISSION RATE:	0.269E-02 g/s	0.214E-01 lb/hr
AREA EMISSION RATE:	0.219E-07 g/(s-m2)	0.174E-06 lb/(hr-m2)
AREA HEIGHT:	3.00 meters	9.84 feet
AREA SOURCE LONG SIDE:	495.22 meters	1624.74 feet
AREA SOURCE SHORT SIDE:	247.61 meters	812.37 feet
INITIAL VERTICAL DIMENSION:	1.50 meters	4.92 feet
RURAL OR URBAN:	URBAN	
POPULATION:	50553	
INITIAL PROBE DISTANCE =	5000. meters	16404. feet

 ***** BUILDING DOWNWASH PARAMETERS *****

BUILDING DOWNWASH NOT USED FOR NON-POINT SOURCES

 ***** FLOW SECTOR ANALYSIS *****
 25 meter receptor spacing: 1. meters - 5000. meters

MAXIMUM IMPACT RECEPTOR

Zo SECTOR	SURFACE ROUGHNESS	1-HR CONC (ug/m3)	RADIAL (deg)	DIST (m)	TEMPORAL PERIOD
1*	1.000	1.159	10	250.0	WIN

* = worst case diagonal

***** MAKEMET METEOROLOGY PARAMETERS *****

MIN/MAX TEMPERATURE: 250.0 / 310.0 (K)

MINIMUM WIND SPEED: 0.5 m/s

ANEMOMETER HEIGHT: 10.000 meters

SURFACE CHARACTERISTICS INPUT: AERMET SEASONAL TABLES

DOMINANT SURFACE PROFILE: Urban

DOMINANT CLIMATE TYPE: Average Moisture

DOMINANT SEASON: Winter

ALBEDO: 0.35

BOWEN RATIO: 1.50

ROUGHNESS LENGTH: 1.000 (meters)

SURFACE FRICTION VELOCITY (U*) NOT ADJUSTED

METEOROLOGY CONDITIONS USED TO PREDICT OVERALL MAXIMUM IMPACT

YR MO DY JDY HR

10 01 10 10 01

H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O	LEN	Z0	BOWEN	ALBEDO	REF	WS
-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50		

HT	REF	TA	HT
10.0	310.0	2.0	

***** AERSCREEN AUTOMATED DISTANCES *****

OVERALL MAXIMUM CONCENTRATIONS BY DISTANCE

DIST (m)	MAXIMUM 1-HR CONC (ug/m3)	DIST (m)	MAXIMUM 1-HR CONC (ug/m3)
1.00	0.8835	2525.00	0.6111E-01

25.00	0.9188	2550.00	0.6032E-01
50.00	0.9529	2575.00	0.5955E-01
75.00	0.9848	2600.00	0.5879E-01
100.00	1.015	2625.00	0.5806E-01
125.00	1.043	2650.00	0.5733E-01
150.00	1.069	2675.00	0.5663E-01
175.00	1.094	2700.00	0.5593E-01
200.00	1.118	2725.00	0.5524E-01
225.00	1.140	2750.00	0.5458E-01
250.00	1.159	2775.00	0.5392E-01
275.00	1.142	2800.00	0.5328E-01
300.00	0.8777	2825.00	0.5265E-01
325.00	0.7433	2850.00	0.5204E-01
350.00	0.6680	2875.00	0.5144E-01
375.00	0.6118	2900.00	0.5085E-01
400.00	0.5636	2925.00	0.5027E-01
425.00	0.5258	2950.00	0.4971E-01
450.00	0.4956	2975.00	0.4915E-01
475.00	0.4683	3000.00	0.4861E-01
500.00	0.4438	3025.00	0.4808E-01
525.00	0.4212	3050.00	0.4755E-01
550.00	0.4006	3075.00	0.4704E-01
575.00	0.3817	3100.00	0.4654E-01
600.00	0.3641	3125.00	0.4604E-01
625.00	0.3480	3150.00	0.4556E-01
650.00	0.3329	3175.00	0.4508E-01
675.00	0.3191	3200.00	0.4462E-01
700.00	0.3060	3225.00	0.4416E-01
725.00	0.2939	3250.00	0.4371E-01
750.00	0.2825	3275.00	0.4327E-01
775.00	0.2719	3300.00	0.4284E-01
800.00	0.2620	3325.00	0.4241E-01
825.00	0.2525	3350.00	0.4199E-01
850.00	0.2437	3375.00	0.4157E-01
875.00	0.2354	3400.00	0.4116E-01
900.00	0.2276	3425.00	0.4076E-01
925.00	0.2202	3450.00	0.4037E-01
950.00	0.2133	3475.00	0.3998E-01
975.00	0.2066	3500.00	0.3960E-01
1000.00	0.2002	3525.00	0.3923E-01
1025.00	0.1942	3550.00	0.3886E-01
1050.00	0.1886	3575.00	0.3850E-01
1075.00	0.1832	3600.00	0.3814E-01
1100.00	0.1781	3625.00	0.3779E-01
1125.00	0.1732	3650.00	0.3744E-01
1150.00	0.1685	3675.00	0.3709E-01
1175.00	0.1640	3700.00	0.3676E-01
1200.00	0.1598	3725.00	0.3642E-01
1225.00	0.1557	3750.00	0.3610E-01
1250.00	0.1518	3775.00	0.3578E-01

1275.00	0.1480	3800.00	0.3546E-01
1300.00	0.1444	3825.00	0.3515E-01
1325.00	0.1410	3850.00	0.3484E-01
1350.00	0.1377	3875.00	0.3454E-01
1375.00	0.1346	3900.00	0.3424E-01
1400.00	0.1315	3925.00	0.3394E-01
1425.00	0.1286	3950.00	0.3366E-01
1450.00	0.1258	3975.00	0.3337E-01
1475.00	0.1230	4000.00	0.3309E-01
1500.00	0.1204	4025.00	0.3281E-01
1525.00	0.1179	4050.00	0.3254E-01
1550.00	0.1154	4075.00	0.3228E-01
1575.00	0.1131	4100.00	0.3201E-01
1600.00	0.1108	4125.00	0.3175E-01
1625.00	0.1086	4150.00	0.3149E-01
1650.00	0.1065	4175.00	0.3124E-01
1675.00	0.1045	4200.00	0.3099E-01
1700.00	0.1026	4225.00	0.3074E-01
1725.00	0.1006	4250.00	0.3050E-01
1750.00	0.9877E-01	4275.00	0.3026E-01
1775.00	0.9697E-01	4300.00	0.3003E-01
1800.00	0.9523E-01	4325.00	0.2979E-01
1825.00	0.9353E-01	4350.00	0.2956E-01
1850.00	0.9188E-01	4375.00	0.2933E-01
1875.00	0.9028E-01	4400.00	0.2911E-01
1900.00	0.8873E-01	4425.00	0.2889E-01
1925.00	0.8723E-01	4450.00	0.2867E-01
1950.00	0.8578E-01	4475.00	0.2845E-01
1975.00	0.8437E-01	4500.00	0.2824E-01
2000.00	0.8300E-01	4525.00	0.2803E-01
2025.00	0.8167E-01	4550.00	0.2783E-01
2050.00	0.8038E-01	4575.00	0.2762E-01
2075.00	0.7912E-01	4600.00	0.2790E-01
2100.00	0.7789E-01	4625.00	0.2769E-01
2125.00	0.7669E-01	4650.00	0.2749E-01
2150.00	0.7551E-01	4675.00	0.2729E-01
2175.00	0.7437E-01	4700.00	0.2709E-01
2200.00	0.7326E-01	4725.00	0.2689E-01
2225.00	0.7218E-01	4750.00	0.2670E-01
2250.00	0.7113E-01	4775.00	0.2651E-01
2275.00	0.7010E-01	4800.00	0.2632E-01
2300.00	0.6911E-01	4825.00	0.2613E-01
2325.00	0.6813E-01	4850.00	0.2595E-01
2350.00	0.6718E-01	4875.00	0.2577E-01
2375.00	0.6626E-01	4900.00	0.2559E-01
2400.00	0.6535E-01	4925.00	0.2541E-01
2425.00	0.6446E-01	4950.00	0.2523E-01
2450.00	0.6359E-01	4975.00	0.2506E-01
2475.00	0.6274E-01	5000.00	0.2489E-01
2500.00	0.6191E-01		

 ***** AERSCREEN MAXIMUM IMPACT SUMMARY *****

3-hour, 8-hour, and 24-hour scaled
 concentrations are equal to the 1-hour concentration as referenced in
 SCREENING PROCEDURES FOR ESTIMATING THE AIR QUALITY
 IMPACT OF STATIONARY SOURCES, REVISED (Section 4.5.4)
 Report number EPA-454/R-92-019
http://www.epa.gov/scram001/guidance_permit.htm
 under Screening Guidance

CALCULATION PROCEDURE	MAXIMUM 1-HOUR CONC (ug/m3)	SCALED 3-HOUR CONC (ug/m3)	SCALED 8-HOUR CONC (ug/m3)	SCALED 24-HOUR CONC (ug/m3)	SCALED ANNUAL CONC (ug/m3)
FLAT TERRAIN	1.161	1.161	1.161	1.161	N/A
DISTANCE FROM SOURCE	252.00 meters				
IMPACT AT THE AMBIENT BOUNDARY	0.8835	0.8835	0.8835	0.8835	N/A
DISTANCE FROM SOURCE	1.00 meters				

ARMBRUSTER GOLDSMITH & DELVAC LLP

LAND USE ENTITLEMENTS □ LITIGATION □ MUNICIPAL ADVOCACY

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July 29, 2022

VIA EMAIL

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

LACouncilComment.com
clerk.plumcommittee@lacity.org

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

Honorable Members of the PLUM Committee:

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

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

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

On October 19, 2021, Citizens Protecting San Pedro (the Appellant) and additional individual appellants appealed the Density Bonus On-Menu Incentives¹, Site Plan Review, Conditional Use Permit, and CEQA Clearance for the Project (the Appeal). Attached to the Appeal

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

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

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

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

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of [CGC] Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

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

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

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

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

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A. Finding 1.a

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

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

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

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

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

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

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

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

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

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

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

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

LAMC Section 12.36 C.1. provides:

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

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

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

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B. Finding 2.a

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

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

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

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

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

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

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

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

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

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

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

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

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

[1] would have a specific, adverse impact . . . upon health, safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact . . .

[2] would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or . . .

[3] would be contrary to state or federal law.

(*Id.*)

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

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

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

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

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

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

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

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

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

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

A. Finding 3

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

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

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

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

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

B. Finding 4

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

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

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

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

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

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

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

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

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

C. Finding 5

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

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

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

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- a. Goal LU3. Appellant argues that the Project is not consistent because it does not contain a mix of ownership and rental units. What Appellant fails to understand is that Goal LU3 applies to “multi-family neighborhoods,” not within an individual project. The Project neighborhood is a mix of ownership and rental units to which the Project is contributing 100 units; as such the Project is consistent with this goal.
- b. Policy LU3.1. Appellant argues that the Project is not consistent with this Policy because it does not qualify for a TOC parking reduction and public infrastructure is outdated and insufficient. As demonstrated above, the Project qualifies for a density bonus parking reduction incentive and the City appropriately determined there is adequate infrastructure to serve the Project.
- c. Policy LU3.3. Appellant claims the Project does not provide an equitable housing distribution. The Project provides 100 units, including 19 studio lofts, 24 studios, 36 one-bedroom units, and 21 two-bedroom units. Of the 100 units, 11 are Very Low Income units. As such, the Project is providing an equitable housing distribution. But, in any event, this policy applies throughout San Pedro’s multi-family neighborhood; it is not project specific.
- d. Policy LU3.4. Appellant claims the approval of the Project will “destabilize and displace an existing vulnerable community.” The Project is not displacing any residences. The Project site consists of an existing single-tenant bar, surface parking lot, and a vacant lot. Therefore, there is no basis to require the Project to address “relocation needs of existing residents.”
- e. Policy 3.6. Appellant claims the Project does not contain any on-site recreational facilities or community spaces for area residents. True, but the Policy applies to new multi-family development – not area residents. The Project contains numerous amenities, including open-air landscaped courtyards at the second level and rooftop decks, consistent with this policy.
- f. Goal LU5. Appellant claims the City has not adequately assessed the needs of the existing community. Yet, this goal has nothing to do with the needs of the existing community. Rather, this goal concerns strong and competitive commercial districts. The Project contributes to this by adding 1,800 square feet of retail.
- g. Policy LU5.7. Appellant claims the Project does not meet the policy of strategically locating new, large projects because it takes up an entire block. The Project is located at an underutilized in-fill site, replacing a surface parking lot, vacant lot, and a bar. This is a purposely placed Project at an appropriate location that can accommodate the density.

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- h. Policy LU5.5. Appellant claims the Project parking is not “well-designed” as called for by Policy LU5.5. However, the parking reduction is an allowed incentive and tandem parking is permitted as explained above.
- i. Goal LU6. Appellant claims the Project will not serve the surrounding neighborhood due to minimal retail and no public open space. Goal LU6 states “Attractive, pedestrian-friendly Neighborhood Districts” – this goal does not apply to individual projects. That said, the Project contributes to the pedestrian-friendly neighborhood district by providing 1,800 square feet of neighborhood serving retail and improves the pedestrian experience and streetscape by removing the two existing curb cuts and providing additional landscaping and street trees along Pacific Avenue, 21st Street, and 22nd Avenue.

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

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

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

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

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

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

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

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D. Finding 6

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

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

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

E. Findings 7 – 10

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

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

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

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

A. Finding 11

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

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

B. Finding 12

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

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

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

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

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

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

- 1) The loading space shall be located and arranged so that delivery vehicles may be driven into said space from the alley;
- 2) The loading space shall have a minimum height of 14-feet;
- 3) The loading space shall be directly accessible through a usable door not less than three feet in width and not less than six feet in height from the building it is to serve; and
- 4) The loading space shall be a minimum of 400 square feet, a minimum width of 20 feet, and a minimum depth of 10 feet.

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

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

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

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

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

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

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

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

C. Finding 13

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The Project Would Not Result in Cumulative Environmental Impacts

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

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

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

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

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

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

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

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

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

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

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

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

D. The Project’s CEQA Clearance Was Valid

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

PLUM Committee of
The Los Angeles City Council
July 29, 2022
Page 24

The CPC's determination that the Project qualified for a Class 32 Categorical Exemption complied with CEQA. As set forth in this letter and in the attached supporting materials⁷, the Project meets the requirements for a Class 32 Categorical Exemption, and none of the exceptions to a Class 32 Categorical Exemption apply.

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

Sincerely,



Damon Mamalakis

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

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

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

EXHIBIT A



DEPARTMENT OF CITY PLANNING

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

January 18, 2017

TO: All Staff
Other Interested Parties

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

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

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

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

Changes in State Law

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

AB 2442

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

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

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

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

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

AB 2501

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

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

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

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

Financial pro-formas and third party reviews will no longer be required for any entitlement cases currently pending with the Department or new density bonus case filings.

3. The term "density bonus" is specified to mean a density increase over the maximum allowable gross residential density at the time of the date of the application.

The density bonus provided to a project will be calculated based on the number of units permitted on the date of the density bonus application.

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

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

AB 2556

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

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

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

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

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

AB 1934

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

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

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

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

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

AB 2280 (2008)

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

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

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

EXHIBIT B

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



September 15, 2020

MEMORANDUM FOR: Planning Directors and Interested Parties

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

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

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

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

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

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

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

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

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What is the Housing Accountability Act?

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

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

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

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

Why Do We Need the Housing Accountability Act?

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

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

Legislative Housing Accountability Act Interpretation Guidance

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

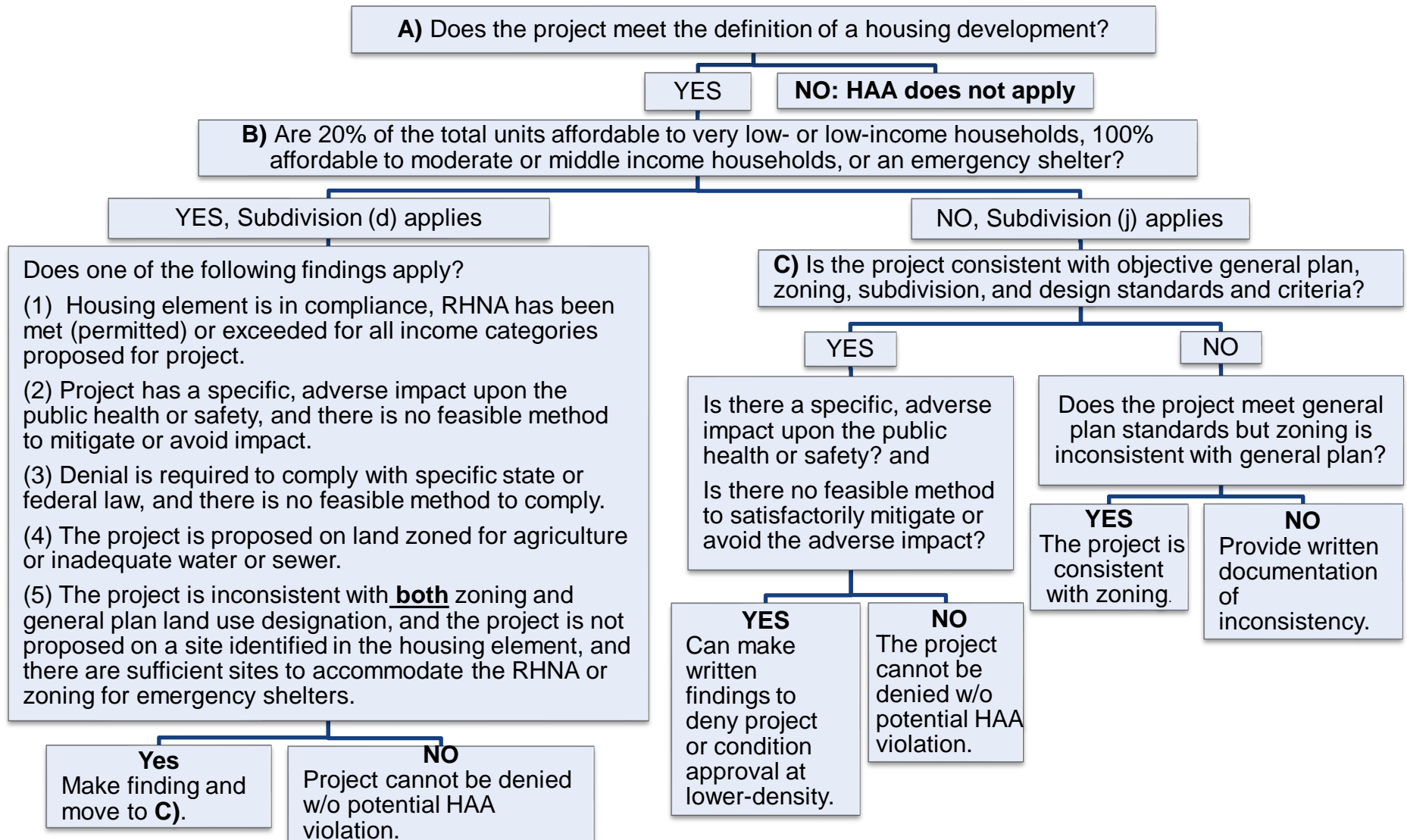
The following are findings and declarations found in the HAA pursuant to Government Code sections 65589.5(a):

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

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

Housing Accountability Act Decision Matrix

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



Key Provisions of the Housing Accountability Act

The HAA sets out restrictions on local governments' ability to take action against housing development projects in Government Code section 65589.5, subdivisions (d) and (j). Subdivision (d) describes requirements applicable to housing development projects that include units affordable to very-low, low-, and moderate-income households (including transitional and supportive housing) as well as emergency shelters and farmworker housing. Subdivision (j) describes requirements applicable to all housing development projects, including both market-rate and affordable housing developments¹. In sum, the HAA significantly limits the ability of a local government to deny an affordable or market-rate housing project that is consistent with planning and zoning requirements. This table describes the various component parts of the HAA for ease of reference.

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

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

Housing Development Project Qualifications

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

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

Housing Development Project Definition

Government Code, § 65589.5, subdivision (h)(2).

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

Housing for Very Low, Low-, or Moderate-Income Households

Government Code, § 65589.5, subdivision (h)(3).

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

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

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

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

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

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

Applicability of Local Standards

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

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

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

Objective Development Standards, Conditions, Policies, Fees, and Exactions

Government Code, § 65589.5, subdivision (f)

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

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

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

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

Determination of Application Completeness

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

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

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

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

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

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

Completeness Determination of Development Application

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

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

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

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

Triggers for a Disapproval of a Housing Development Project

Government Code, § 65589.5, subdivisions (h)(6)

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

- Votes on a proposed housing development project application and the application is disapproved. This includes denial of other required land use approvals or entitlements necessary for the issuance of a building permit. Examples include, but are not limited to, denial of the development application, tentative or final maps, use permits, or design review. If the project is using the Streamlined Ministerial Approval Process, disapproval of the application would trigger the provisions of the HAA.
- Fails to comply with decision time periods for approval or disapproval of a development application². Until 2025, the following timeframes apply:
 - 90 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project.
 - 60 days after certification of an environmental impact report (prepared pursuant to the California Environmental Quality Act) by the lead agency for a housing development project where at least 49 percent of the units in the development project are affordable to very low or low-income households³, and where rents for the lower income units are set at an affordable rent⁴ for at least 30 years and owner-occupied units are available at an affordable housing cost⁵, among other conditions (see Gov Code § 65950).
 - 60 days from the date of adoption by the lead agency of a negative declaration.
 - 60 days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act.

² Timeframes are pursuant to Government Code section 65950

³ As defined by Health and Safety Code sections 50105 and 50079.5

⁴ Pursuant to Section 50053 of the Health and Safety Code

⁵ Pursuant to Section 50052.5 of the Health and Safety Code

Imposition of Development Conditions

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

Like the ability to deny a project, the HAA does not prohibit a local government from exercising its authority to condition the approval of a project, but rather provides limitations and conditions for the application of certain conditions. Specifically, the HAA limits the application of conditions that lower the residential density of the project, and, for housing affordable to lower- and moderate-income households and emergency shelters, conditions that would have a substantial adverse impact on the viability or affordability of providing those units unless specific findings are made and supported by a preponderance of the evidence in the record⁶.

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

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

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

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

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

Housing Accountability Act Provisions That Apply to All Housing Projects

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

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

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

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

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

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

Applicability of Density Bonus Law

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

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

General Plan and Zoning Consistency Standard

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

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

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

has not yet amended all of its municipal ordinances to assure vertical consistency⁸. Recognizing this, the HAA clarifies that if the zoning standards and criteria are inconsistent with applicable, objective general plan standards, but the development project is consistent with the applicable objective general plan standards for the site, then the housing development project cannot be found inconsistent with the standards and criteria of the zoning. Further, if such an inconsistency exists, the local agency may not require rezoning prior to housing development project approval.

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

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

Written Notification of Inconsistency

Government Code, § 65589.5, subdivision (j)(2)

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

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

Consequence for Failure to Provide Written Documentation

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

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

Denial of a Housing Project that is Consistent with Applicable Plans, Standards, or Other Similar Provisions Based on the Preponderance of the Evidence Standard

Government Code, § 65589.5, subdivision (j)(1)

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

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

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

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

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

Preponderance of the Evidence Standard

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

Findings or determinations based on a “preponderance of the evidence” standard require that local governments weigh the evidence and conclude that the evidence on one side outweighs, preponderates over, is more than the evidence on the other side, not necessarily in the number or quantity, but in its convincing force upon those to whom it is addressed⁹. Evidence that is substantial, but not a preponderance of the evidence, does not meet this standard.

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

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

State Policy on Housing Project Approval

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

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

Denial or Conditioning of Housing Affordable to Very Low-, Low- or Moderate-Income Households, Including Farmworker Housing, or Emergency Shelters

Government Code, § 65589.5, subdivision (d) and (i)

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

- (1) The local government has an adopted housing element in substantial compliance with California’s Housing Element Law, contained in Article 10.6 of Government Code, *and* has met or exceeded development of its share of the RHNA in all income categories proposed in the housing development project. In the case of an emergency shelter, the local government shall have met or exceeded the need for emergency shelters as identified in the housing element. This requirement to meet or exceed its RHNA is in relationship to units built in the local government, not zoning. A local government’s housing element Annual Progress Report pursuant to Government Code section 65400 can be used to demonstrate progress towards RHNA goals.
- (2) The housing development project would have a specific, adverse impact upon public health or safety and there is no feasible method to mitigate or avoid the impact without rendering the housing development project unaffordable or financially infeasible. Specific to housing development projects affordable to very low-, low-, or moderate-income housing (including farmworker housing) or emergency shelters, specific, adverse impacts do not include inconsistency with the zoning ordinance or general plan land use designation or eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.
- (3) Denial of the housing development project or the imposition of conditions is required to comply with specific state or federal law, *and* there is no feasible method to comply without

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

- (4) The housing development project is proposed on land zoned for agriculture or resource preservation that is either: (a) surrounded on two sides by land being used for agriculture or resource preservation; or (b) does not have adequate water or wastewater facilities to serve the housing development project.
- (5) The housing development project meets both the following conditions:
- Is inconsistent with both the local government's zoning ordinance and the general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. This means this finding cannot be used in situations where the project is inconsistent with one (e.g., the general plan designation), but is consistent with the other (e.g., zoning ordinance).
 - The local government has an adopted housing element in substantial compliance with housing element Law.

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

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

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

Violations of Housing Accountability Act

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

Eligible Plaintiffs and Petitioners

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

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

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

Remedies

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

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

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

Local Agency Appeal Bond

Government Code, § 65589.5, subdivision (m)

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

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

Failure to Comply with Court Order

Government Code, § 65589.5, subdivision (k)(1)(B)(i), (k)(1)(C), and (l)

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

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

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

Court-Imposed Fines

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

Bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit. For example, in a recent Los Altos Superior Court order, the court issued an order directing the local agency to approve the housing development project and found that the local agency acted in bad faith when it disapproved the housing development because its denial was entirely without merit. The city’s denial letter did not reflect that the city made a benign error in the course of attempting, in good faith, to follow the law by explaining to the developer how the project conflicted with objective standards that existed at the time of application; instead, the city denied the application with a facially deficient letter, employed strained interpretations of statute and local standards, and adopted a resolution enumerating insufficient reasons for its denial¹¹. Bad faith can be demonstrated through both substantive decisions and procedural actions. In the Los Altos case, the court found that demanding an administrative appeal with less than a days’ notice revealed bad faith. Repeated, undue delay may likewise reveal bad faith.

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

APPENDIX A: Frequently Asked Questions

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

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

Does the Housing Accountability Act apply to charter cities?

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

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

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

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

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

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

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

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

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

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

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

complete¹². The standards should be appropriate to, and consistent with, meeting the local government's regional housing need and facilitate development at the permitted density. (Gov. Code, § 65589.5, subd. (f)(1).) However, it should be noted that compliance with historic preservation laws may otherwise constrain the approval of a housing development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The housing development project would have a specific, adverse impact upon public health or safety unless disapproved or approved at a lower density; and
- (2) There is no feasible method to satisfactorily mitigate or avoid the impact.

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

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

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

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

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

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

Appendix B: Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Benefits of a Preliminary Application

Government Code, § 65589.5, subdivision (o)

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

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

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

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

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

Contents of a Preliminary Application

Government Code, § 65941.1

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

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

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

- A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.
 - A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
 - A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
 - A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.
9. Any historic or cultural resources known to exist on the property.
10. The number of proposed below market rate units and their affordability levels.
11. The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.
12. Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.
13. The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.
14. For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:
- Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.
 - Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.
 - A tsunami run-up zone.
 - Use of the site for public access to or along the coast.
15. The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.
16. A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.
17. The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

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

Step 1: Preliminary Application Submittal GC 65941.1

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

Step 2: Full Application Submittal

- Applicant submits full application within 180 days of preliminary application submittal.
- Application contains all information required by the local government application checklist pursuant to Government Code Sections 65940, 65941, and 65941.5¹³.

Step 3: Determination of Application Completeness GC 65943

- Local government has 30 days to determine application completeness and provide in writing both the determination of whether the application is complete and, when applicable, a list of items that were not complete. This list is based on the agency's submittal requirement checklist. If written notice is not provided within 30 days, the application is deemed complete.
- An applicant that has submitted a preliminary application has 90 days to correct deficiencies and submit the material needed to complete the application¹⁴.
- Upon resubmittal, local government has 30 days to evaluate. Evaluation is based on previous stated items and the supplemented or amended materials. If still not correct, the local agency must specify those parts of the application that were incomplete and indicate the specific information needed to complete the application.
- Upon a third determination of an incomplete application, an appeals process must be provided.

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

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

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

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

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

Step 5: Other Entitlement Process Requirements Pursuant to SB 330

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

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

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

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

Appendix D: Housing Accountability Act Statute (2020)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

DIVISION 1. PLANNING AND ZONING [65000 - 66301]

CHAPTER 3. Local Planning [65100 - 65763]

ARTICLE 10.6. Housing Elements [65580 - 65589.11]

65589.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Residential units only.

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

(C) Transitional housing or supportive housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT C



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

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

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

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

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

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

Table 1
Construction Noise Impacts at Off-Site Sensitive Receptors

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

Source: DKA Planning, 2022.

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

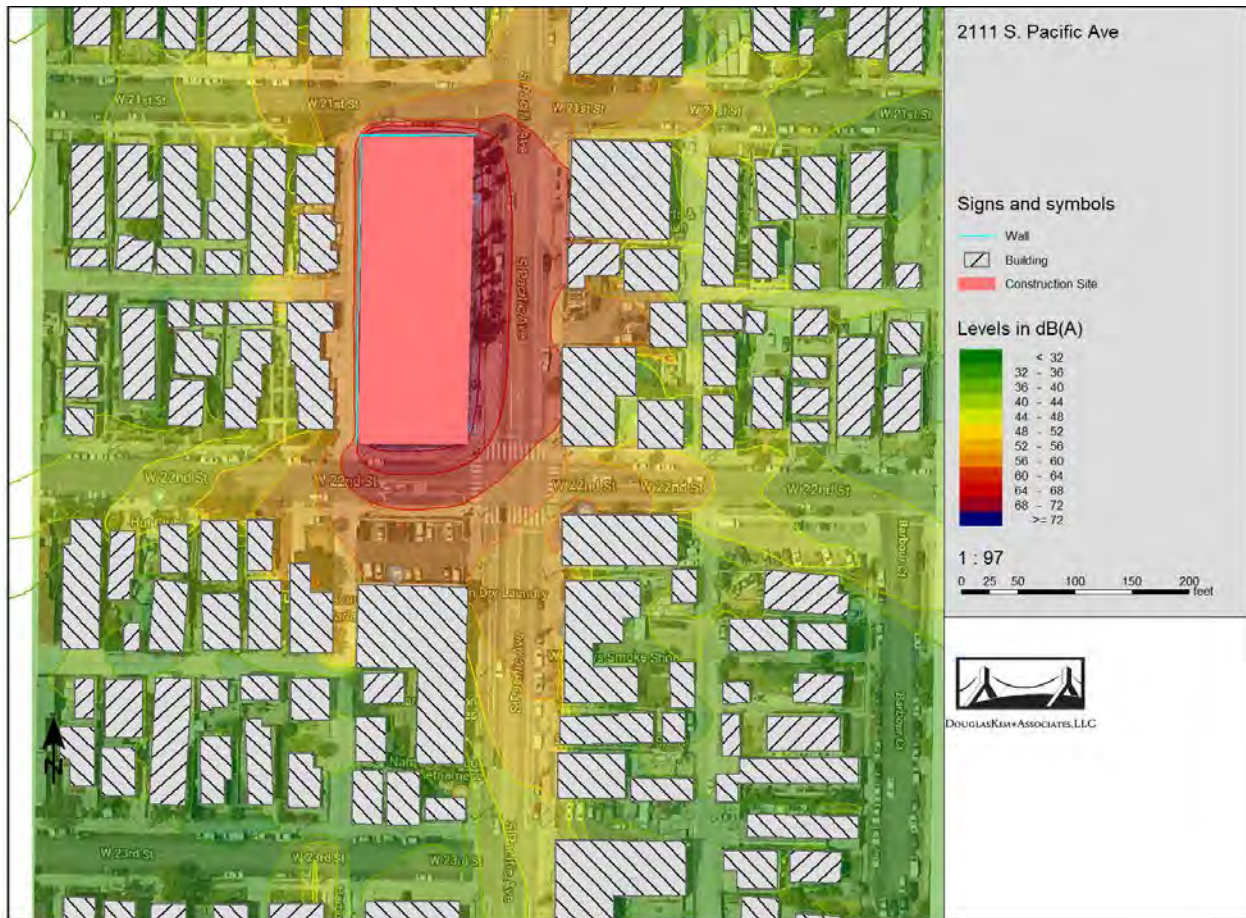


Figure 1
Construction Noise Contours

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

EXHIBIT D

January 24, 2022

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

Re: 2111 South Pacific Avenue - Construction Health Risk Assessment

Mr. Mamalakis:

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

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

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

Source Identification

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

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

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

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

Figure 1
Site Location /Vicinity Aerial Photograph



Source Characterization

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

For this assessment, the off-road PM₁₀ exhaust estimates reported by CalEEMod were used as a surrogate for DPM emissions which assumed diesel-powered construction equipment will meet EPA-certified Tier 4 emission standards. The emission rates for both winter and summer scenarios were found to be commensurate.

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

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

Table 1
Average Daily Emissions/PM₁₀

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

Exposure Quantification

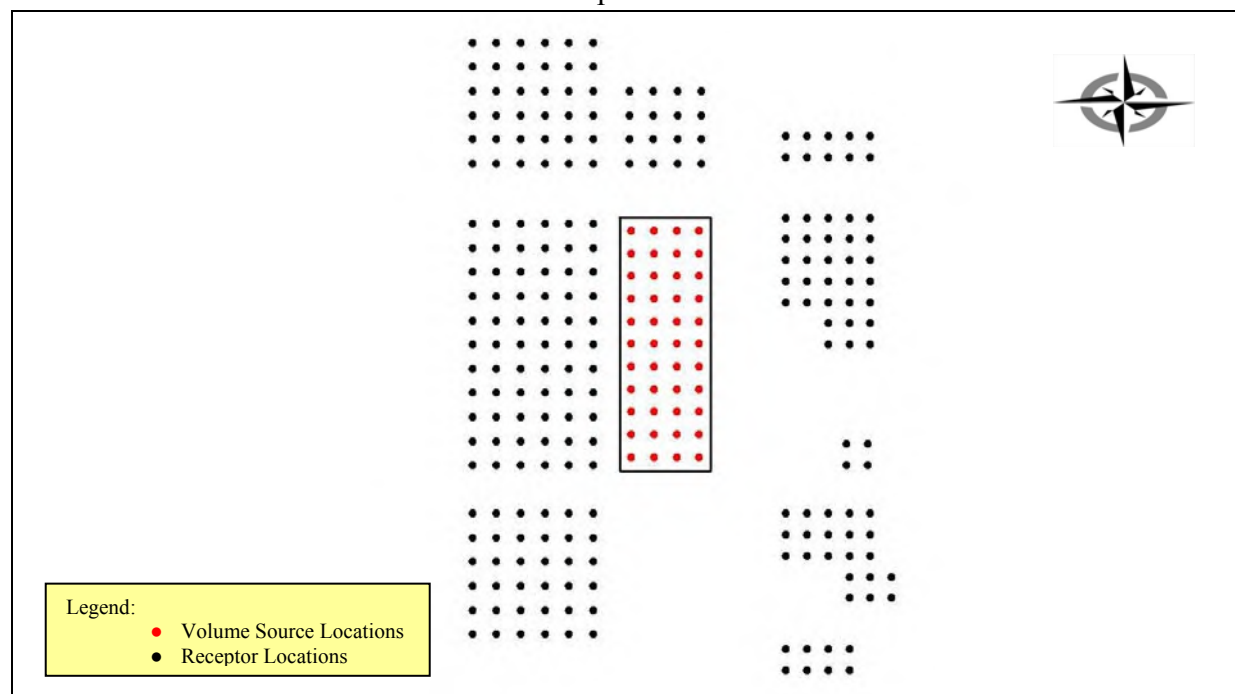
In order to assess the impact of DPM emissions, air quality modeling utilizing the AMS/EPA Regulatory Model AERMOD was performed. AERMOD is a steady-state Gaussian plume model applicable to directly emitted air pollutants that employs best state-of-practice parameterizations for characterizing meteorological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

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

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

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

Figure 2
Source-Receptor Grid Network



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

Risk Characterization

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

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

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

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

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

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

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

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

Where:

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

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

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

Where:

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

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

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

Table 2
Carcinogenic Risk / Maximum Exposed Residential Receptor

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

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

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

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

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

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

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

Table 3
Noncarcinogenic Hazards

Receptor	Hazard
Residential	1.3E-02

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

Conclusion

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "BP 33.", is positioned above the printed name.

Bill Piazza

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

ATTACHMENT A

Carcinogenic Risk/Noncarcinogenic Hazard Calculation Worksheets

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

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

* Key to Toxicological Endpoint

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

Note: Exposure factors used to calculate contaminant intake

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

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

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

* Key to Toxicological Endpoint

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

Note: Exposure factors used to calculate contaminant intake

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

ATTACHMENT B

Emission Calculation Worksheet

Emission Calculation Worksheet

Emissions	Phase	Year	Lb/Day	# Days	Emissions
On-Site	Demolition	2020	0.1146	22	2.5212
Exhaust PM 10	Grading	2020	0.1387	22	3.0514
	Building Construction	2020	0.0566	122	6.9052
	Building Construction	2021	0.0566	64	3.6224
	Building Construction/Architectural Coating	2021	0.0606	87	5.2687
	Building Construction	2021	0.0566	88	4.9808
				405	26.3497
Average Daily Construction (Lb/Day)					0.0651
Exhaust PM10			Combustion mass	Combustion g/s/source	
	Combustion Sources	44	0.0651	2.3288E-05	

ATTACHMENT C

CalEEMod Output File

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

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**2111 South Pacific Avenue Future
Los Angeles-South Coast County, Winter****3.0 Construction Detail****Construction Phase**

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

OffRoad Equipment

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

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

3.1 Mitigation Measures Construction

Use Cleaner Engines for Construction Equipment

Replace Ground Cover

Water Exposed Area

Clean Paved Roads

3.2 Demolition - 2020

Mitigated Construction On-Site

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

3.3 Grading - 2020

Mitigated Construction On-Site

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

3.4 Building Construction - 2020

Mitigated Construction On-Site

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

3.4 Building Construction - 2021

Mitigated Construction On-Site

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

3.5 Architectural Coating - 2021

Mitigated Construction On-Site

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

ATTACHMENT D

Dispersion Model Output File

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

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

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

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

***** FATAL ERROR MESSAGES *****

*** NONE ***

***** WARNING MESSAGES *****

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

*** SETUP Finishes Successfully ***

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue ***	01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions ***	09:28:20
		PAGE 1

*** MODELOPTS: RegDEFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*

*** MODEL SETUP OPTIONS SUMMARY ***

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

-- DEPOSITION LOGIC --

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

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

**Model Uses Regulatory DEFAULT Options:

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

**Other Options Specified:

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

**Model Accepts FLAGPOLE Receptor Heights.

**The User Specified a Pollutant Type of: OTHER

**Model Calculates ANNUAL Averages Only

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

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

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

**The AERMET Input Meteorological Data Version Date: 16216

**Output Options Selected:

Model Outputs Tables of ANNUAL Averages by Receptor

Model Outputs External File(s) of High Values for Plotting (PLOTFILE Keyword)

Model Outputs Separate Summary File of High Ranked Values (SUMMFILE Keyword)

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

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

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

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

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

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

*** AERMOD - VERSION 21112 *** 2111 South Pacific Avenue *** 01/22/22
*** AERMET - VERSION 16216 *** Construction Scenario / DPM Emissions *** 09:28:20
PAGE 2

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

*** VOLUME SOURCE DATA ***

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

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

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue	***	01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions	***	09:28:20
			PAGE 3

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

*** VOLUME SOURCE DATA ***

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

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue	***	01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions	***	09:28:20
			PAGE 4

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

*** SOURCE IDs DEFINING SOURCE GROUPS ***

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

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

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

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

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue	***	01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions	***	09:28:20
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*** AERMOD - VERSION 21112 ***    *** 2111 South Pacific Avenue ***    01/22/22
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* SOURCE EMISSION RATE SCALARS WHICH VARY FOR EACH HOUR OF THE DAY *

[illegible]

SOURCE ID = C_6		; SOURCE TYPE = VOLUME		:													
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00	7	.00000E+00	8	.00000E+00	9	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01	13	.10000E+01	14	.10000E+01	15	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00	19	.00000E+00	20	.00000E+00	21	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00	25	.00000E+00	26	.00000E+00	27	.00000E+00

SOURCE ID = C_7		; SOURCE TYPE = VOLUME		:													
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00	7	.00000E+00	8	.00000E+00	9	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01	13	.10000E+01	14	.10000E+01	15	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00	19	.00000E+00	20	.00000E+00	21	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00	25	.00000E+00	26	.00000E+00	27	.00000E+00

[illegible]

SOURCE ID = C_9 ; SOURCE TYPE = VOLUME :

SOURCE ID = C_9 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_10 ; SOURCE TYPE = VOLUME :

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

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

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

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

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

SOURCE ID = C_12 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_13 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_14 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_15 ; SOURCE TYPE = VOLUME :

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

*** AERMOD - VERSION 21112 *** 2111 South Pacific Avenue

*** 01/22/22

*** AERMET - VERSION 16216 *** Construction Scenario / DPM Emissions

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

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

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

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

SOURCE ID = C_17 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_18 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_19 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_20 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

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

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

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

SOURCE ID = C_21 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_22 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_23 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_24 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_25 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

*** AERMOD - VERSION 21112 *** *** 2111 South Pacific Avenue *** 01/22/22
*** AERMET - VERSION 16216 *** *** Construction Scenario / DPM Emissions *** 09:28:20

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

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

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

SOURCE ID = C_26 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_27 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_28 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_29 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_30 ; SOURCE TYPE = VOLUME :

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

*** AERMOD - VERSION 21112 *** *** 2111 South Pacific Avenue *** 01/22/22

*** AERMET - VERSION 16216 *** *** Construction Scenario / DPM Emissions *** 09:28:20

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

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

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

SOURCE ID = C_31 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_32 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_33 ; SOURCE TYPE = VOLUME :

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

SOURCE ID = C_34 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_35 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

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

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

HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR

SOURCE ID = C_36 ; SOURCE TYPE = VOLUME :											
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_37 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_38 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_39 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

SOURCE ID = C_40 ; SOURCE TYPE = VOLUME :
1 .00000E+00 2 .00000E+00 3 .00000E+00 4 .00000E+00 5 .00000E+00 6 .00000E+00
7 .00000E+00 8 .00000E+00 9 .10000E+01 10 .10000E+01 11 .10000E+01 12 .10000E+01
13 .10000E+01 14 .10000E+01 15 .10000E+01 16 .10000E+01 17 .00000E+00 18 .00000E+00
19 .00000E+00 20 .00000E+00 21 .00000E+00 22 .00000E+00 23 .00000E+00 24 .00000E+00

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

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

HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR	HOURL	SCALAR

SOURCE ID = C_41 ; SOURCE TYPE = VOLUME :											
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00

SOURCE ID = C_42		; SOURCE TYPE = VOLUME		:									
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00	7	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01	13	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00	19	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00		

SOURCE ID = C_43		; SOURCE TYPE = VOLUME		:									
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00	7	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01	13	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00	19	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00		

SOURCE ID = C_44		; SOURCE TYPE = VOLUME		:									
1	.00000E+00	2	.00000E+00	3	.00000E+00	4	.00000E+00	5	.00000E+00	6	.00000E+00	7	.00000E+00
7	.00000E+00	8	.00000E+00	9	.10000E+01	10	.10000E+01	11	.10000E+01	12	.10000E+01	13	.10000E+01
13	.10000E+01	14	.10000E+01	15	.10000E+01	16	.10000E+01	17	.00000E+00	18	.00000E+00	19	.00000E+00
19	.00000E+00	20	.00000E+00	21	.00000E+00	22	.00000E+00	23	.00000E+00	24	.00000E+00		

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue	*** 01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions	*** 09:28:20
*** MODELOPTs:	RegDEFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*	PAGE 15

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

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

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

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

(380579.0, 3732411.0, 22.0, 22.0, 2.0);	(380587.0, 3732411.0, 22.0, 22.0, 2.0);
(380595.0, 3732411.0, 22.0, 22.0, 2.0);	(380603.0, 3732411.0, 22.0, 22.0, 2.0);
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(380595.0, 3732299.0, 22.0, 22.0, 2.0);	(380603.0, 3732299.0, 22.0, 22.0, 2.0);
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(380595.0, 3732323.0, 22.0, 22.0, 2.0);	(380603.0, 3732323.0, 22.0, 22.0, 2.0);
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(380647.0, 3732447.0, 22.0, 22.0, 2.0);	(380655.0, 3732447.0, 22.0, 22.0, 2.0);
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(380647.0, 3732455.0, 22.0, 22.0, 2.0);	(380655.0, 3732455.0, 22.0, 22.0, 2.0);
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(380697.0, 3732441.0, 22.0, 22.0, 2.0);	(380704.0, 3732441.0, 22.0, 22.0, 2.0);
(380711.0, 3732441.0, 22.0, 22.0, 2.0);	(380683.0, 3732448.0, 22.0, 22.0, 2.0);
(380690.0, 3732448.0, 22.0, 22.0, 2.0);	(380697.0, 3732448.0, 22.0, 22.0, 2.0);
(380704.0, 3732448.0, 22.0, 22.0, 2.0);	(380711.0, 3732448.0, 22.0, 22.0, 2.0);
(380697.0, 3732379.0, 22.0, 22.0, 2.0);	(380704.0, 3732379.0, 22.0, 22.0, 2.0);
(380711.0, 3732379.0, 22.0, 22.0, 2.0);	(380697.0, 3732386.0, 22.0, 22.0, 2.0);
(380704.0, 3732386.0, 22.0, 22.0, 2.0);	(380711.0, 3732386.0, 22.0, 22.0, 2.0);
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(380697.0, 3732393.0, 22.0, 22.0, 2.0);	(380704.0, 3732393.0, 22.0, 22.0, 2.0);
(380711.0, 3732393.0, 22.0, 22.0, 2.0);	(380683.0, 3732400.0, 22.0, 22.0, 2.0);
(380690.0, 3732400.0, 22.0, 22.0, 2.0);	(380697.0, 3732400.0, 22.0, 22.0, 2.0);
(380704.0, 3732400.0, 22.0, 22.0, 2.0);	(380711.0, 3732400.0, 22.0, 22.0, 2.0);

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

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

(380683.0, 3732407.0, 22.0, 22.0, 2.0);	(380690.0, 3732407.0, 22.0, 22.0, 2.0);
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*** AERMOD - VERSION 21112 ***    *** 2111 South Pacific Avenue ***    01/22/22
*** AERMET - VERSION 16216 ***    *** Construction Scenario / DPM Emissions ***    09:28:20
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YR	MO	DY	JDY	HR	H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O	LEN	Z0	BOWEN	ALBEDO	REF WS	WD	HT	REF TA	HT
12	01	01	1	01	-5.3	0.094	-9.000	-9.000	-999.	70.	14.3	0.10	2.68	1.00	1.13	322.	7.9	282.0	2.0	
12	01	01	1	02	-999.0	-9.000	-9.000	-9.000	-999.	-999.	-99999.0	0.10	2.68	1.00	0.00	0.	7.9	281.4	2.0	
12	01	01	1	03	-2.5	0.068	-9.000	-9.000	-999.	43.	11.4	0.10	2.68	1.00	0.74	79.	7.9	280.9	2.0	
12	01	01	1	04	-3.2	0.075	-9.000	-9.000	-999.	49.	11.7	0.10	2.68	1.00	0.86	137.	7.9	280.9	2.0	
12	01	01	1	05	-999.0	-9.000	-9.000	-9.000	-999.	-999.	-99999.0	0.10	2.68	1.00	0.00	0.	7.9	280.4	2.0	
12	01	01	1	06	-5.2	0.093	-9.000	-9.000	-999.	68.	14.0	0.10	2.68	1.00	1.11	92.	7.9	279.9	2.0	
12	01	01	1	07	-2.3	0.066	-9.000	-9.000	-999.	41.	11.5	0.10	2.68	1.00	0.69	67.	7.9	278.8	2.0	
12	01	01	1	08	-1.7	0.060	-9.000	-9.000	-999.	36.	11.4	0.10	2.68	0.54	0.65	91.	7.9	279.9	2.0	
12	01	01	1	09	36.2	-9.000	-9.000	-9.000	37.	-999.	-99999.0	0.10	2.68	0.31	0.00	0.	7.9	283.8	2.0	
12	01	01	1	10	108.4	0.139	0.707	0.009	119.	124.	-2.3	0.10	2.68	0.24	0.92	319.	7.9	287.5	2.0	
12	01	01	1	11	160.5	0.114	1.137	0.005	334.	93.	-1.0	0.10	2.68	0.21	0.62	23.	7.9	292.5	2.0	
12	01	01	1	12	186.7	0.125	1.473	0.005	623.	105.	-1.0	0.10	2.68	0.20	0.69	18.	7.9	295.4	2.0	
12	01	01	1	13	186.8	0.130	1.761	0.005	1065.	112.	-1.1	0.10	2.68	0.20	0.74	250.	7.9	297.5	2.0	
12	01	01	1	14	161.7	0.150	1.834	0.005	1387.	139.	-1.9	0.10	2.68	0.21	0.96	347.	7.9	300.4	2.0	
12	01	01	1	15	105.5	0.243	1.633	0.005	1499.	288.	-12.4	0.10	2.68	0.24	2.11	194.	7.9	295.9	2.0	

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

First hour of profile data

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

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

*** AERMOD - VERSION 21112 ***	*** 2111 South Pacific Avenue	***	01/22/22
*** AERMET - VERSION 16216 ***	*** Construction Scenario / DPM Emissions	***	09:28:20
			PAGE 20

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

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

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

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

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

*** AERMOD - VERSION 21112 *** 2111 South Pacific Avenue *** 01/22/22
 *** AERMET - VERSION 16216 *** Construction Scenario / DPM Emissions *** 09:28:20
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*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*
 *** THE ANNUAL AVERAGE CONCENTRATION VALUES AVERAGED OVER 5 YEARS FOR SOURCE GROUP: ALL ***
 INCLUDING SOURCE(S): C_1 , C_2 , C_3 , C_4 , C_5 ,
 C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 ,
 C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 ,
 C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , . . .

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

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

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

*** AERMOD - VERSION 21112 *** 2111 South Pacific Avenue *** 01/22/22
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*** MODELOPTs: RegDFAULT CONC ELEV FLGPOL NODRYDPLT NOWETDPLT URBAN ADJ_U*
 *** THE ANNUAL AVERAGE CONCENTRATION VALUES AVERAGED OVER 5 YEARS FOR SOURCE GROUP: ALL ***
 INCLUDING SOURCE(S): C_1 , C_2 , C_3 , C_4 , C_5 ,
 C_6 , C_7 , C_8 , C_9 , C_10 , C_11 , C_12 , C_13 ,
 C_14 , C_15 , C_16 , C_17 , C_18 , C_19 , C_20 , C_21 ,
 C_22 , C_23 , C_24 , C_25 , C_26 , C_27 , C_28 , . . .

*** DISCRETE CARTESIAN RECEPTOR POINTS ***

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

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

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*** AERMOD - VERSION 21112 ***    *** 2111 South Pacific Avenue ***    01/22/22
*** AERMET - VERSION 16216 ***    *** Construction Scenario / DPM Emissions ***    09:28:20
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A Total of 0 Fatal Error Message(s)

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

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

A Total of 270 Missing Hours Identified (0.62 Percent)

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

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

*** AERMOD Finishes Successfully ***

ATTACHMENT E

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EXHIBIT E (1)

MEMORANDUM

To: Pedro Ayala
City of Los Angeles Dept. of Transportation

Date: March 30, 2022

From: Clare M. Look-Jaeger, P.E. *CL-Jaeger* LLG Ref: 1-19-4338-2
Francesca S. Bravo *FSB*
Linscott, Law & Greenspan, Engineers

Subject: **2111 South Pacific Avenue Project – Supplemental Transportation Analysis**

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

DESCRIPTION OF REDUCED PROJECT

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

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

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

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

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Irvine
San Diego
Woodland Hills

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

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

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

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

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

Screening Criteria

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

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

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

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

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

Impact Criteria and Methodology

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

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

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

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

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

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

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

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

Review of Project Consistency

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

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

Mobility Plan

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

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

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

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

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

Plan for a Healthy Los Angeles

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

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

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

Land Use Element of the General Plan

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

LAMC Section 12.21A.16

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

LAMC Section 12.26.J

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

LAMC Section 12.37

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

Vision Zero Action and Corridor Plans

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

Streetscape Plans

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

Citywide Design Guidelines

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

- *Pedestrian-first Design*

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

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

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

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

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

Review of Cumulative Consistency

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

VMT ANALYSIS (THRESHOLD T-2.1)

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

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

Screening Criteria

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

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

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

- Using the City's VMT Calculator tool, the proposed Project is forecast to generate 530 daily vehicle trips. It should be noted that this estimate conservatively does not account for the existing use on-site - a 1,490 square-foot bar. Therefore, the Project exceeds the screening criteria set forth in T-2.1-1.
- T-2.1-2: Would the project generate a net increase in daily VMT?

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

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

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

Impact Criteria and Methodology

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

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

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

Transportation Demand Management Measures

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

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

Summary of Project VMT Analysis

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

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

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

Mitigation Measures

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

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

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

- **Parking: Unbundle Parking**

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

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

Summary of Cumulative VMT Analysis

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

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

GEOMETRIC DESIGN (THRESHOLD T-3)

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

Screening Criteria

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

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

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

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

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

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

Impact Criteria and Methodology

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

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

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

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

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

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

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

TRANSIT REVIEW

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

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

and afternoon peak commute periods, which qualifies as a major transit stop³. As shown in *Figure 6*, the proposed project site is located within a one-half mile distance of the Pacific Avenue/13th Street intersection, and therefore the project site is located within the boundaries of a major transit stop.

SUMMARY

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

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

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

c: File

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

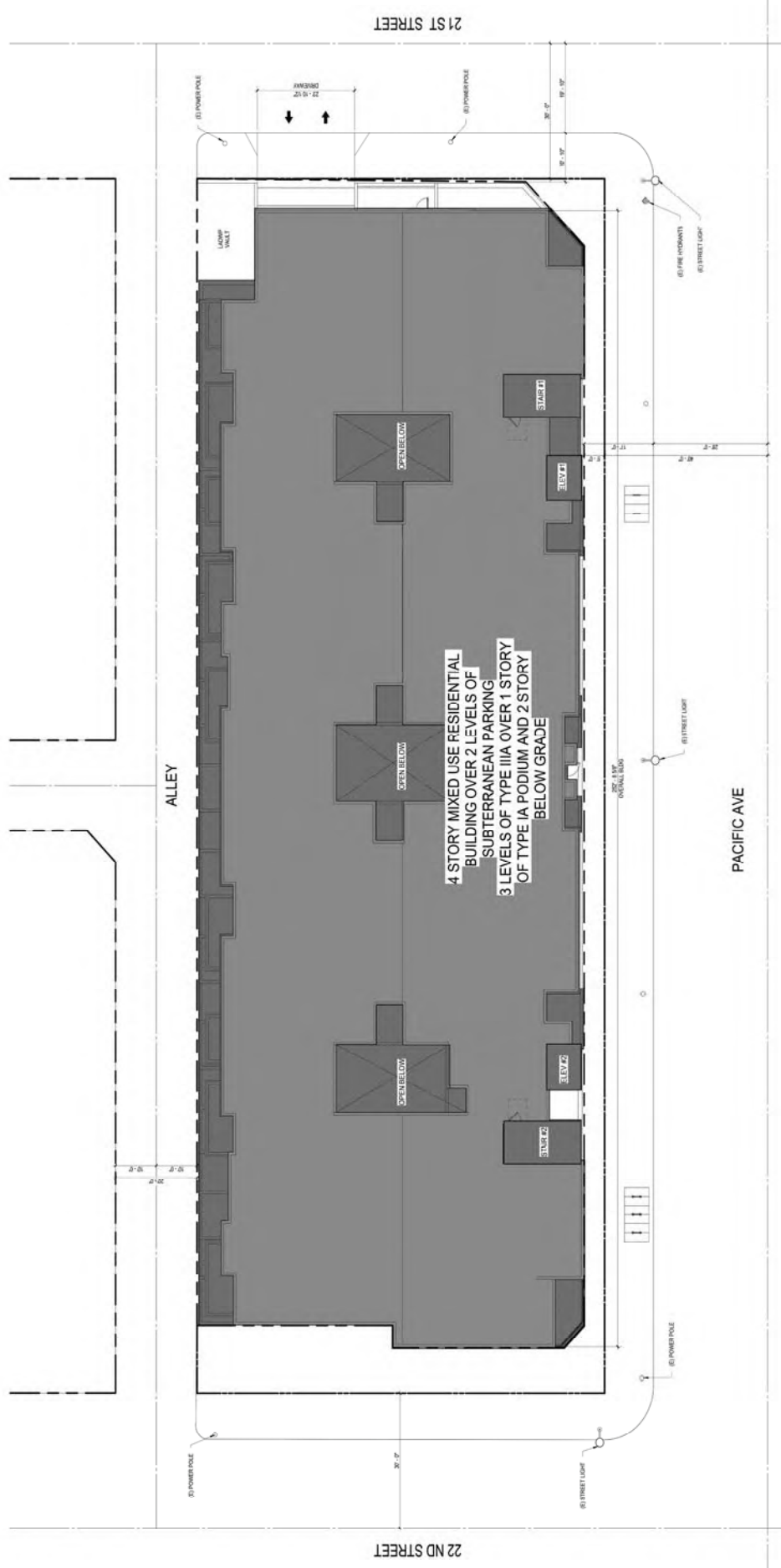
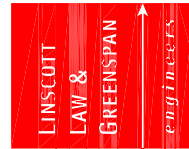
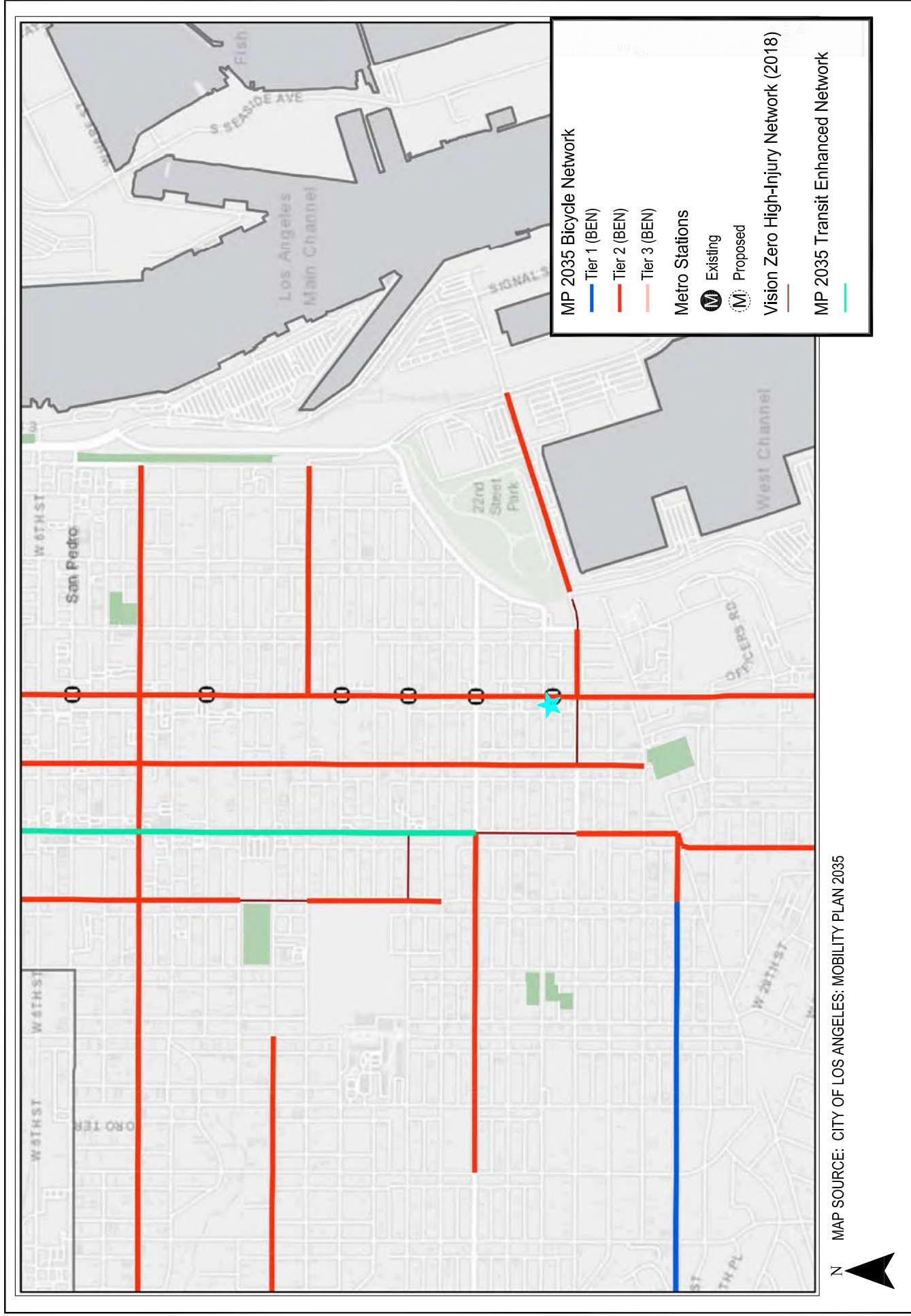




Figure 2
Street Level Plan



★ Project Site

N MAP SOURCE: CITY OF LOS ANGELES: MOBILITY PLAN 2035

Figure 3
Mobility Plan 2035 Networks

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SITE



SIGNAL



STOP SIGN



ADA



ADA YELLOW
TRUNCATED DOME



TRASH



CROSSWALK



CROSSWALK
YELLOW



BIKE RACK



BUS STOP



BUS STOP WITH
BUS BENCH



BUS STOP WITH
BUS BENCH & SHELTER

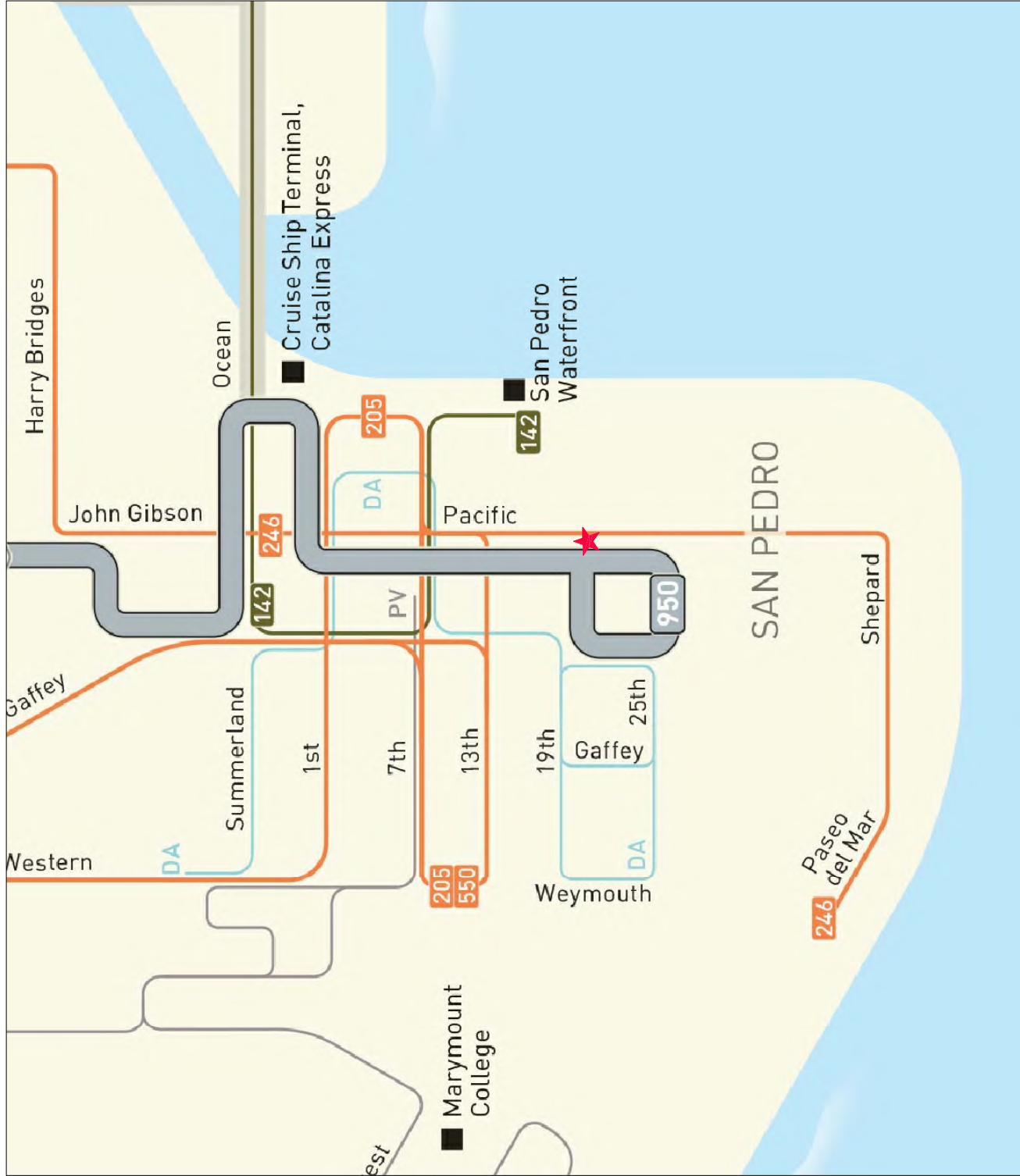


BIKE ROUTE/LANE



MAIL BOX

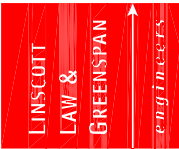
Figure 4
Existing Nearby Pedestrian & Transit Facilities



MAP SOURCE: METROPOLITAN TRANSPORTATION AUTHORITY WEBSITE, NOVEMBER 2021

★ Project Site

Figure 5
Existing Transit Routes



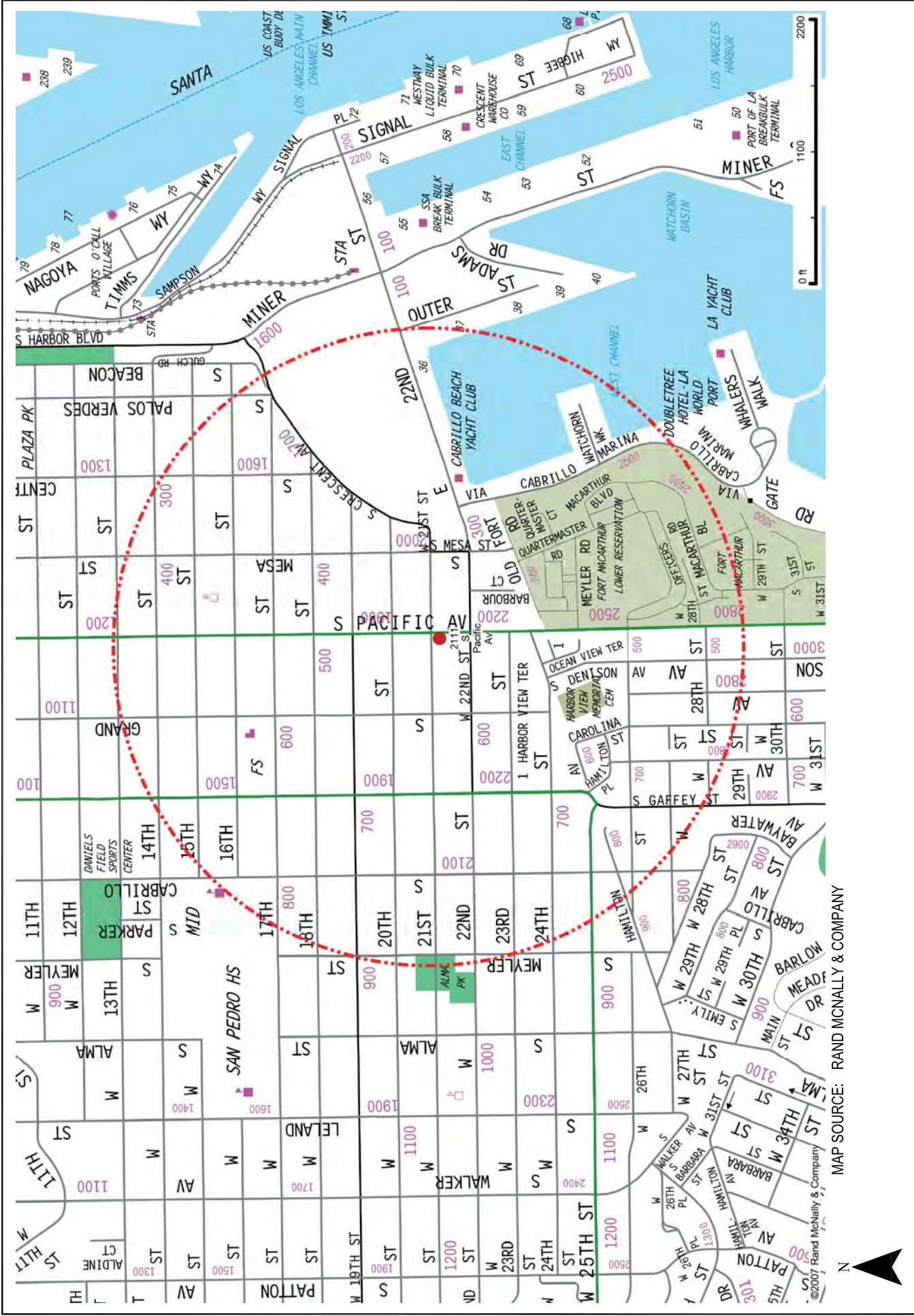


Figure 6
0.50 Mile Radius Map

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

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

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

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

Table 2
EXISTING TRANSIT ROUTES [1]

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

[1] Sources: City of Los Angeles Department of Transportation (DASH), Los Angeles County Metropolitan Transportation Authority (Metro), and Palos Verdes Peninsula Transit Authority (PVPTA) websites, November 2021.

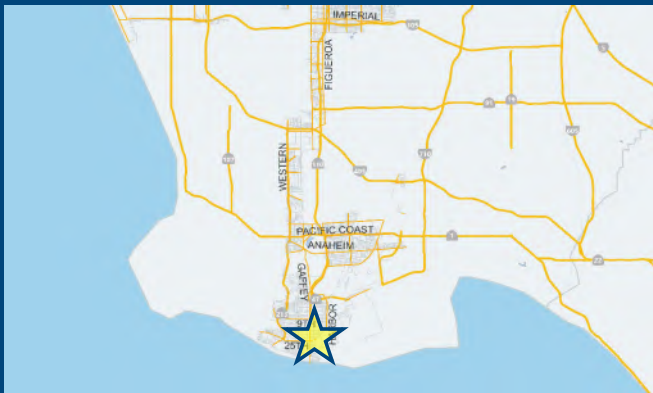
CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



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

Project Information

Project: 2111 South Pacific Avenue
 Scenario: [www](#)
 Address: 2111 S PACIFIC AVE, 90731



Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

☒ Yes ☐ No

Existing Land Use

Land Use Type	Value	Unit
Housing Single Family		DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

Proposed Project Land Use

Land Use Type	Value	Unit
Retail General Retail	1.8	ksf
Housing Multi-Family	89	DU
Retail General Retail	1.8	ksf
Housing Affordable Housing - Family	11	DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

Project Screening Summary

Existing Land Use	Proposed Project
0 Daily Vehicle Trips	537 Daily Vehicle Trips
0 Daily VMT	4,834 Daily VMT

Tier 1 Screening Criteria

Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. ☐

Tier 2 Screening Criteria

The net increase in daily trips < 250 trips 537
Net Daily Trips

The net increase in daily VMT ≤ 0 4,834
Net Daily VMT

The proposed project consists of only retail land uses ≤ 50,000 square feet total. 1,800
ksf

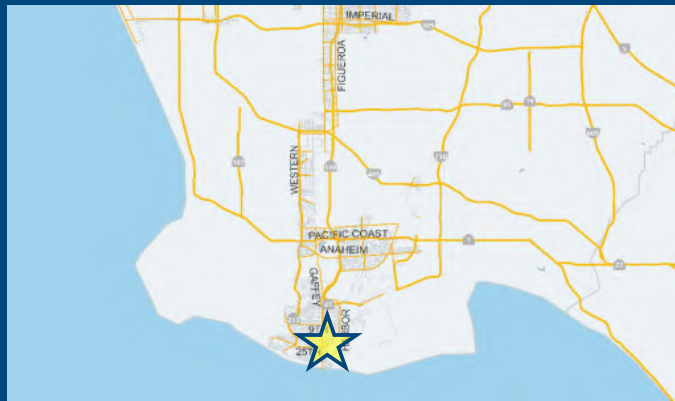
The proposed project is required to perform VMT analysis.

CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



Project Information

Project: 2111 South Pacific Avenue
Scenario:
Address: 2111 S PACIFIC AVE, 90731



Proposed Project Land Use Type	Value	Unit
Housing Multi-Family	89	DU
Retail General Retail	1.8	ksf
Housing Affordable Housing - Family	11	DU

TDM Strategies

Select each section to show individual strategies
 Use ☒ to denote if the TDM strategy is part of the proposed project or is a mitigation strategy

	Proposed Project	With Mitigation
Max Home Based TDM Achieved?	No	No
Max Work Based TDM Achieved?	No	No
(A) Parking		
(B) Transit		
(C) Education & Encouragement		
(D) Commute Trip Reductions		
(E) Shared Mobility		
(F) Bicycle Infrastructure		
Implement/Improve On-street Bicycle Facility	Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj <input type="checkbox"/> Mitigation		
Include Bike Parking Per LAMC	Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj <input type="checkbox"/> Mitigation		
Include Secure Bike Parking and Showers	Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj <input type="checkbox"/> Mitigation		
(G) Neighborhood Enhancement		

Analysis Results

Proposed Project	With Mitigation
537 Daily Vehicle Trips	530 Daily Vehicle Trips
4,834 Daily VMT	4,768 Daily VMT
9.3 Household VMT per Capita	9.0 Household VMT per Capita
N/A Work VMT per Employee	N/A Work VMT per Employee

Significant VMT Impact?

Household: Yes Threshold = 9.2 15% Below APC	Household: No Threshold = 9.2 15% Below APC
Work: N/A Threshold = 12.3 15% Below APC	Work: N/A Threshold = 12.3 15% Below APC

CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

Project Information			
Land Use Type		Value	Units
Housing	Single Family	0	DU
	Multi Family	89	DU
	Townhouse	0	DU
	Hotel	0	Rooms
	Motel	0	Rooms
Affordable Housing	Family	11	DU
	Senior	0	DU
	Special Needs	0	DU
	Permanent Supportive	0	DU
Retail	General Retail	1.800	ksf
	Furniture Store	0.000	ksf
	Pharmacy/Drugstore	0.000	ksf
	Supermarket	0.000	ksf
	Bank	0.000	ksf
	Health Club	0.000	ksf
	High-Turnover Sit-Down	0.000	ksf
	Restaurant	0.000	ksf
	Fast-Food Restaurant	0.000	ksf
	Quality Restaurant	0.000	ksf
	Auto Repair	0.000	ksf
	Home Improvement	0.000	ksf
	Free-Standing Discount	0.000	ksf
	Movie Theater	0	Seats
Office	General Office	0.000	ksf
	Medical Office	0.000	ksf
Industrial	Light Industrial	0.000	ksf
	Manufacturing	0.000	ksf
	Warehousing/Self-Storage	0.000	ksf
School	University	0	Students
	High School	0	Students
	Middle School	0	Students
	Elementary	0	Students
	Private School (K-12)	0	Students
Other		0	Trips

CITY OF LOS ANGELES VMT CALCULATOR

Report 1: Project & Analysis Overview

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

Analysis Results			
Total Employees: 4			
Total Population: 235			
Proposed Project		With Mitigation	
537	Daily Vehicle Trips	530	Daily Vehicle Trips
4,834	Daily VMT	4,768	Daily VMT
9.3	Household VMT per Capita	9	Household VMT per Capita
N/A	Work VMT per Employee	N/A	Work VMT per Employee
Significant VMT Impact?			
APC: Harbor			
Impact Threshold: 15% Below APC Average			
Household = 9.2			
Work = 12.3			
Proposed Project		With Mitigation	
VMT Threshold	Impact	VMT Threshold	Impact
Household > 9.2	Yes	Household > 9.2	No
Work > 12.3	N/A	Work > 12.3	N/A

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Strategy Inputs				
Strategy Type		Description	Proposed Project	Mitigations
Parking	Reduce parking supply	City code parking provision (spaces)	0	0
		Actual parking provision (spaces)	0	0
	Unbundle parking	Monthly cost for parking (\$)	\$0	\$25
	Parking cash-out	Employees eligible (%)	0%	0%
	Price workplace parking	Daily parking charge (\$)	\$0.00	\$0.00
		Employees subject to priced parking (%)	0%	0%
	Residential area parking permits	Cost of annual permit (\$)	\$0	\$0
(cont. on following page)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Strategy Inputs, Cont.				
Strategy Type		Description	Proposed Project	Mitigations
Transit	Reduce transit headways	Reduction in headways (increase in frequency) (%)	0%	0%
		Existing transit mode share (as a percent of total daily trips) (%)	0%	0%
		Lines within project site improved (<50%, >=50%)	0	0
	Implement neighborhood shuttle	Degree of implementation (low, medium, high)	0	0
		Employees and residents eligible (%)	0%	0%
	Transit subsidies	Employees and residents eligible (%)	0%	0%
		Amount of transit subsidy per passenger (daily equivalent) (\$)	\$0.00	\$0.00
Education & Encouragement	Voluntary travel behavior change program	Employees and residents participating (%)	0%	0%
	Promotions and marketing	Employees and residents participating (%)	0%	0%
(cont. on following page)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Strategy Inputs, Cont.				
Strategy Type		Description	Proposed Project	Mitigations
Commute Trip Reductions	Required commute trip reduction program	Employees participating (%)	0%	0%
	Alternative Work Schedules and Telecommute	Employees participating (%)	0%	0%
		Type of program	0	0
		Degree of implementation (low, medium, high)	0	0
	Employer sponsored vanpool or shuttle	Employees eligible (%)	0%	0%
		Employer size (small, medium, large)	0	0
	Ride-share program	Employees eligible (%)	0%	0%
Shared Mobility	Car share	Car share project setting (Urban, Suburban, All Other)	0	0
	Bike share	Within 600 feet of existing bike share station - OR- implementing new bike share station (Yes/No)	0	0
	School carpool program	Level of implementation (Low, Medium, High)	0	0
(cont. on following page)				

CITY OF LOS ANGELES VMT CALCULATOR

Report 2: TDM Inputs

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Strategy Inputs, Cont.				
Strategy Type		Description	Proposed Project	Mitigations
Bicycle Infrastructure	Implement/Improve on-street bicycle facility	Provide bicycle facility along site (Yes/No)	0	0
	Include Bike parking per LAMC	Meets City Bike Parking Code (Yes/No)	0	0
	Include secure bike parking and showers	Includes indoor bike parking/lockers, showers, & repair station (Yes/No)	0	0
Neighborhood Enhancement	Traffic calming improvements	Streets with traffic calming improvements (%)	0%	0%
		Intersections with traffic calming improvements (%)	0%	0%
	Pedestrian network improvements	Included (within project and connecting off-site/within project only)	0	0

CITY OF LOS ANGELES VMT CALCULATOR

Report 3: TDM Outputs

Date: March 30, 2022
 Project Name: 2111 South Pacific Avenue
 Project Scenario:
 Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Adjustments by Trip Purpose & Strategy

Place type: Suburban Center

		Home Based Work Production		Home Based Work Attraction		Home Based Other Production		Home Based Other Attraction		Non-Home Based Other Production		Non-Home Based Other Attraction		Source
		Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	
Parking	Reduce parking supply	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	TDM Strategy Appendix, Parking sections 1 - 5
	Unbundle parking	0%	3%	0%	0%	0%	3%	0%	0%	0%	0%	0%	0%	
	Parking cash-out	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
	Price workplace parking	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
	Residential area parking permits	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Transit	Reduce transit headways	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	TDM Strategy Appendix, Transit sections 1 - 3
	Implement neighborhood shuttle	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
	Transit subsidies	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Education & Encouragement	Voluntary travel behavior change program	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	TDM Strategy Appendix, Education & Encouragement sections 1 - 2
	Promotions and marketing	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Commute Trip Reductions	Required commute trip reduction program	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	TDM Strategy Appendix, Commute Trip Reductions sections 1 - 4
	Alternative Work Schedules and Telecommute Program	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
	Employer sponsored vanpool or shuttle	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
	Ride-share program	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
Shared Mobility	Car-share	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	TDM Strategy Appendix, Shared Mobility sections 1 - 3
	Bike share	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
	School carpool program	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

CITY OF LOS ANGELES VMT CALCULATOR

Report 3: TDM Outputs

Date: March 30, 2022
 Project Name: 2111 South Pacific Avenue
 Project Scenario:
 Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

TDM Adjustments by Trip Purpose & Strategy, Cont.

Place type: Suburban Center

		Home Based Work Production		Home Based Work Attraction		Home Based Other Production		Home Based Other Attraction		Non-Home Based Other Production		Non-Home Based Other Attraction		Source
		Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	
Bicycle Infrastructure	Implement/ Improve on-street bicycle facility	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	TDM Strategy Appendix, Bicycle Infrastructure sections 1 - 3
	Include Bike parking per LAMC	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
	Include secure bike parking and showers	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Neighborhood Enhancement	Traffic calming improvements	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	TDM Strategy Appendix, Neighborhood Enhancement sections 1 - 2
	Pedestrian network improvements	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

Final Combined & Maximum TDM Effect

		Home Based Work Production		Home Based Work Attraction		Home Based Other Production		Home Based Other Attraction		Non-Home Based Other Production		Non-Home Based Other Attraction	
		Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated	Proposed	Mitigated
COMBINED TOTAL		0%	3%	0%	0%	0%	3%	0%	0%	0%	0%	0%	0%
MAX. TDM EFFECT		0%	3%	0%	0%	0%	3%	0%	0%	0%	0%	0%	0%

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

where X%=

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

Note: $(1 - [(1-A) * (1-B) \dots])$ reflects the dampened combined effectiveness of TDM Strategies (e.g., A, B,...). See the TDM Strategy Appendix (*Transportation Assessment Guidelines Attachment G*) for further discussion of dampening.

CITY OF LOS ANGELES VMT CALCULATOR

Report 4: MXD Methodology

Date: March 30, 2022

Project Name: 2111 South Pacific Avenue

Project Scenario:

Project Address: 2111 S PACIFIC AVE, 90731



Version 1.3

MXD Methodology - Project Without TDM

	Unadjusted Trips	MXD Adjustment	MXD Trips	Average Trip Length	Unadjusted VMT	MXD VMT
Home Based Work Production	89	-16.9%	74	12.4	1,104	918
Home Based Other Production	247	-30.0%	173	7.3	1,803	1,263
Non-Home Based Other Production	132	-2.3%	129	9.3	1,228	1,200
Home-Based Work Attraction	5	-80.0%	1	15.2	76	15
Home-Based Other Attraction	156	-25.0%	117	8.1	1,264	948
Non-Home Based Other Attraction	45	-4.4%	43	11.4	513	490

MXD Methodology with TDM Measures

	Proposed Project			Project with Mitigation Measures		
	TDM Adjustment	Project Trips	Project VMT	TDM Adjustment	Mitigated Trips	Mitigated VMT
Home Based Work Production	0.0%	74	918	-3.0%	72	890
Home Based Other Production	0.0%	173	1,263	-3.0%	168	1,225
Non-Home Based Other Production	0.0%	129	1,200	0.0%	129	1,200
Home-Based Work Attraction	0.0%	1	15	0.0%	1	15
Home-Based Other Attraction	0.0%	117	948	0.0%	117	948
Non-Home Based Other Attraction	0.0%	43	490	0.0%	43	490

MXD VMT Methodology Per Capita & Per Employee

Total Population: 235

Total Employees: 4

APC: Harbor

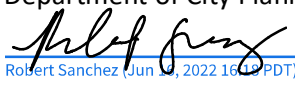
	Proposed Project	Project with Mitigation Measures
Total Home Based Production VMT	2,181	2,115
Total Home Based Work Attraction VMT	15	15
Total Home Based VMT Per Capita	9.3	9.0
Total Work Based VMT Per Employee	N/A	N/A

EXHIBIT E (2)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

2111 South Pacific Avenue
DOT Case No. HRB19-108206 (48366)

Date: June 16, 2022

To: Susan Jimenez, Administrative Clerk
Department of City Planning

Robert Sanchez (Jun 16, 2022 16:41 PDT)

From: Robert Sanchez, Transportation Engineer
Department of Transportation

Subject: **UPDATED TRANSPORTATION IMPACT ASSESSMENT FOR THE PROPOSED MIXED USE PROJECT AT 2111-2139 SOUTH PACIFIC AVENUE (CPC-2019-4884-CU-DB-SPR)**

On October 21, 2019, the Department of Transportation (DOT) issued a traffic assessment letter to the Department of City Planning for the mixed-use project at 2111 South Pacific Avenue. The assessment was based on a transportation analysis report prepared by Linscott, Law & Greenspan Engineers (LL&G), dated September 16, 2019. However, pursuant to Senate Bill (SB) 743 and changes to Section 15064.3 of the State's California Environmental Quality Act (CEQA) Guidelines, the City of Los Angeles adopted vehicle miles traveled (VMT) as the criteria by which to determine transportation impacts under CEQA. Therefore, in response to this action the applicant has submitted a supplemental VMT analysis for the proposed project. Please replace the previous DOT assessment letter dated October 21, 2019, in its entirety, with this letter which addresses the totality of the transportation analysis. The previous assessment letter is attached for your reference.

The DOT has reviewed the supplemental transportation analysis prepared by LL&G, dated December 16, 2021 with a subsequent revision dated March 30, 2022, for the proposed mixed use project located at 2111-2139 South Pacific. In compliance with SB 743 and the CEQA, a VMT analysis is required to identify the project's ability to promote the reduction of green-house gas emissions, access to diverse land uses, and the development of multi-modal networks. The significance of a project's impact in this regard is measured against the VMT thresholds established in DOT's Transportation Assessment Guidelines (TAG), as described below.

DISCUSSION AND FINDINGS

A. Project Description

The updated project would construct a mixed use development consisting of a 100-unit apartment complex, including 11 affordable housing dwelling units and 1,800 square feet of retail space. This represents a reduction of 1 affordable housing dwelling unit when compared to the original project. The Project would include an overall total of 84 vehicle parking spaces (80 parking spaces are allocated for residential use and 4 parking spaces for commercial use) within two subterranean parking garage levels in compliance with the Los Angeles Municipal Code (LAMC). Vehicular access to the Project will be provided via one new full access driveway on 21st street. A copy of the site plan is provided as **Attachment A**. Full buildout of the project is anticipated to be completed by the year 2024.

B. CEQA Screening Threshold

Prior to accounting for trip reductions resulting from the application of Transportation Demand Management (TDM) Strategies, a trip generation analysis was conducted to determine if the project would exceed 250 daily vehicle trips screening threshold. Using the City of Los Angeles VMT Calculator tool, which draws upon trip rate estimates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition as well as applying trip generation adjustments when applicable, based on sociodemographic data and the built environment factors of the project's surroundings, it was determined that the project **does** exceed the net 250 daily vehicle trips threshold. The VMT calculator version 1.3 was the latest VMT calculator available at the time the October 21, 2020 analysis was submitted and accepted by DOT. A copy of the VMT calculator screening page, with the corresponding net daily trips estimate, is provided as **Attachment B** to this report.

C. Transportation Impacts

On July 30, 2019, pursuant to SB 743 and the changes to Section 15064.3 of the State's CEQA Guidelines, the City of Los Angeles adopted VMT as a criteria in determining transportation impacts under CEQA. The new DOT TAG provides instructions on preparing transportation assessments for land use proposals and defines the significant impact thresholds.

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

- Household VMT per Capita: 9.2
- Work VMT per Employee: 12.3

As cited in the Supplemental VMT Analysis report, prepared by LL&G, the project is projected to have a less than significant/not applicable Daily Work VMT per employee impact for the retail component since the project's retail portion is less than the 50,000 square feet threshold. The Daily Household VMT per capita is projected to be 9.3 which is greater than the Harbor APC significance threshold of 9.2 Daily Household VMT per capita. Taking into consideration the provision of the Unbundled Parking TDM mitigation measure being proposed by the project, the estimated Daily Household VMT per Capita is reduced to 9.0, which is below the Harbor APC significance threshold of 9.2 Daily Household VMT per Capita. Therefore, it is concluded that implementation of the Project as proposed would not result in a significant Household and Work VMT impact. A copy of the VMT Calculator summary reports is provided as **Attachment C** to this report.

D. Access and Circulation

During the preparation of the new CEQA guidelines, the State's Office of Planning and Research stressed that lead agencies can continue to apply traditional operational analysis requirements to inform land use decisions provided that such analyses were outside of the CEQA process. The authority for requiring non-CEQA transportation analysis and requiring improvements to address potential circulation deficiencies, lies in the City of Los Angeles' Site Plan Review authority as established in Section 16.05 of the Los Angeles Municipal Code (LAMC). Therefore, DOT continues to require and review a project's site access, circulation,

and operational plan to determine if any access enhancements, transit amenities, intersection improvements, traffic signal upgrades, neighborhood traffic calming, or other improvements are needed.

However, since the project previously conducted a transportation analysis in 2019, DOT will not require a new non-CEQA analysis and will accept the findings of the previous study which did not disclose a significant level of impact at any of the study intersection analyzed. A copy of the previous assessment letter is provided for your reference as **Attachment D** to this report. All previous project requirements are incorporated in this memo.

PROJECT REQUIREMENTS

A. Mitigation Measures (Non-CEQA Analysis)

In the transportation analysis dated September 16, 2019 by LL&G, the analysis included a review of current and potential future operational deficiencies that may result from the project. Based on DOT's traffic impact criteria, the proposed project is **not** expected to impose a significant level of impact at any of the four study intersections. Therefore, the applicant should not be required to implement any mitigation measures.

B. Mitigation Measures (CEQA Analysis)

Consistent with City policies on sustainability and smart growth, and with DOT's trip reduction and multi-modal transportation goals, the project's mitigation program first focuses on developing a trip reduction program and on solutions that promote other modes of travel. To off-set the expected significant impact identified in the project's VMT analysis, DOT recommends that the applicant be required to implement the following Transportation Demand Management (TDM) strategy as mitigation:

Parking – Unbundled Parking

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

C. Additional Requirements and Considerations

To comply with transportation and mobility goals and provisions of adopted City plans and ordinances, the applicant should be required to implement the following:

1. Parking Requirements

The project is proposing to provide an overall total of 84 vehicle parking spaces (80 parking spaces for residential use and 4 parking spaces for commercial use) to accommodate the Density Bonus Parking Option 1 of the LAMC parking requirements. Also, as part of the total parking supply, 16 electric vehicle spaces will be provided and four parking spaces will be equipped with electric chargers.

In addition, the project will be providing 83 bicycle parking spaces (8 short-term and 75 long-term) in compliance with the LAMC requirements. The parking for vehicles and

bicycles will be provided onsite. The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for this project.

2. Highway Dedication and Street Widening Requirements

In order to mitigate potential access and circulation impacts, the applicant may be required to make highway dedications and improvements. 22nd Street along the project frontage is designated as an Avenue III in the Mobility Plan. This standard requires a 23-foot half roadway width, and a 13-foot sidewalk width within a 36-foot half right-of-way width. 22nd Street currently consists of a 20-foot half roadway width, and a 10-foot sidewalk width within a 30-foot half right-of-way width. As such, the Project is proposing a 3-foot roadway widening along the entire 22nd Street project frontage to bring the 20-foot half roadway width into compliance with the City's 23-foot half roadway standard for Avenue III classification roadways. An expansion to the existing sidewalk would occur as a result of the 3-foot roadway widening.

The applicant shall consult the Bureau of Engineering (BOE) for any highway dedication or street widening requirements. These requirements must be guaranteed before the issuance of any building permit through the B-permit process of the BOE. They must be constructed and completed prior to the issuance of any certificate of occupancy to the satisfaction of DOT and BOE.

3. Project Access and Circulation

The proposed site plan is acceptable to DOT; however, review of the study does not constitute approval of the driveway dimensions and internal circulation schemes. Those require separate review and approval and should be coordinated with DOT's West LA/Coastal Development Review Section (7166 W Manchester Ave, @ 213-485-1062). In order to minimize potential building design changes, the applicant should contact DOT for driveway width and internal circulation requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. All new driveways should be Case 2 driveways and any security gates should be a minimum 20 feet from the property line. All truck loading and unloading should take place on site with no vehicles backing into the project from public streets via any of the project driveways.

4. Worksite Traffic Control Requirements

DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. Refer to <http://ladot.lacity.org/what-we-do/plan-review> to determine which section to coordinate review of the work site traffic control plan. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related truck traffic be restricted to off-peak hours to the extent feasible. The plans can be submitted to:

<https://ladot.lacity.org/businesses/temporary-traffic-control-plans>

5. Development Review Fees

Section 19.15 of the LAMC identifies specific fees for traffic study review, condition

clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

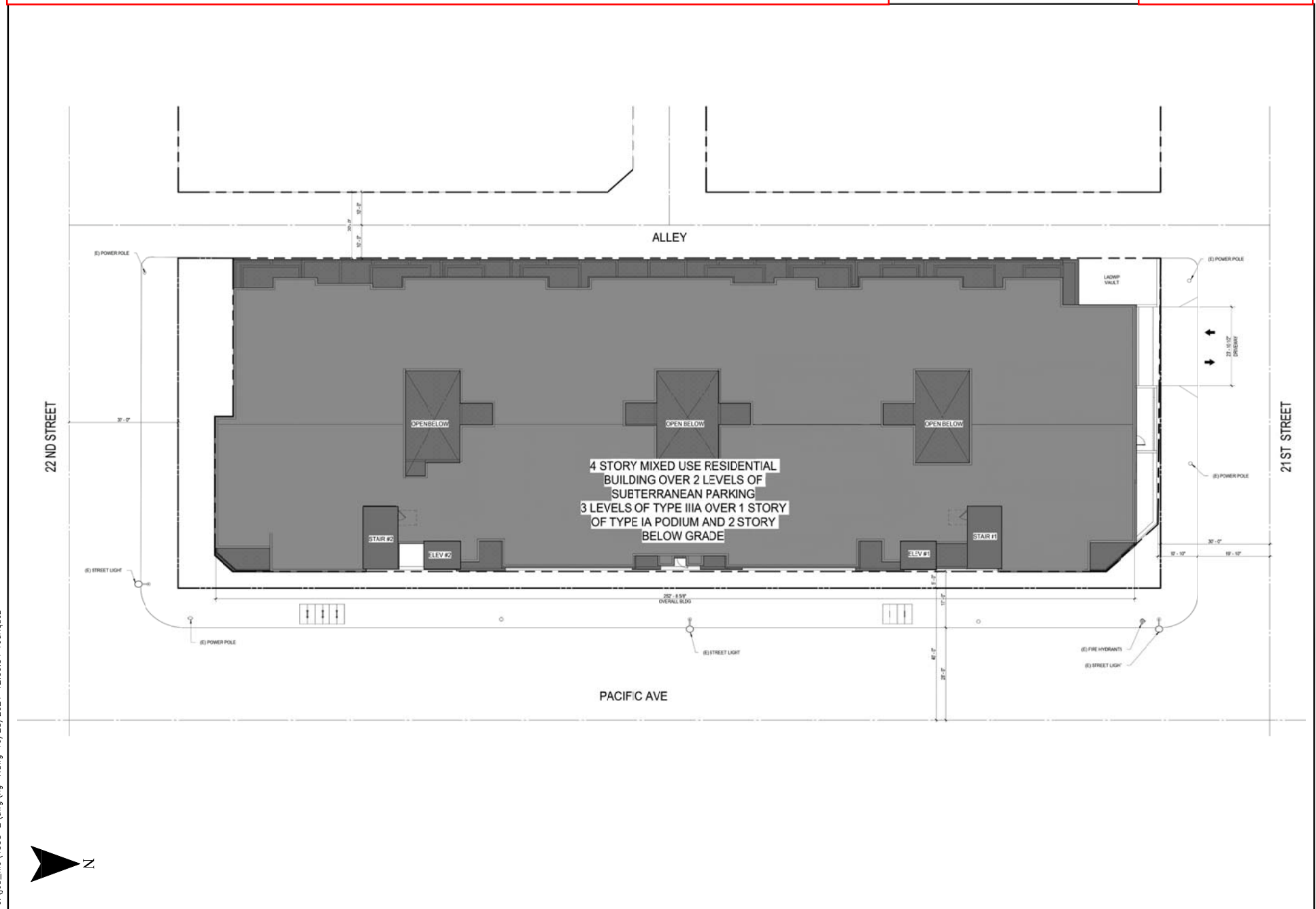
If you have any questions, please contact me or Pedro Ayala at (213) 485-1062.

RS:pa

Attachments

c: Gabriela Medina, Jacob Haik, Fifteenth Council District
Connie Chauv, DCP
Roy Kim, Quan Tran, DOT
Crystal Lee, BOE
Francesca Bravo, Linscott, Law, Greenspan, Engineers

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MAP SOURCE: THE KETTER GROUP

Figure 1
Site Plan

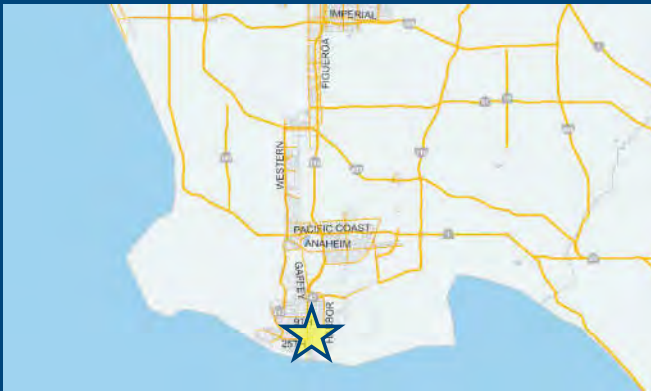
CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



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

Project Information

Project: 2111 South Pacific Avenue
Scenario: [www](#)
Address: 2111 S PACIFIC AVE, 90731 [Q](#)



Is the project replacing an existing number of residential units with a smaller number of residential units AND is located within one-half mile of a fixed-rail or fixed-guideway transit station?

☒ Yes ☐ No

Existing Land Use

Land Use Type	Value	Unit
Housing Single Family		DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

Proposed Project Land Use

Land Use Type	Value	Unit
Retail General Retail	1.8	ksf
Housing Multi-Family	89	DU
Retail General Retail	1.8	ksf
Housing Affordable Housing - Family	11	DU

[Click here to add a single custom land use type \(will be included in the above list\)](#)

Project Screening Summary

Existing Land Use	Proposed Project
0 Daily Vehicle Trips	537 Daily Vehicle Trips
0 Daily VMT	4,834 Daily VMT

Tier 1 Screening Criteria

Project will have less residential units compared to existing residential units & is within one-half mile of a fixed-rail station. ☐

Tier 2 Screening Criteria

The net increase in daily trips < 250 trips 537
Net Daily Trips

The net increase in daily VMT ≤ 0 4,834
Net Daily VMT

The proposed project consists of only retail land uses ≤ 50,000 square feet total. 1,800
ksf

The proposed project is required to perform VMT analysis.

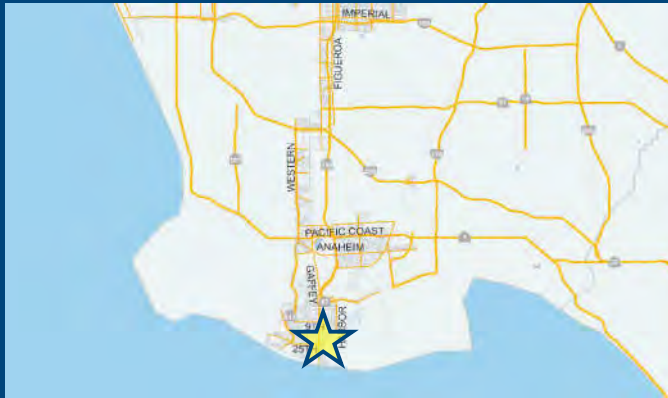


CITY OF LOS ANGELES VMT CALCULATOR Version 1.3



Project Information

Project: 2111 South Pacific Avenue
 Scenario:
 Address: 2111 S PACIFIC AVE, 90731



Proposed Project Land Use Type	Value	Unit
Housing Multi-Family	89	DU
Retail General Retail	1.8	ksf
Housing Affordable Housing - Family	11	DU

TDM Strategies

Select each section to show individual strategies

Use ☒ to denote if the TDM strategy is part of the proposed project or is a mitigation strategy

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

A	Parking
B	Transit
C	Education & Encouragement
D	Commute Trip Reductions
E	Shared Mobility
F	Bicycle Infrastructure
Implement/Improve On-street Bicycle Facility	
Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj	<input type="checkbox"/> Mitigation
Include Bike Parking Per LAMC	
Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj	<input type="checkbox"/> Mitigation
Include Secure Bike Parking and Showers	
Select Proposed Prj or Mitigation to include this strategy	
<input type="checkbox"/> Proposed Prj	<input type="checkbox"/> Mitigation
G	Neighborhood Enhancement

Analysis Results

Proposed Project	With Mitigation
537 Daily Vehicle Trips	530 Daily Vehicle Trips
4,834 Daily VMT	4,768 Daily VMT
9.3 Household VMT per Capita	9.0 Household VMT per Capita
N/A Work VMT per Employee	N/A Work VMT per Employee

Significant VMT Impact?

Household: Yes

Threshold = 9.2
15% Below APC

Household: No

Threshold = 9.2
15% Below APC

Work: N/A

Threshold = 12.3
15% Below APC

Work: N/A

Threshold = 12.3
15% Below APC

CITY OF LOS ANGELES
INTER-DEPARTMENTAL MEMORANDUM

2111 South Pacific Avenue
DOT Case No. HRB19-108206

DATE: October 21, 2019

TO: Luciralia Ibarra, Senior City Planner,
Department of City Planning

FROM: Hamed Sandoghdar, Transportation Engineer
Department of Transportation

SUBJECT: **TRAFFIC IMPACT ASSESSMENT FOR THE PROPOSED RESIDENTIAL/RETAIL PROJECT
LOCATED AT 2111 SOUTH PACIFIC**

The Department of Transportation (DOT) has completed the traffic assessment of the proposed residential/retail project located at 2111 South Pacific Avenue. The project is generally bounded by 21st Street to the north, South Pacific Avenue to the east, 22nd Street to the south and an alley to the west. This traffic assessment is based on the traffic impact analysis report prepared by Linscott, Law & Greenspan Engineers, dated September 26, 2019. Based on DOT's traffic impact criteria, the study included the detailed analysis of four (4) signalized intersections. After a review of the pertinent data, DOT has determined that the traffic study adequately describes the project-related impacts of the proposed development.

PROJECT DESCRIPTION

The proposed project is for the development of a residential housing complex consisting of 101 units apartment complex, which include 12 very low income units, plus 1,800 square feet of retail space. The existing site is currently occupied by 1,490 square feet restaurant/bar plus a surface parking lot. Access for the project is proposed via a single driveway on 21st Street. The project proposes to provide a total of 67 parking spaces plus 8 bicycle parking. The project is anticipated to be completed by the year 2022.

DISCUSSION AND FINDINGS

Trip Generation

The proposed project is estimated to generate a net increase of 432 daily trips, a net increase of 40 A.M. peak hour trips, and a net increase of 33 P.M. peak hour trips. The trip generation rates are based upon formulas published by the Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition, 2017. A copy of the project study trip generation table (Table 3) is provided as **Attachment "A"** to this report.

Traffic Impacts

Based on DOT's traffic impact criteria¹, the proposed project is not expected to impose a significant level of impact at any of the four (4) study intersections. A copy of the project study intersections capacity

¹ Per the DOT Traffic Study Policies and Procedures, a significant impact is identified as an increase in the Critical Movement Analysis (CMA) value, due to project related traffic, of 0.01 or more when the final ("with project") Level of Service (LOS) is LOS E or F; an increase of 0.020 or more when the final LOS is LOS D; or an increase of 0.040 or more when the final LOS is LOS C.

and level-of-service (LOS) analysis summary tables (Tables 5) is provided as **Attachment "B"** to this report.

Congestion Management Program (CMP)

In accordance with the state-mandated Congestion Management Program (CMP), an increase in the freeway volume by 150 vehicles per hour during the A.M. or P.M. peak hours in any direction requires further analysis. A substantial change in freeway segments is defined as an increase or decrease of 2% in the demand capacity ratio when at LOS F. For purposes of CMP intersections, an increase of 50 vehicles or more during the A.M. or P.M. peak hour requires further analysis. Since the project is generating less than 50 trips during both A.M. and P.M. peak, no further analysis is needed.

PROJECT REQUIREMENTS

In response to the findings of the traffic study, DOT recommends that the following project requirements be adopted as conditions of project approval.

A. Highway Dedication and Physical Street Improvements

All un-improved sidewalk area adjacent to the project site shall be improved by the project. The applicant should check with the Bureau of Engineering's (BOE) Land Development Group to determine the specific highway dedication, street widening and/or sidewalk requirements for this project. These requirements must be guaranteed before issuance of any building permit through the B-permit process of the Bureau of Engineering, Department of Public Works. They must be constructed prior to issuance of any certificate of occupancy to the satisfaction of DOT and the Bureau of Engineering.

B. Parking Requirements

The applicant should check with the Department of Building and Safety on the number of Code-required parking spaces needed for the project.

C. Construction Impacts

DOT recommends that a construction work site traffic control plan be submitted to DOT's Citywide Temporary Traffic Control Office for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that construction related traffic be restricted to off-peak hours.

D. Site Access and Internal Circulation

This determination does not include approval of the driveways, internal circulation and parking scheme. Adverse traffic impacts could occur due to access and circulation issues. The applicant is advised to consult with DOT for driveway locations and specifications prior to the commencement of any architectural plans, as they may affect building design. Final DOT approval shall be obtained prior to issuance of any building permits. This should be accomplished by submitting detailed site/driveway plans, at a scale of at least 1" = 40', separately to DOT's WLA/Coastal Development Review Section at 7166 West Manchester Avenue, Los Angeles 90045 as soon as possible but prior to submittal of building plans for plan check to the Department of Building and Safety. In order to minimize and prevent last minute building design changes, the applicant should contact DOT, prior to the commencement of building or parking layout design efforts, for driveway width and internal circulation

requirements so that such traffic flow considerations are designed and incorporated early into the building and parking layout plans. New driveways should be dimension per the Department of Public Works Case 2 design standard with respective 30-foot and 16-foot widths for two-way and one-way operations.

E. Development Review Fees

An ordinance adding Section 19.15 to the Los Angeles Municipal Code relative to application fees paid to DOT to permit issuance activities was adopted by the Los Angeles City Council in 2009. This ordinance identifies specific fees for traffic study review, condition clearance, and permit issuance. The applicant shall comply with any applicable fees per this ordinance.

If you have any questions, please contact me at the DOT West L.A. Planning Office at (213) 485-1062.

HS:pa

Attachments

cc: Jacob Haik, Fifteenth Council District
Crystal Killian, DOT
David Weintraub, DCP
Jim Burman, BOE
Francesca Bravo, Linscott, Law, Greenspan, Engineers

Table 3
PROJECT TRIP GENERATION [1]

LAND USE	SIZE	DAILY TRIP ENDS [2] VOLUMES	AM PEAK HOUR VOLUMES [2]			PM PEAK HOUR VOLUMES [2]		
			IN	OUT	TOTAL	IN	OUT	TOTAL
<u>Proposed Use</u>								
Apartments [3]	89 DU	485	8	24	32	24	15	39
Affordable Housing [4]	12 DU	49	2	4	6	2	2	4
Retail [5]	1,800 GLSF	68	1	1	2	3	4	7
<u>Subtotal Proposed Use</u>		602	11	29	40	29	21	50
<u>Existing Use</u>								
Bar [6]	(1,490) GSF	(170)	Nom.	Nom.	Nom.	(11)	(6)	(17)
<u>Subtotal Existing Uses</u>		(170)	0	0	0	(11)	(6)	(17)
NET INCREASE		432	11	29	40	18	15	33

[1] Source: Transportation Impact Study Guidelines, City of Los Angeles Department of Transportation (LADOT), December 2016 and ITE "Trip Generation Manual", 10th Edition, 2017.

[2] Trips are one-way traffic movements, entering or leaving.

[3] ITE Land Use Code 221 (Multifamily Housing Mid-Rise [General Urban/Suburban]) trip generation average rates.

- Daily Trip Rate: 5.44 trips/dwelling unit; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.36 trips/dwelling units; 26% inbound/74% outbound
- PM Peak Hour Trip Rate: 0.44 trips/dwelling units; 61% inbound/39% outbound

[4] LADOT trip generation average rates for affordable housing type Family Housing.

- Daily Trip Rate: 4.08 trips/dwelling unit; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.50 trips/dwelling unit; 40% inbound/60% outbound
- PM Peak Hour Trip Rate: 0.34 trips/dwelling unit; 55% inbound/45% outbound

[5] ITE Land Use Code 820 (Shopping Center) trip generation average rates.

- Daily Trip Rate: 37.75 trips/1,000 SF of floor area; 50% inbound/50% outbound
- AM Peak Hour Trip Rate: 0.94 trips/1,000 SF of floor area; 62% inbound/38% outbound
- PM Peak Hour Trip Rate: 3.81 trips/1,000 SF of floor area; 48% inbound/52% outbound

[6] ITE Land Use Code 925 (Drinking Place [General Urban/Suburban]) trip generation average rates.

- Daily Trip Rates not provided. PM peak hour volume was estimated to represent 10% of the daily totals.
- PM Peak Hour Trip Rate: 11.36 trips/1,000 SF of floor area; 66% inbound/34% outbound

Table 5
SUMMARY OF VOLUME TO CAPACITY RATIOS
AND LEVELS OF SERVICE
WEEKDAY AM AND PM PEAK HOURS

NO.	INTERSECTION	PEAK HOUR	[1]		[2]			[3]		[4]				
			YEAR 2019 EXISTING V/C	LOS	YEAR 2019 EXISTING WITH PROJECT V/C	LOS	CHANGE V/C [(2)-(1)]	SIGNIF. IMPACT [a]	YEAR 2022 FUTURE W/O PROJECT V/C	LOS	YEAR 2022 FUTURE WITH PROJECT V/C	LOS	CHANGE V/C [(4)-(3)]	SIGNIF. IMPACT [a]
1	Gaffey Street / 19th Street	AM PM	0.633 0.497	B A	0.641 0.501	B A	0.008 0.004	No No	0.662 0.543	B A	0.670 0.547	B A	0.008 0.004	No No
2	Gaffey Street / 22nd Street	AM PM	0.645 0.547	B A	0.645 0.547	B A	0.000 0.000	No No	0.709 0.613	C B	0.709 0.613	C B	0.000 0.000	No No
3	Pacific Avenue / 19th Street	AM PM	0.283 0.293	A A	0.291 0.297	A A	0.008 0.004	No No	0.298 0.313	A A	0.306 0.317	A A	0.008 0.004	No No
4	Pacific Avenue / 22nd Street	AM PM	0.396 0.409	A A	0.397 0.410	A A	0.001 0.001	No No	0.448 0.461	A A	0.449 0.462	A A	0.001 0.001	No No

[a] According to LADOT's "Transportation Impact Study Guidelines," December 2016, a transportation impact on an intersection shall be deemed significant in accordance with the following table:

Final v/c	LOS	Project Related Increase in v/c
>0.701 - 0.800	C	equal to or greater than 0.040
>0.801 - 0.900	D	equal to or greater than 0.020
>0.901	E/F	equal to or greater than 0.010

EXHIBIT F

MEMORANDUM

To: Jonathan Lonner
Burns & Bouchard, Inc.

Date: March 31, 2022

From: Clare M. Look-Jaeger, P.E. *CL-Jaeger* LLG Ref: 1-19-4338-2
Francesca S. Bravo *FSB*
Linscott, Law & Greenspan, Engineers

Subject: 2111 South Pacific Avenue Residential Project – Responses to Comments

Pursuant to our coordination, Linscott, Law & Greenspan, & Engineers (LLG) has prepared the below responses to traffic and transportation comments included with the appeal (dated October 20, 2021) associated with the 2111 South Pacific Avenue Residential Project. For reference, attached to this memorandum is a copy of the Infrastructure Group, Inc. comment letter (dated September 6, 2021) that was included as part of that filing.

Response to Comment 1

The commenter is correct that the City is utilizing the Class 32 Infill exemption as the CEQA clearance for the Project. However, the commenter is incorrect that the use of density bonus incentives and waivers make the Project ineligible for a Class 32 exemption. See *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347–50 (Court held that, due to the application of the Density Bonus Law waivers, the general plan and zoning regulations in question were not “applicable” to the site, and, therefore, the project still met the criterion for a Class 32 categorical exemption).

Response to Comment 2

The Project applicant intends to comply with the City’s parking standards. The detailed architectural and parking plans will be submitted to the City of Los Angeles Department of Building & Safety (LADBS) for final determination/approval prior to issuance of any building permits for the project. As such, the number of parking spaces, standard and accessible spaces, tandem spaces, and the depth and width of all parking spaces (including compact spaces), will be shown and fully dimensioned on the parking plans and require DBS review and approval.

Response to Comment 3

The commenter is correct that the Project’s residential parking will be unbundled, which refers to the separation or “unbundling” of the parking space costs from the property/rent costs. Per the City of Los Angeles Ordinance 179681, LAMC Section 12.22.25(d), requires parking in a Housing Development Project that qualifies for a Density Bonus may be sold or rented separately from the dwelling units, so that buyers and tenants have the option of purchasing or renting a unit without a parking space.

LINSCOTT
LAW &
GREENSPAN

engineers

Engineers & Planners

Traffic

Transportation

Parking

Linscott, Law &
Greenspan, Engineers

600 S. Lake Avenue
Suite 500
Pasadena, CA 91106

626.796.2322 T

626.792.0941 F

www.llgengineers.com

Pasadena
Irvine
San Diego
Woodland Hills

Response to Comment 4

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

Response to Comment 5

The detailed architectural and parking plans will be submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project. The Project will provide four (4) electric vehicle (EV) installed charging stations and 16 EV capable parking spaces. The locations of the EV charging stations and EV capable parking spaces will be provided in the detailed architectural and parking plans that will be submitted to LADBS for final determination/approval; exact locations are not required to be identified at this time.

Response to Comment 6

Refer to Response to Comment 3 for a discussion of unbundled parking proposed for the Project. The Project applicant intends to comply with the City's parking standards as superseded by the State Density Bonus Law as applicable. Refer to Response to Comment 4 for a discussion of tandem parking proposed for the Project. Per State law, the tandem parking spaces provided in the Project are allowed and all count towards satisfying the legally required number of parking stalls notwithstanding LAMC requirements. The tandem parking stalls will be managed by Project owners with the use of attendants. In addition, the Project supports alternative modes of transportation by providing bicycle parking stalls, participating in a car share program and rideshare services (such as Lyft, Uber, etc.), and a commitment to provide bus passes during initial leasing of the project.

The detailed architectural and parking plans will be submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project. As such, the number of parking spaces, standard and accessible spaces, tandem spaces, and the depth and width of all parking spaces (including compact spaces), will be shown and fully dimensioned on the parking plans and require DBS review and approval.

Response to Comment 7

The commenter is correct that the Project Applicant opted for the Density Bonus Parking Option 1 per the City of Los Angeles Ordinance 179681. Density Bonus Parking Option 1 requires parking spaces at the following ratios: 1 space per unit containing 0 to 1 bedroom, 2 spaces per unit containing 2 to 3 bedrooms, and 2.5

space per unit containing 4 or more bedrooms. As the Project will provide 19 studio loft units, 24 studios, 36 one-bedroom units, and 21 two-bedroom units, the number of parking spaces required for the Project is 121 residential parking spaces. However, as discussed further below, the Project Applicant requested an off-menu incentive to allow 80 residential parking spaces in lieu of the 121 residential parking spaces that would otherwise be required under the Density Bonus Parking Option 1.

Response to Comment 8

Per the City of Los Angeles Ordinance 179681, a Housing Development Project that qualifies for a Density Bonus shall be granted the number of incentives according to the percentage of restricted Very Low-Income units in addition to the Density Bonus parking options. Based on the table outlined in LAMC Section 12.22.25(e)1, a housing development project with 15% or more units restricted for Very Low-Income households are entitled to three (3) Incentives. One off-menu incentive that the Project Applicant requested is a parking reduction to allow 80 residential parking spaces in lieu of the 121 residential parking spaces that would otherwise be required under the Density Bonus Parking Option 1.

A total of 83 bicycle parking spaces is planned to be provided on-site, including 8 short-term and 75 long-term bicycle spaces in compliance with LAMC Section 12.21 A.16. As noted above, the Project Applicant is not using the Bicycle Parking Ordinance to reduce residential parking.

Response to Comment 9

Refer to Response to Comment 8 for a full discussion of the application of the Density Bonus Program for the Project.

Response to Comment 10

Refer to Response to Comment 8 for a full discussion of the application of the Density Bonus Program for the Project. As demonstrated above, the Project is not “double-dipping” on the parking reduction; the parking provided complies with what is allowed under the State Density Bonus Law.

Response to Comment 11

The Project Applicant proposes a loading space within the subterranean parking garage that is accessed from the driveway from 21st Street. Although the Project Applicant requested a Density Bonus Incentive to eliminate the loading space requirements of LAMC Section 12.21 C.6 to be provided in the alley, the Project is being designed to provide a loading space within the subterranean parking garage that meets all dimensional requirements of the LAMC. The proposed loading space is proposed to be located on the upper parking level, which would be accessible and available for both the residential and commercial uses. Refer also to Response to Comment 2 regarding the detailed architectural and parking plans which will be

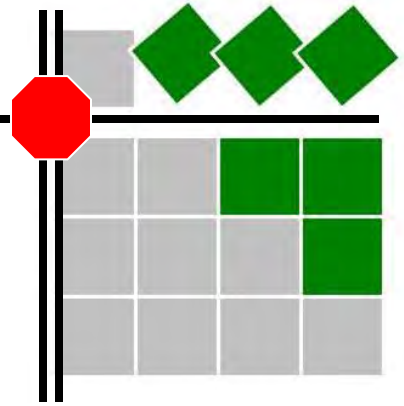


submitted to the LADBS for final determination/approval prior to issuance of any building permits for the Project.

Please feel free to call us at (626) 796-2322 if you have any questions regarding the above responses to the comments.

INFRASTRUCTURE GROUP, INC.

2672 N. Vista Crest Road
Orange, CA 92867
(714) 749-6386



September 6, 2021

City of Los Angeles
Department of City Planning
Los Angeles, CA 90012

Subject: 2111 - 2039 South Pacific Avenue Residential Project
Case Number: CPC-2019-4884-CU—DB-SPR

The City is using CEQA Guidelines § 15332 (Class 32 Categorical Exemption) for infill housing. In order to utilize this exemption, “the project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations.” That is not the case. A waiver for building height is being granted, in addition to the other three incentives as provided in the density bonus law. Therefore, the building is not consistent with zoning regulations, absent a waiver. This makes it ineligible for a Class 32 exemption.

PARKING

- 2 [The number of parking spaces and configuration of the spaces fails to conform to the municipal code. Namely, the number of accessible stalls, and the width of the compact stalls.] [The parking structure stalls are “unbundled”, meaning that the stalls for use on a fee basis and are not associated with any specific unit.] Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code. Tandem spaces are only allowed when “At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible”. And “At least one standard stall per dwelling unit shall be provided”. This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore tandem spaces should not be permitted. The applicable zoning code is below. The applicable pages from the LA Building and Safety informational bulletin are attached.
- 3
- 4

Informational Bulletin-LA Building and Safety Department

E. TANDEM PARKING STALLS

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A “Covenant and Agreement to Provide Parking Attendant” will be required.
2. Tandem stalls are permitted in private parking garages and private parking areas provided:
 - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.
 - b. At least one standard stall per dwelling unit shall be provided.
3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).
4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

The site plan also fails to identify the location of the required 4 EV charging stalls & 26 EV capable stalls. The only identified EV stall is also reserved for the car share program.

The use of unbundled parking and tandem parking leads to an absurd result. 21 of the parking spaces are essentially unusable as they are behind another unbundled space.

7 The report states the applicant is opting for the **Density Bonus Parking Option 1**, which requires parking to be set by a dwelling unit basis. This equates to a total of 121 parking spaces. However, they further state they will also be using the **Bicycle Parking Ordinance, LAMC Section 12.21.A.4**, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 109 spaces. The applicant is proposing 84 spaces.

LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: **applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below.**"

The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 109 required parking spaces cannot be reduced thus making the 84 proposed parking spaces not enough for the housing development.

Loading Space

LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project is required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant instead proposes a loading space in the subterranean parking garage which further reduces the number available to the residents. The applicant has stated, without substantiation, that up to 2 dwelling units may be lost to comply with the code. This is an absurd argument. Compliance with any code requirements will result in less dwelling units.

11

Infrastructure Group Inc.

A California Corporation

Denis Bilodeau

Denis Bilodeau, PE





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Matthew F. Hagemann, P.G., C.Hg.

- **Geologic and Hydrogeologic Characterization, Investigation and Remediation Strategies**
- **Industrial Stormwater Compliance**
- **CEQA Review**
- **Expert Testimony**

Professional Certifications:

California Professional Geologist, P.G.
California Certified Hydrogeologist, C.Hg.

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 Experience:

30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. Spent nine years with the U.S. EPA in the Resource Conservation Recovery Act (RCRA) and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where I identified emerging threats to groundwater. While with EPA, I served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. 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, I developed extensive client relationships and has managed complex projects that include consultations as an expert witness and a regulatory specialist, and managing projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions held include:

Government:

Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);

Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
Geologist, U.S. Forest Service (1986 – 1998).

Educational:

Geology Instructor, Golden West College, 2010 – 2014, 2017;
Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
Instructor, College of Marin, Department of Science (1990 – 1995).

Private Sector:

Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);
Executive Director, Orange Coast Watch (2001 – 2004);
Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, responsibilities have included:

- Lead analyst and testifying expert, for both plaintiffs and defendants, 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.
- Recommending 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 exposure to hazards from toxins.
- Stormwater analysis, sampling and best management practice evaluation, for both government agencies and corporate clients, at more than 150 industrial facilities.
- Serving as expert witness for both plaintiffs and defendants in cases including contamination of groundwater, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns, for both government agencies and corporate clients.
- 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., 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.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict State of California regulatory requirements.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, 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 included:

- Leading efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiating a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identifying 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, developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. 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, 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 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. Prepared geologic reports, conducted 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.

Served as a hydrogeologist with the RCRA Hazardous Waste program. Duties included:

- 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, directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following:

- 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 as senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advising 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.
- Shaping 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.
- Improving the technical training of EPA's scientific and engineering staff.
- Earning 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.
- Establishing national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities included:

- Mapping geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinating research with community stakeholders who were concerned with natural resource protection.
- Characterizing 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, led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large RCRA hazardous waste site in eastern Oregon.

Duties included the following:

- Supervising year-long effort for soil and groundwater sampling.
- Conducting aquifer tests.
- Investigating active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, 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.
- Part time geology instructor at Golden West College in Huntington Beach, California from 2010 to 2014 and in 2017.

Summary of Testimony Experience Over Past Four Years

In Re New Jersey Department of Environmental Protection et al. vs. E.I. DuPont de Nemours and Company, in the United States District Court, District of New Jersey, Civil Action No. 1:19-cv-14766-RMB-JBC. Deposition in 2025.

Representing Plaintiffs in matters regarding contamination of groundwater, wastewater, soil, and air with per- and poly-fluoroalkyl substances.

In Re Edmond Asher, et al., vs. RTX Corporation (f/k/a Raytheon Technologies Corporation, et al.) in the County of Huntington Superior Court, Indiana, Cause number 35D01-2006-CT-000338. Deposition in 2024. Representing Plaintiffs in matters regarding contamination of groundwater and soil vapor with trichlorethylene.

In Re Wright vs Consolidated Rail Corporation In the Circuit Court of Cook County, Illinois, Case No: 21L3966. Deposition in 2023, Representing Plaintiff in matters involving groundwater and drinking water contamination of perchloroethylene, trichlorethylene, 1,2-dichloroethane, and carbon tetrachloride.

In Re Behr Dayton Thermal Products LLC In the United States District Court for the Southern District of Ohio Western Division at Dayton, Case No: 08-cv-326. Deposition in 2022. Representing Plaintiff in matters regarding contamination of groundwater and indoor air with perchloroethylene and trichloethelene.

Orange County Water District vs. Sabic Innovative Plastics US, LLC, et al. In the Court of Appeal, Fourth District,

Division 1, California, Case No: D070553. Deposition in 2020. Representing Plaintiff in matters involving compliance with The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Los Angeles Waterkeeper vs. AAA Plating and Inspection, Inc. In the United States District Court for the Central District of California, Case No: No. CV 18-5916 PA (GJSx). Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Compton, California.

Californians for Alternatives to Toxics vs. Schneider Dock and Intermodal Facility. In the United States District Court for the Northern District of California, Case No: 3:17-cv-05287-JST. Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Eureka, California.

Bells et al. vs. The 3M Company et al. In the United States District Court for the District of Colorado, Case No: 1:16-CV-02531-RBJ. Deposition in 2018. Expert witness representing Plaintiff on matters regarding the general hydrogeological conditions present in an area impacted by per- and poly-fluoroalkyl substances.

Ungar vs. Foundation for Affordable Housing. In the Superior Court, State of California, Los Angeles County, Case No. BC628890 Deposition in 2017. Expert witness representing defendant on matters involving alleged drinking water contamination.

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, Colorado.

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 representatives, 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 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., Fukunaga, 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.



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Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

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. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of 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 H₂O 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:

Rosenfeld, P.E., Spaeth, K.R., McCarthy, S.J. *et al.* Camp Lejeune Marine Cancer Risk Assessment for Exposure to Contaminated Drinking Water From 1955 to 1987. *Water Air Soil Pollut* **235**, 124 (2024).
<https://doi.org/10.1007/s11270-023-06863-y>.

Rosenfeld P.E., Spaeth K.R., Remy L.L., Byers V., Muerth S.A., Hallman R.C., Summers-Evans J., Barker S. (2023) Perfluoroalkyl substances exposure in firefighters: Sources and implications, *Environmental Research*, Volume 220, <https://doi.org/10.1016/j.envres.2022.115164>.

Rosenfeld P.E. and Spaeth K.R., (2023) Authors' Response to Letter to the Editor from Bullock and Ramacciotti, *Water Air Soil Pollution* Volume 234, <https://doi.org/10.1007/s11270-023-06165-3>

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution*. **233**, 171.

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 Aermol and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

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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.

Cheremisinoff, N.P., **Rosenfeld, P.E.** Davletshin, A.R. (2008). *Responsible Care*. Gulf Publishing. Texas.

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.

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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.

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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.

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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 affects 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. Master's 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. Bachelor's 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). Perfluorooctanoic Acid (PFOA) and Perfluorooctane 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 at 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 Conference*. 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. The 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 the 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 the 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 the 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 District Court of Harris County Texas
Mt Davis Interest, Inc v Sesco Cement Corp
Cause No 2023-26512
Trial 6-6-25

In the United States Southern District of New York
Gallo vs Avon Products Inc., et al
Civil Action No.: 1:23-cv-2023
Deposition 4-24-2025

In Vanderburgh Superior Court 5, County of Vanderburgh, Indiana
Markello v CSX
Civil Action No 82D05-2011-CT-004962
Deposition 3-26-25

In the Circuit Court of Cook County Illinois
Jarosiewicz v Northeast Regional Railroad
Case No 2023 L 002290
Deposition 2-27-25

In the District Court 191st Judicial District Dallas County
Acklin v Poly America International
Cause No DC-22-08610
Deposition 1-8-2025

United States District Court, Norther District of California
Asustin Vs Monsanto
Case No 2:23-cv-272
Deposition 12-20-25

In Jefferson Circuit Court Division One, Louisville, Kentucky
Stafford vs, CSX
Case No. 18-CI-001790

Deposition: 8-27-24

In the Twenty-Second Judicial Circuit of St. Louis. State of Missouri
Patricia Godfrey vs. Amtrak
Case No. 2122-CC-00525
Deposition: 7-17-24

In the Circuit Court of Jefferson County Alabama
Linda Early Vs. CSX
Case number CV-2021-00241
Deposition 6-24-24

In the Court of Common Pleas Lucas County, Ohio
Brenda Conkright vs. CSX
Case No. G-4801-CI-0202102664-000
Deposition: 6-4-24

In the Commonwealth of Kentucky, Greenup Circuit Court
Patsy Sue Napier vs. CSX
Case No. 19-CI-0012
Deposition: 5-8-2-24

In United States District Court of Hawaii
Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Trial 3-29-24 and 4-5-24

In the District Court of Hood County State of Texas
Artie Gray vs. Exxon Mobil
Case No. C-2018047
Rosenfeld Deposition:4-22-2024

In the Elkhart Superior Court State of Indiana
Estate of Clark Stacy vs. Penn Central Corporation
Cause No 2D01-2001-CT-00007
Rosenfeld Deposition 1-25-2024 and 3-7-2024

In the Circuit Court of Trempealeau County, State of Wisconsin
Michael J. Sylla et al. vs. High-Crush Whitehall LLC
Case No. 2019-CV-63, 2019-CV-64, 2019-CV-65, 2019-CV-66
Rosenfeld Deposition: 3-5-2024

In the Circuit Court of Trempealeau County, State of Wisconsin
Leland Drangstveit vs. High-Crush Blair LLC
Case No. 19-CV-66
Rosenfeld Deposition 3-5-2024

In the Circuit Court of Jefferson County Alabama
Donald Lee Ashworth vs. CSX Transportation Inc.
Case No CV-2021-901261
Rosenfeld Deposition 1-23-2024

In the United States District Court for the Eastern District of Wisconsin
Gary L Siepe vs. Soo Line Railroad
Case No. 2:21-cv-00919
Rosenfeld Deposition 1-19-2024

In the United States District Court for the Western District of Louisiana
Ricky Bush v. Clean Harbors Colfax LLC
Case No. 1:22-cv-02026-DDD-JPM
Rosenfeld Deposition 12-18-2023 and 1-15-2024

In United States District Court of Hawaii
Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Rosenfeld Deposition 11-29-2023

In the Circuit Court for the Twentieth Judicial Circuit St. Clair County, Illinois
Timothy Gray vs. Rural King et al.
Case No 2022-LA-355
Rosenfeld Deposition 9-26-2023

In United States District Court Eastern District of Wisconsin
Gary L. Siepe vs. Soo Line Railroad Company
Case No. 2:21-cv-00919
Rosenfeld Deposition 9-15-2023

In the Circuit Court of Cook County Illinois
Donald Fox vs. BNSF
Case No. 2021 L12
Rosenfeld Deposition 9-12-2023

In the Court of Common Pleas Cuyahoga County, Ohio
Thomas Schleich vs. Penn Central Corporation
Lead Case No. CV-20-939184
Rosenfeld Deposition 8-27-2023

In the Circuit Court of Jackson County Missouri at Kansas City
Timothy Dalsing vs. BNSF
Case No. No. 2216-cv06539
Rosenfeld Deposition 7-28-2023

In the United States District Court for the Southern District of Texas Houston Division
International Terminals Company LLC Deer Park Fire Litigation
Lead Case No. 4:19-cv-01460
Rosenfeld Deposition 7-25-2023

In the Circuit Court of Livingston County Missouri
Shirley Ralls vs. Canadian Pacific Railway and Soo Lind Railroad
Case No. 28LV-CV0020
Rosenfeld Daubert Hearing 7-18-2023 Trial Testimony 7-19-2023

In the Circuit Court of Cook County Illinois
Brenda Wright vs. Penn Central and Conrail
Case No. No. 2032L003966
Rosenfeld Deposition 6-13-2023

In the Circuit Court Common Pleas Philadelphia of Jefferson County Alabama
Frank Belle vs. Birmingham Southern Railroad Company et al.
Case No. 01-cv-2021-900901.00
Rosenfeld Deposition 4-6-2023

In the Circuit Court of Jefferson County Alabama
Linda De Gregorio vs. Penn Central
Case No. 002278
Rosenfeld Deposition 3-27-20203

In the United States District Court Eastern District of New York
Rosalie Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-16-2023

In the Superior Court of Washington, Spokane County
Judy Cundy vs. BNSF
Case No. 21-2-03718-32
Rosenfeld Deposition 3-9-2023

In The Court of Common Pleas of Philadelphia County, PA Civil Trial Division
Feaster v Conrail
Case No. 001075
Rosenfeld Deposition 2-1-2023

In United States District Court for the Central District of Illinois
Sherman vs. BNSF
Case No. 3:17-cv-01192
Rosenfeld Deposition 1-18-2023

In United States District Court District of Colorado
Gonzales vs. BNSF
Case No. 1:21-cv-01690
Rosenfeld Deposition 1-17-2023

In United States District Court District of Colorado
Abeyta vs. BNSF
Case No. 1:21-cv-01689-KMT
Rosenfeld Deposition 1-3-2023

In United States District Court For The Easter District of Louisiana
Nathaniel Smith vs. Illinois Central Railroad
Case No. 2:21-cv-01235
Rosenfeld Deposition 11-30-2022

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division

Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022, Trial 1-10-2023

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation

Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al. vs Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a
AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois

Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the County of Maricopa
Mary Tryon et al. vs. The City of Phoenix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. 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 vs. CNA Insurance Company et al.
Case No. 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 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. 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. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs 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 Agrosiences, 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 No. 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. 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. vs. Antero, et al.
Civil Action No. 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 No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, vs. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 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 County of Kern, Unlimited Jurisdiction
Rose Propagation Services vs. Heppe Enterprises
Case No. S-1500-CV-278190, LHB
Rosenfeld Deposition: May 2014

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

In the Court of Galveston County, Texas 56th Judicial District
MDL Litigation Regarding Texas City Refinery Ultracracker Emission Event Litigation
Cause No. 10-UC-0001
Rosenfeld Deposition: March 2013
Rosenfeld Trial: September 2013

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the United States District court of Southern District of California
United States of America, Plaintiff vs. 2,560 Acres of Land, more or less, located in Imperial County, State
of California; and Donald L. Crawford, et. al.
Civil No. 3:11-cv-02258-IEG-RBB
Rosenfeld Deposition: December 2012, January 2013

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

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 No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

EXHIBIT C

SPECIAL ANIMALS LIST

October 2025

State of California

Natural Resources Agency

Department of Fish and Wildlife

Biogeographic Data Branch

California Natural Diversity Database (CNDDB)

Recommended Citation:

California Natural Diversity Database (CNDDB). October 2025. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.

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Special Animals

“Special Animals” is a broad term used to refer to all the animal taxa tracked by the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB), regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species.” The Special Animals List includes species, subspecies, Distinct Population Segments (DPS), or Evolutionarily Significant Units (ESU) where at least one of the following conditions applies:

- Officially listed or proposed for listing under state and/or federal endangered species acts
- Taxa considered by the Department of Fish and Wildlife to be a Species of Special Concern (SSC)
- Taxa which meet the criteria for listing, even if not currently included on any list, as described in Section 15380 of the [California Environmental Quality Act Guidelines](#)
- Taxa that are biologically rare, very restricted in distribution, or declining throughout their range, but not currently threatened with extirpation
- Population(s) in California that may be peripheral to the major portion of a taxon’s range but are threatened with extirpation in California
- Taxa closely associated with a habitat that is declining in California at a significant rate (e.g., wetlands, riparian, vernal pools, old growth forests, desert aquatic systems, native grasslands, valley shrubland habitats, etc.)
- Taxa designated as a special status, sensitive, or declining species by other state or federal agencies, or a non-governmental organization (NGO), and determined by the CNDDDB to be rare, restricted, declining, or threatened across their range in California

The Special Animals List contains taxa that are actively inventoried, tracked, and mapped by the CNDDDB, as well as taxa for which mapped data may not yet be incorporated into CNDDDB user products. For the latter taxa, information at the county

and 7.5-minute USGS quadrangle level can be accessed via the [CNDDB QuickView Tool](#).

Taxa with a “Yes” in the “End Notes?” column have additional information in the End Notes section at the back of the list.

Additional information about the California Natural Diversity Database is available on the [CNDDB website](#).

Information on other CDFW resource management programs is available on the Department’s [Conservation and Management of Wildlife and Habitat website](#).

The CDFW [Wildlife Diversity Program](#) provides additional information on wildlife habitat, threats, and survey guidelines.

NatureServe Element Ranking

The California Natural Diversity Database program is a member of the [NatureServe Network](#) of natural heritage programs and uses the same conservation status methodology as other network programs. The ranking system was originally developed by The Nature Conservancy and is now maintained and recently revised by NatureServe. It includes a **Global rank** (G-rank), describing the status for a given taxon over its entire distribution, and a **State rank** (S-rank), describing the status for the taxon over its state distribution. For subspecies and varieties, there is also a “T” rank describing the global rank for the infraspecific taxon. The next page of this document details the criteria used to assign element ranks, from G1 to G5 for the Global rank and from S1 to S5 for the State rank. Procedurally, state programs such as the CNDDB develop the State ranks. The Global ranks are determined collaboratively among the Heritage Programs for the states/provinces containing the species. NatureServe then checks for consistency and logical errors at the national level. Because the units of conservation may include non-taxonomic biological entities such as populations or ecological communities, NatureServe refers to the targets of biological conservation as “elements” rather than taxa.

An element rank is assigned using standard criteria and rank definitions. This standardization makes the ranks comparable between organisms and across political boundaries. NatureServe has developed a “rank calculator” to help increase repeatability and transparency of the ranking process. The three main categories that are taken into consideration when assigning an element rank are rarity, threats, and trends. Within these three categories, various factors are considered, including:

- Range extent, area of occupancy, population size, total number of occurrences, and number of good occurrences (ranked A or B). Environmental specificity can also be used if other information is lacking.
- Overall threat impact as well as intrinsic vulnerability (if threats are unknown).
- Long-term and short-term trends.

Detailed information on this element ranking methodology can be found on the [NatureServe Conservation Status Assessment website](#).

Listed below are definitions for interpreting global and state conservation status ranks. An element's ranking status may be adjusted up or down depending upon the considerations above.

Global Ranking

The global rank (G-rank) is a reflection of the overall status of an element throughout its global range.

- **GX: Presumed Extinct** – Not located despite intensive searches and virtually no likelihood of rediscovery.
- **GH: Possibly Extinct** – Known from only historical occurrences but still some hope of rediscovery. Examples of evidence include (1) that a species has not been documented in approximately 20-40 years despite some searching and/or some evidence of significant habitat loss or degradation; (2) that a species has been searched for unsuccessfully, but not thoroughly enough to presume that it is extinct throughout its range.
- **G1: Critically Imperiled** – At very high risk of extinction due to very restricted range, very few populations or occurrences, very steep declines, very severe threats, or other factors.
- **G2: Imperiled** – At high risk of extinction due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
- **G3: Vulnerable** – At moderate risk of extinction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
- **G4: Apparently Secure** – At fairly low risk of extinction due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.

- **G5: Secure** – At very low risk of extinction due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
- **GNR: Unranked** – Global rank not yet assessed.

State Ranking

The state rank (S-rank) is assigned in much the same way as the global rank, but state ranks refer to the imperilment status only within California's state boundaries.

- **SX: Presumed Extirpated** – Species is believed to be extirpated from the state. Not located despite intensive searches of historical sites and other appropriate habitat, and virtually no likelihood that it will be rediscovered.
- **SH: Possibly Extirpated** – Known from only historical records but still some hope of rediscovery. There is evidence that the species may no longer be present in the state, but not enough to state this with certainty. Examples of such evidence include (1) that a species has not been documented in approximately 20-40 years despite some searching and/or some evidence of significant habitat loss or degradation; (2) that a species has been searched for unsuccessfully, but not thoroughly enough to presume that it is no longer present in the jurisdiction.
- **S1: Critically Imperiled** – At very high risk of extirpation in the state due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.
- **S2: Imperiled** – At high risk of extirpation in the state due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
- **S3: Vulnerable** – At moderate risk of extirpation in the state due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.
- **S4: Apparently Secure** – At a fairly low risk of extirpation in the state due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.

- **S5: Secure** – At very low or no risk of extirpation in the state due to a very extensive range, abundant populations or occurrences, and little to no concern from declines or threats.
- **SNR: Unranked** – State rank not yet assessed.

Additional Notes on NatureServe Ranks

- Rank Qualifiers
 1. Taxa which are subspecies receive a taxon rank (**T-rank**) in addition to the G-rank. Whereas the G-rank reflects the condition of the entire species, the T-rank reflects the global status of just the subspecies. For example, the Point Reyes mountain beaver, *Aplodontia rufa* ssp. *phaea*, is ranked G5T2. The G-rank refers to the whole species, i.e., *Aplodontia rufa*; the T-rank refers only to the global condition of ssp. *phaea*.
 2. **C = Captive or Cultivated Only** — taxon at present is presumed or possibly extinct or eliminated in the wild across their entire native range but is extant in cultivation, in captivity, as a naturalized population (or populations) outside their native range, or as a reintroduced population not yet established. The “C” modifier is only used at a global level and not at a state level. Possible ranks are GXC or GHC.
 3. **Q = Questionable taxonomy** that may reduce conservation priority — Distinctiveness of this entity as a taxon at the current level is questionable; resolution of this uncertainty may result in change from a species to a subspecies or hybrid, or inclusion of this taxon in another taxon, with the resulting taxon having a lower-priority (numerically higher) conservation status rank. The “Q” modifier is only used at the global level, not at the state level.
- Uncertainty about the status of an element is expressed in two major ways:
 1. By expressing the ranks as a **range** of values: e.g., S2S3 indicates the rank is somewhere between S2 and S3.
 2. By adding a “?” to the rank: e.g., S2?; this represents more certainty than S2S3, but less certainty than S2.

- Other considerations used when ranking a species include the pattern of distribution of the element on the landscape, fragmentation of the population, and historical extent as compared to its modern range. It is important to take an overall view when ranking sensitive elements rather than simply counting element occurrences.

Animal Element Occurrences and Mapping

What is an Element Occurrence?

An Element Occurrence (EO) is a location where a given element has been documented to occur. It is a concept developed and applied within the NatureServe natural heritage network. An EO is not a population, but may indicate that a population is present in that area; likewise, a single population may be represented by more than one EO. An EO is based upon the source documents available at the time of mapping. Both the mapped feature and the text portion of EOs are updated as new information becomes available.

Element Occurrence Definitions Vary by Taxa

The EO definition refers to the types of information mapped. For most animal taxa, the CNDDDB is interested in information that indicates the presence of a resident population. However, for many migratory birds, the CNDDDB only tracks detections of nest sites or behaviors indicating reproduction is occurring at the site. Details about avian detections are available in the [Submitting Avian Detections](#) document. For other taxa where CNDDDB tracks only a certain part of the range or life history, the area or life stage is indicated on the list under the “Comment” column.

Mapping Conventions

Information in CNDDDB is mapped to balance precision and uncertainty, based upon the source materials used to determine the location of the Element Occurrence. Data with precise location information are mapped with 80m-radius circles or specific polygons. Data with vague location information are mapped with non-specific circular features or non-specific polygons. Non-specific features indicate that the species was found somewhere within the mapped area, but the exact location was unknown. Generally, observations/collections within ¼ mile and/or within continuous habitat are combined into a single EO.

Taxonomic Standards

Taxonomic References and Sources of Additional Information

The CNDDDB follows current published taxonomy for animals as recognized by the scientific organizations listed below. The CNDDDB reviews publications that propose new taxonomy and nomenclature for CNDDDB-tracked species and evaluates whether these proposals are recognized by the larger scientific community. The CNDDDB makes every effort to use the best available science in the taxonomy used, but different experts may recognize different names for some time after a taxonomic change is proposed. In these cases, the CNDDDB will generally use the preexisting nomenclature until a change is formally recognized beyond the initial publication. In addition, the CNDDDB recognizes some taxa identified by experts on the California fauna where these taxa may not be recognized by national biological societies. Generally, the taxonomy used by NatureServe is followed, with additional evaluation of taxonomy from the following sources:

- Reptiles and amphibians:
 - [The Center for North American Herpetology](#)
 - [The Society for the Study of Amphibians and Reptiles](#)
- Fishes:
 - Fricke, R., Eschmeyer, W. N. & R. van der Laan (eds) 2022. [Eschmeyer's catalog of fishes: genera, species, references](#). Electronic version.
 - Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balderas, E. Díaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick, J.S. Nelson, S.P. Platania, B.A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E.B. Taylor, and M.L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. *Fisheries* 33(8):372-407.
 - Lawrence M. Page, Héctor Espinosa-Pérez, Lloyd T. Findley, Carter R. Gilbert, Robert N. Lea, Nicholas E. Mandrak, Richard L. Mayden, and Joseph S. Nelson. 2013. [Common and scientific names of fishes from the](#)

[United States, Canada, and Mexico, 7th edition](#). American Fisheries Society, Special Publication 34. 243 pp.

- Moyle, P. B. 2002. Inland fishes of California. University of California Press.
- Birds:
 - The [checklist of the American Ornithologists' Union](#)
- Mammals:
 - [The American Society of Mammalogists](#)
 - Bradley, R.D., L.K. Ammerman, R.J. Baker, L.C. Bradley, J.A. Cook, R.C. Dowler, C. Jones, D.J. Schimdlly, F.B. Stangl Jr., R.A. Van Den Bussche, and B. Wursig. 2014. [Revised checklist of North American mammals north of Mexico, 2014](#). Museum of Texas Tech University Occasional Papers 327:1-28.

Listing and Special Status Information

CALIFORNIA ENDANGERED SPECIES ACT (CESA) LISTING CODES: The listing status of each species is current as of the date of this list. The most current changes in listing status will be found in the “[Endangered and Threatened Animals List](#),” which the CNDDDB updates and issues quarterly. Additional information can be found on the [California Fish and Game Commission CESA web page](#).

- SE State listed as endangered
- ST State listed as threatened
- SC State candidate for listing as endangered or threatened

FEDERAL ENDANGERED SPECIES ACT (ESA) LISTING CODES: The listing status is current as of the date of this list. The most current changes in listing status will be found in the “Endangered and Threatened Animals List,” which the CNDDDB updates and issues quarterly. Federal listing actions are published in the [Federal Register](#).

- FE Federally listed as endangered
- FT Federally listed as threatened
- FPE Federally proposed for listing as endangered
- FPT Federally proposed for listing as threatened
- FC Federal candidate species (former Category 1 candidates)

Section 4(c)(2)(A) of the Act requires the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to conduct a review of listed species at least once every five years. Five year reviews are made available by the [U.S. Fish and Wildlife Service](#) and the [National Marine Fisheries Service](#).

OTHER STATUS CODES: The status of species on the Special Animals List according to other conservation organizations is provided below. Taxa on these lists are reviewed for inclusion in the CNDDDB Special Animals List, but are not automatically included. For example, taxa that are regionally rare within a portion of California may not be included, because they may be of lesser conservation concern across their full range in California.

- **American Fisheries Society (AFS):**
 1. Designations for freshwater and diadromous species were taken from the paper:
 - Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balderas, E. Díaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick, J.S. Nelson, S.P. Platania, B.A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E.B. Taylor, and M.L. Warren, Jr. 2008. [Conservation status of imperiled North American freshwater and diadromous fishes](#). Fisheries 33(8):372-407.
 2. Designations for marine and estuarine species were taken from the paper:
 - Musick, J.A. et al. 2000. [Marine, Estuarine, and Diadromous Fish Stocks at Risk of Extinction in North America \(Exclusive of Pacific Salmonids\)](#). Fisheries 25(11):6-30.
- **Bureau of Land Management (BLM) Sensitive:** Bureau of Land Management Manual §6840 states that “BLM sensitive species are: (1) species listed or proposed for listing under the Endangered Species Act (ESA), and (2) species requiring special management consideration to promote their conservation and reduce the likelihood and need for future listing under the ESA, which are designated as Bureau sensitive by the State Director(s). All Federal candidate species, proposed species, and delisted species in the 5 years following delisting will be conserved as Bureau sensitive species.” Downloadable copies of the [California-BLM Special Status Animals and Sensitive Species Lists](#) are available.
- **California Department of Forestry and Fire Protection (CDF) Sensitive:** California Department of Forestry and Fire Protection classifies “sensitive species” as those species that warrant special protection during timber operations. The list of “sensitive species” is given in §895.1 (Definitions) of the [California Forest Practice Rules](#).
- **CDFW Fully Protected:** The classification of Fully Protected was the State's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have

subsequently been listed under the California and/or federal endangered species acts; the exceptions are white-tailed kite, golden eagle, trumpeter swan, northern elephant seal, and ringtail cat. The white-tailed kite, golden eagle, and ringtail cat are tracked in the CNDDDB. The trumpeter swan and northern elephant seal are not tracked by the CNDDDB. The Fish and Game Code sections dealing with Fully Protected species state that these species "...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected" species, although take may be authorized for necessary scientific research. This language arguably makes the "Fully Protected" designation the strongest and most restrictive regarding the "take" of these species. In 2003, code sections dealing with Fully Protected species were amended to allow the Department to authorize take resulting from recovery activities for state-listed species. More information on Fully Protected species and the take provisions can be found in the [Fish and Game Code](#): birds at [§3511](#), mammals at [§4700](#), reptiles and amphibians at [§5050](#), and fish at [§5515](#)). Additional information on Fully Protected fish can be found in the [California Code of Regulations, Title 14, Division 1, Subdivision 1, Chapter 2, Article 4, §5.93](#). The category of Protected Amphibians and Reptiles in Title 14 has been repealed. [Senate Bill no. 147](#) (July 2023) removed American peregrine falcon, brown pelican, and thicktail chub as fully protected species under the Fish & Game Code because they have been delisted-recovered under CESA or are considered extinct.

- **CDFW Species of Special Concern (SSC):** It is the goal and responsibility of the Department of Fish and Wildlife to maintain viable populations of all native species. To this end, the Department has designated certain vertebrate species as "[Species of Special Concern](#)" because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The goal of designating SSCs is to halt or reverse their decline by calling attention to their plight and addressing the issues of concern early enough to secure their long-term viability. Not all SSCs have declined equally; some species may be just starting to decline, while others may have already reached the point where they

meet the criteria for listing as a threatened or endangered under state and/or federal endangered species acts.

- **CDFW Watch List Species:** Watch list species are taxa that were previously SSCs but do not currently meet SSC criteria, and for which there is concern and a need for additional information to clarify status.
- **International Union for Conservation of Nature (IUCN) Red List of Threatened Species:** The IUCN assesses, on a global scale, the conservation status of species, subspecies, varieties, and even selected subpopulations in order to highlight taxa threatened with extinction, and therefore promote their conservation. Detailed information is available from the [IUCN Red List Online](#). When the CNDDDB tracks a subunit (such as subspecies, DPS, or ESU) that does not have an IUCN status, the CNDDDB either:
 1. Applies the IUCN status of the parent entity to the CNDDDB element if the IUCN status is Critical (CR), Endangered, (EN), or Vulnerable (VU)
 2. Does not apply the IUCN status of the parent entity to the CNDDDB element if the IUCN status is Near Threatened (NT), Least Concern (LC), or Data Deficient (DD).
- **Marine Mammal Commission (MMC) Marine Mammal Species of Special Concern:** Section 202 of the [Marine Mammal Protection Act](#) (MMPA) directs the MMC, in consultation with its Committee of Scientific Advisors, to make recommendations to the Department of Commerce, the Department of the Interior, and other federal agencies on research and management actions needed to conserve species of marine mammals. To meet this charge, the Commission devotes special attention to particular species and populations that are vulnerable to various types of human-related activities, impacts, and contaminants. Such species may include marine mammals listed as endangered or threatened under the federal ESA or as depleted under the MMPA. In addition, the Commission often directs special attention to other species or populations of marine mammals not so listed whenever special conservation challenges arise that may affect them. More information on the MMPA and the list of species is

available from the [MMC Marine Mammal Species and Populations of Concern website](#).

- **United States Forest Service (USFS) Sensitive:** The USDA Forest Service defines sensitive species as plant and animal species identified by a regional forester that are not listed or proposed for listing under the federal Endangered Species Act for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution. Regional Foresters shall identify sensitive species occurring within the region. More information on California species can be found on the [Pacific Southwest Region \(Region 5\) Plants and Animals site](#), including links to download the [Regional Forester's Sensitive Animal Species List](#).
- **U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern:** The goal of the [Birds of Conservation Concern 2021 report](#) is to accurately identify the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent highest conservation priorities and draw attention to species in need of conservation action.

Table of Special Status Code Abbreviations

Organization	Abbreviation
American Fisheries Society - Endangered	AFS_EN
American Fisheries Society - Threatened	AFS_TH
American Fisheries Society - Vulnerable	AFS_VU
Bureau of Land Management - Sensitive	BLM_S
Calif Dept of Forestry & Fire Protection - Sensitive	CDF_S
Calif Dept of Fish & Wildlife - Fully Protected	CDFW_FP
Calif Dept of Fish & Wildlife - Species of Special Concern	CDFW_SSC
Calif Dept of Fish & Wildlife - Watch List	CDFW_WL
IUCN - Critically Endangered	IUCN_CR
IUCN - Endangered	IUCN_EN
IUCN - Vulnerable	IUCN_VU
IUCN - Near Threatened	IUCN_NT
IUCN - Least Concern	IUCN_LC
IUCN - Data Deficient	IUCN_DD
Marine Mammal Commission - Species of Special Concern	MMC_SSC
U.S. Forest Service - Sensitive	USFS_S
U.S. Fish & Wildlife Service Birds of Conservation Concern	USFWS_BCC

Special Animals List

(928 taxa)

Last updated October 3, 2025

The remainder of this document contains the CNDDDB's Special Animals List, current as of the date on the title page of this document.

Invertebrates

PELECYPODA (clams and mussels)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anodonta californiensis</i>	California floater		G3	S2?	None	None	USFS:S	Yes	
<i>Anodonta oregonensis</i>	Oregon floater		G5	S2?	None	None	IUCN:LC	Yes	
<i>Gonidea angulata</i>	western ridged mussel		G3	S2	None	None	IUCN:VU	Yes	
<i>Margaritifera falcata</i>	western pearlshell		G3G4	S1S2	None	None	IUCN:NT	Yes	
<i>Pisidium ultramontanum</i>	montane peaclam		G1	S1	None	None	IUCN:VU USFS:S	Yes	

GASTROPODA (snails, slugs, and abalones)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ammonitella yatesii</i>	tight coin (=Yates' snail)		G1	S1	None	None	IUCN:VU	Yes	
<i>Ancotrema voyanum</i>	hooded lancetooth		G1G2	S1S2	None	None		Yes	
<i>Assimineia infima</i>	Badwater snail		G1	S1	None	None	IUCN:VU	Yes	
<i>Binneya notabilis</i>	Santa Barbara shelled slug		G1	S1	None	None	IUCN:DD	Yes	
<i>Colligyrus convexus</i>	canary duskysnail		G2	S2	None	None		Yes	
<i>Eremarionta immaculata</i>	white desert snail		G1	S1	None	None	IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Eremarionta millepalmarum</i>	Thousand Palms desertsnailed		G1	S1	None	None	IUCN:VU	No	
<i>Eremarionta morongoana</i>	Morongo (=Colorado) desertsnailed		G1G3	S1	None	None	IUCN:NT	Yes	
<i>Eremarionta rowelli bakerensis</i>	Baker's desertsnailed		G3G4T1	S1	None	None	IUCN:DD	Yes	
<i>Eremarionta rowelli mccoiana</i>	California McCoy snail		G3G4T1	S1	None	None	IUCN:DD	Yes	
<i>Fluminicola seminalis</i>	nugget pebblesnailed		G2	S3	None	None	IUCN:DD USFS:S	Yes	
<i>Glyptostoma gabrielense</i>	San Gabriel chestnut		G2	S3	None	None		Yes	
<i>Haliotis corrugata</i>	pink abalone		G3?	S2?	None	None	IUCN:CR	No	
<i>Haliotis cracherodii</i>	black abalone		G3	S2	Endangered	None	IUCN:CR	Yes	
<i>Haliotis fulgens</i>	green abalone		G3G4	S2	None	None	IUCN:CR	No	
<i>Haliotis kamtschatkana</i>	pinto abalone		G4	S2	None	None	IUCN:EN	No	
<i>Haliotis sorenseni</i>	white abalone		G1	S2	Endangered	None	IUCN:CR	No	
<i>Haplotrema catalinense</i>	Santa Catalina lancetooth		G1	S1	None	None		Yes	
<i>Haplotrema durantei</i>	ribbed lancetooth		G1G2	S1S2	None	None		Yes	
<i>Helisoma newberryi</i>	Great Basin rams-horn		G1	S1S2	None	None	USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Helminthoglypta allynsmithi</i>	Merced Canyon shoulderband		G1	S1	None	None	IUCN:VU	Yes	
<i>Helminthoglypta arrosa monticola</i>	mountain shoulderband		G2G3T1	S1	None	None		Yes	
<i>Helminthoglypta arrosa pomoensis</i>	Pomo bronze shoulderband		G2G3T1	S1	None	None	IUCN:DD	Yes	
<i>Helminthoglypta callistoderma</i>	Kern shoulderband		G1	S1	None	None	IUCN:EN	Yes	
<i>Helminthoglypta coelata</i>	mesa shoulderband		G1	S1	None	None	IUCN:VU	Yes	
<i>Helminthoglypta concolor</i>	whitefir shoulderband		G1G2	S1S2	None	None		Yes	
<i>Helminthoglypta fontiphila</i>	Soledad shoulderband		G1	S1	None	None		Yes	
<i>Helminthoglypta greggi</i>	Mohave shoulderband		G2	S2	None	None		Yes	
<i>Helminthoglypta hertleini</i>	Oregon shoulderband		G3Q	S1S2	None	None		Yes	
<i>Helminthoglypta milleri</i>	peak shoulderband		G1	S1	None	None		Yes	
<i>Helminthoglypta mohaveana</i>	Victorville shoulderband		G1	S1	None	None	IUCN:NT	Yes	
<i>Helminthoglypta nickliniana awania</i>	Peninsula coast range shoulderband		G3T1	S1	None	None	IUCN:DD	Yes	
<i>Helminthoglypta nickliniana bridgesi</i>	Bridges' coast range shoulderband		G3T1	S1S2	None	None	IUCN:DD	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Helminthoglypta sanctaecrucis</i>	Limu shoulderband		G1	S1S2	None	None		Yes	
<i>Helminthoglypta sequoicola consors</i>	redwood shoulderband		G2T1	S1	None	None	IUCN:DD	Yes	
<i>Helminthoglypta stiversiana williamsi</i>	Williams' bronze shoulderband		G1G2T1	S1	None	None	IUCN:DD	Yes	
<i>Helminthoglypta talmadgei</i>	Trinity shoulderband		G2	S2	None	None		Yes	
<i>Helminthoglypta taylori</i>	westfork shoulderband		G1	S1	None	None		Yes	
<i>Helminthoglypta traskii pacoimensis</i>	Pacoima shoulderband		G1G2T1	S1	None	None		Yes	
<i>Helminthoglypta traskii traskii</i>	Trask shoulderband		G1G2T1	S2S3	None	None		Yes	
<i>Helminthoglypta uvasana</i>	Grapevine shoulderband		G1	S1	None	None		Yes	
<i>Helminthoglypta vasquezi</i>	Vasquez shoulderband		G1	S1	None	None		Yes	
<i>Helminthoglypta walkeriana</i>	Morro shoulderband		G2	S2	Threatened	None	IUCN:CR	Yes	
<i>Herpeteros angelus</i>	Soledad desertsnailed		G1	S1	None	None		No	
<i>Hesperarion plumbeus</i>	leaden slug		G2	S1S2	None	None		Yes	
<i>Ipnobius robustus</i>	robust tryonia		G1	S1	None	None		Yes	

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Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Juga acutifilosa</i>	topaz juga		G2?	S2	None	None	IUCN:NT USFS:S	Yes	
<i>Juga chacei</i>	Chace juga		G1	S1	None	None	USFS:S	Yes	
<i>Juga occata</i>	scalloped juga		G1	S1	None	None	IUCN:EN USFS:S	Yes	
<i>Juga orickensis</i>	redwood juga		G2	S1S3	None	None		Yes	
<i>Lanx alta</i>	highcap lanx		G2G3	S3	None	None		Yes	
<i>Lanx patelloides</i>	kneecap lanx		G2?	S2	None	None	USFS:S	Yes	
<i>Littorina subrotundata</i>	Newcomb's littorine snail		G5	S1S2	None	None		No	
<i>Megomphix californicus</i>	Natural Bridge megomphix		G3	S3	None	None		Yes	
<i>Micrarionta facta</i>	Santa Barbara islandsnail		G1G2	S1S2	None	None	IUCN:VU	Yes	
<i>Micrarionta feralis</i>	San Nicolas islandsnail		G1	S1	None	None	IUCN:CR	Yes	
<i>Micrarionta gabbii</i>	San Clemente islandsnail		G1	S1	None	None	IUCN:VU	Yes	
<i>Micrarionta opuntia</i>	pricklypear islandsnail		G1	S1	None	None	IUCN:VU	Yes	
<i>Monadenia callipeplus</i>	downy sideband		G1?	S1S2	None	None		Yes	
<i>Monadenia chaceana</i>	Siskiyou shoulderband		G2G3	S2	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Monadenia churchi</i>	Klamath sideband		G3	S3	None	None		Yes	
<i>Monadenia circumcarinata</i>	keeled sideband		G3	S3	None	None	BLM:S IUCN:VU	Yes	
<i>Monadenia cristulata</i>	crested sideband		G1?	S1S2	None	None		Yes	
<i>Monadenia fidelis leonina</i>	A terrestrial snail		G4G5T1T2	S1S2	None	None		Yes	
<i>Monadenia fidelis pronotis</i>	rocky coast Pacific sideband		G4G5T1	S1	None	None	IUCN:DD	Yes	
<i>Monadenia infumata ochromphalus</i>	yellow-based sideband		G2T1T2	S1S2	None	None		Yes	
<i>Monadenia infumata setosa</i>	Trinity bristle snail		G2T2	S2	None	Threatened	IUCN:VU	Yes	
<i>Monadenia marmarotis</i>	marble sideband		G1	S1	None	None		Yes	
<i>Monadenia mormonum buttoni</i>	Button's Sierra sideband		G2T1T2	S1S2	None	None	IUCN:DD	Yes	
<i>Monadenia mormonum hirsuta</i>	hirsute Sierra sideband		G2T1	S1	None	None	BLM:S IUCN:DD	Yes	
<i>Monadenia troglodytes troglodytes</i>	Shasta sideband		G2T2	S2	None	None	USFS:S	Yes	
<i>Monadenia troglodytes wintu</i>	Wintu sideband		G2T2	S2	None	None	USFS:S	Yes	
<i>Monadenia tuolumneana</i>	Tuolumne sideband		G1	S1	None	None	BLM:S	Yes	

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Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Monadenia yosemitensis</i>	Yosemite sideband		G1	S1S2	None	None		Yes	
<i>Noyo intersessa</i>	Ten Mile shoulderband		G2	S1S2	None	None		Yes	
<i>Pomatiopsis binneyi</i>	robust walker		G1	S1	None	None		Yes	
<i>Pomatiopsis californica</i>	Pacific walker		G1	S1	None	None	IUCN:DD	Yes	
<i>Pomatiopsis chacei</i>	marsh walker		G1	S2	None	None		Yes	
<i>Pristiloma shepardae</i>	Shepard's snail		G1	S1	None	None		Yes	
<i>Pristinicola hemphilli</i>	pristine pyrg		G3	S1	None	None	IUCN:DD USFS:S	Yes	
<i>Prophysaon sp. 1</i>	Klamath taildropper		G3	S3	None	None		Yes	Yes
<i>Punctum hannah</i>	Trinity Spot		G2	S1S2	None	None		Yes	
<i>Pyrgulopsis aardahli</i>	Benton Valley (=Aahrdahl's) springsnail		G1	S1	None	None		Yes	
<i>Pyrgulopsis archimedis</i>	Archimedes pyrg		G1G2	S1S2	None	None		Yes	
<i>Pyrgulopsis cinerana</i>	Ash Valley pyrg		G1G2	S1S2	None	None		Yes	
<i>Pyrgulopsis diablensis</i>	Diablo Range pyrg		G1	S1	None	None	IUCN:VU	Yes	
<i>Pyrgulopsis eremica</i>	Smoke Creek pyrg		G2	S2	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pyrgulopsis falciglans</i>	Likely pyrg		G1	S1	None	None		Yes	
<i>Pyrgulopsis gibba</i>	Surprise Valley pyrg		G3	S1S2	None	None		Yes	
<i>Pyrgulopsis greggi</i>	Kern River pyrg		G1	S1	None	None	IUCN:VU	Yes	
<i>Pyrgulopsis lasseni</i>	Willow Creek pyrg		G1G2	S1S2	None	None	USFS:S	Yes	
<i>Pyrgulopsis longae</i>	Long Valley pyrg		G1	S1	None	None		Yes	
<i>Pyrgulopsis owensensis</i>	Owens Valley springsnail		G1G2	S1S2	None	None	USFS:S	Yes	
<i>Pyrgulopsis perturbata</i>	Fish Slough springsnail		G1	S1	None	None		Yes	
<i>Pyrgulopsis rupinicola</i>	Sucker Springs pyrg		G1	S1	None	None		Yes	
<i>Pyrgulopsis taylori</i>	San Luis Obispo pyrg		G1	S1	None	None		Yes	
<i>Pyrgulopsis ventricosa</i>	Clear Lake pyrg		G1	S1	None	None	IUCN:CR	Yes	
<i>Pyrgulopsis wongi</i>	Wong's springsnail		G3	S2	None	None	IUCN:LC USFS:S	Yes	
<i>Radiocentrum avalonense</i>	Catalina mountainsnail		G1	S1	None	None	IUCN:CR	Yes	
<i>Rothelix warnerfontis</i>	Warner Springs shoulderband		G1	S1	None	None	USFS:S	Yes	
<i>Sterkia clementina</i>	San Clemente Island blunt-top snail		G2G3	S1S2	None	None	IUCN:NT	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Trilobopsis roperi</i>	Shasta chaparral		G2	S1	None	None	USFS:S	Yes	
<i>Trilobopsis tehamana</i>	Tehama chaparral		G2	S1	None	None	USFS:S	Yes	
<i>Tryonia imitator</i>	mimic tryonia (=California brackishwater snail)		G2	S2	None	None	IUCN:DD	Yes	
<i>Tryonia margae</i>	Grapevine Springs elongate tryonia		G1	S1	None	None		Yes	
<i>Tryonia rowlandsi</i>	Grapevine Springs squat tryonia		G1	S1	None	None		Yes	
<i>Vespericola karokorum</i>	Karok hesperian		G2	S2	None	None	IUCN:DD	Yes	
<i>Vespericola marinensis</i>	Marin hesperian		G2	S2	None	None		Yes	
<i>Vespericola pressleyi</i>	Big Bar hesperian		G1	S1	None	None	USFS:S	Yes	
<i>Vespericola scotti</i>	Benson Gulch hesperian		G1	S1	None	None		Yes	
<i>Vespericola shasta</i>	Shasta hesperian		G3	S3	None	None	USFS:S	Yes	
<i>Vespericola sierranus</i>	Siskiyou hesperian		G3	S1S2	None	None		Yes	
<i>Xerarionta intercisa</i>	horseshoe snail		G1	S1	None	None	IUCN:VU	Yes	
<i>Xerarionta redimita</i>	wreathed cactussnail		G1G2	S1	None	None	IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Xerarionta tryoni</i>	Bicolor cactusnail		G1	S1	None	None	IUCN:VU	Yes	

ARACHNIDA (spiders and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aphrastochthonius grubbsi</i>	Grubbs' Cave pseudoscorpion		G1	S1	None	None		Yes	
<i>Aphrastochthonius similis</i>	Carlow's Cave pseudoscorpion		G1	S1	None	None		Yes	
<i>Archeolarca aalbui</i>	Aalbu's Cave pseudoscorpion		G1	S1	None	None		Yes	
<i>Banksula californica</i>	Alabaster Cave harvestman		GH	SH	None	None		Yes	
<i>Banksula galilei</i>	Galile's cave harvestman		G1	S1	None	None		Yes	
<i>Banksula grubbsi</i>	Grubbs' cave harvestman		G1	S1	None	None		Yes	
<i>Banksula incredula</i>	incredible harvestman		G1	S1	None	None		Yes	
<i>Banksula martinorum</i>	Martins' cave harvestman		G1	S1	None	None		Yes	
<i>Banksula melones</i>	Melones Cave harvestman		G1	S1	None	None	IUCN:VU	Yes	
<i>Banksula rudolphi</i>	Rudolph's cave harvestman		G1	S1	None	None		Yes	
<i>Banksula tuolumne</i>	Tuolumne cave harvestman		G2	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Banksula tutankhamen</i>	King Tut Cave harvestman		G1	S1	None	None		Yes	
<i>Calicina arida</i>	San Benito harvestman		G1	S1	None	None		Yes	
<i>Calicina breva</i>	Stanislaus harvestman		G1	S1	None	None		Yes	
<i>Calicina cloughensis</i>	Clough Cave harvestman		G1	S1	None	None		Yes	
<i>Calicina conifera</i>	Crane Flat harvestman		G1	S1	None	None		Yes	
<i>Calicina diminua</i>	Marin blind harvestman		G1	S1	None	None		Yes	
<i>Calicina dimorphica</i>	Watts Valley harvestman		G1	S1	None	None		Yes	
<i>Calicina macula</i>	marbled harvestman		G1	S1	None	None		Yes	
<i>Calicina mesaensis</i>	Table Mountain harvestman		G1	S1	None	None		Yes	
<i>Calicina minor</i>	Edgewood blind harvestman		G1	S1	None	None		Yes	
<i>Calicina piedra</i>	Piedra harvestman		G1	S1	None	None		Yes	
<i>Calileptoneta briggsi</i>	Briggs' leptonetid spider		G1	S1	None	None		Yes	
<i>Calileptoneta oasa</i>	Andreas Canyon leptonetid spider		G1	S1	None	None		Yes	
<i>Calileptoneta ubicki</i>	Ubick's leptonetid spider		G1	S1	None	None		Yes	
<i>Calileptoneta wapiti</i>	Mendocino leptonetid spider		G1	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Fissilicreagris imperialis</i>	Empire Cave pseudoscorpion		G1	S1	None	None	IUCN:VU	Yes	
<i>Hubbardia idria</i>	Idria short-tailed whipscorpion		G1	S1	None	None		Yes	
<i>Hubbardia secoensis</i>	Arroyo Seco short-tailed whipscorpion		G1	S1	None	None		Yes	
<i>Hubbardia shoshonensis</i>	Shoshone Cave whipscorpion		G1	S1	None	None	BLM:S	Yes	Yes
<i>Larca laceyi</i>	Lacey's Cave pseudoscorpion		G1	S1	None	None		Yes	
<i>Meta dolloff</i>	Dolloff Cave spider		G3	S3	None	None	IUCN:VU	Yes	
<i>Microcina edgewoodensis</i>	Edgewood Park micro-blind harvestman		G1	S1	None	None		Yes	
<i>Microcina homi</i>	Hom's micro-blind harvestman		G1	S2	None	None		Yes	
<i>Microcina jungi</i>	Jung's micro-blind harvestman		G1	S1	None	None		Yes	
<i>Microcina leei</i>	Lee's micro-blind harvestman		G1	S1	None	None		Yes	
<i>Microcina lumi</i>	Lum's micro-blind harvestman		G1	S1	None	None		Yes	
<i>Microcina tiburona</i>	Tiburon micro-blind harvestman		G2	S2	None	None		Yes	
<i>Neochthonius imperialis</i>	Empire Cave pseudoscorpion		G1	S1	None	None		Yes	
<i>Pseudogarypus orpheus</i>	Music Hall Cave pseudoscorpion		G1	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Socalchemmis gertschi</i>	Gertsch's socalchemmis spider		G1	S1	None	None		Yes	
<i>Socalchemmis icenoglei</i>	Icenogle's socalchemmis spider		G1	S1	None	None		Yes	
<i>Socalchemmis monterey</i>	Monterey socalchemmis spider		G1	S1	None	None		Yes	
<i>Talanites moodyae</i>	Moody's gnaphosid spider		G2G3	S2S3	None	None		Yes	
<i>Talanites ubicki</i>	Ubick's gnaphosid spider		G1	S1	None	None		Yes	
<i>Texella deserticola</i>	Whitewater Canyon harvestman		G1	S1	None	None		Yes	
<i>Texella kokoweef</i>	Kokoweef Crystal Cave harvestman		G1	S1	None	None		Yes	
<i>Texella shoshone</i>	Shoshone Cave harvestman		G1	S1	None	None		Yes	

CRUSTACEA, Order Anostraca (fairy shrimp)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Artemia monica</i>	Mono Lake brine shrimp		G3	S3	None	None		Yes	
<i>Branchinecta campestris</i>	pocket pouch fairy shrimp		G2	S1	None	None		Yes	
<i>Branchinecta conservatio</i>	Conservancy fairy shrimp		G2	S2	Endangered	None	IUCN:EN	Yes	
<i>Branchinecta longiantenna</i>	longhorn fairy shrimp		G2	S2	Endangered	None	IUCN:EN	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp		G3	S3	Threatened	None	IUCN:VU	Yes	
<i>Branchinecta mesovallensis</i>	midvalley fairy shrimp		G2	S2S3	None	None		Yes	
<i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp		G2	S1	Endangered	None	IUCN:EN	Yes	
<i>Linderiella occidentalis</i>	California linderiella		G2G3	S2S3	None	None	IUCN:NT	Yes	
<i>Linderiella santarosae</i>	Santa Rosa Plateau fairy shrimp		G1G2	S1	None	None		Yes	
<i>Streptocephalus woottoni</i>	Riverside fairy shrimp		G1G2	S2	Endangered	None	IUCN:EN	Yes	

CRUSTACEA, Order Notostraca (tadpole shrimp)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lepidurus packardii</i>	vernal pool tadpole shrimp		G3	S3	Endangered	None	IUCN:EN	Yes	

CRUSTACEA, Order Diplostraca (water fleas)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Dumontia oregonensis</i>	hairy water flea		G1G3	S1	None	None		Yes	

CRUSTACEA, Order Isopoda (isopods)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Bowmanasellus sequoiae</i>	Sequoia cave isopod		G2	S2	None	None		Yes	
<i>Caecidotea tomalensis</i>	Tomales isopod		G2	S2S3	None	None		Yes	
<i>Calasellus californicus</i>	An isopod		G2	S3	None	None		Yes	
<i>Calasellus longus</i>	An isopod		G1	S1	None	None		Yes	

CRUSTACEA, Order Amphipoda (amphipods)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Hyalella muerta</i>	Texas Spring amphipod		G1	S1	None	None		Yes	Yes
<i>Hyalella sandra</i>	Death Valley amphipod		G1	S1	None	None		Yes	Yes
<i>Stygobromus cherylae</i>	Barr's amphipod		G1	S1	None	None		Yes	
<i>Stygobromus cowani</i>	Cowan's amphipod		G1	S1	None	None		Yes	
<i>Stygobromus gallawayae</i>	Gallaway's amphipod		G1	S1	None	None		Yes	
<i>Stygobromus gradyi</i>	Grady's Cave amphipod		G1	S1	None	None	IUCN:VU	Yes	
<i>Stygobromus grahami</i>	Graham's Cave amphipod		G2	S2	None	None		Yes	
<i>Stygobromus harai</i>	Hara's Cave amphipod		G1	S1	None	None	IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Stygobromus hyporheicus</i>	hyporheic amphipod		G1	SX	None	None		Yes	
<i>Stygobromus imperialis</i>	Empire Cave amphipod		G1	S1	None	None		Yes	
<i>Stygobromus lacicolus</i>	Lake Tahoe amphipod		G1	S1	None	None		Yes	
<i>Stygobromus mackenziei</i>	Mackenzie's Cave amphipod		G1	S1	None	None	IUCN:VU	Yes	
<i>Stygobromus myersae</i>	Myer's amphipod		G1	S1S2	None	None		Yes	
<i>Stygobromus mysticus</i>	Secret Cave amphipod		G1	S1	None	None		Yes	
<i>Stygobromus rudolphi</i>	Rudolph's amphipod		G1	S1	None	None		Yes	
<i>Stygobromus sheldoni</i>	Sheldon's amphipod		G1	S1	None	None		Yes	
<i>Stygobromus sierrensis</i>	Sierra amphipod		G1	S1	None	None		Yes	
<i>Stygobromus tahoensis</i>	Lake Tahoe stygobromid		G1	S1	None	None		Yes	
<i>Stygobromus trinus</i>	Trinity County amphipod		G1	S1	None	None		Yes	
<i>Stygobromus wengerorum</i>	Wengerors' Cave amphipod		G1	S1	None	None	IUCN:VU	Yes	

CRUSTACEA, Order Decapoda (crayfish and shrimp)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pacifastacus fortis</i>	Shasta crayfish		G1	S1	Endangered	Endangered	IUCN:CR	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pacifastacus leniusculus klamathensis</i>	Klamath crayfish		G5T5	S4	None	None		No	
<i>Syncaris pacifica</i>	California freshwater shrimp		G2	S2	Endangered	Endangered	IUCN:EN	Yes	

INSECTA, Order Odonata (dragonflies and damselflies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ischnura gemina</i>	San Francisco forktail damselfly		G2	S2	None	None	IUCN:EN	Yes	

INSECTA, Order Plecoptera (stoneflies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Capnia lacustra</i>	Lake Tahoe benthic stonefly		G1	S1	None	None		Yes	
<i>Cosumnoperla hypocrena</i>	Cosumnes stripetail		G2	S2	None	None		Yes	

INSECTA, Order Orthoptera (grasshoppers, katydids, and crickets)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aglaothorax longipennis</i>	Santa Monica shieldback katydid		G1G2	S1S2	None	None	IUCN:CR	Yes	
<i>Ammopelmatus kelsoensis</i>	Kelso jerusalem cricket		G1G2	S1S2	None	None	IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ammopelmatus muwu</i>	Point Conception jerusalem cricket		G1	S1	None	None	IUCN:VU	Yes	
<i>Idiostatus kathleenae</i>	Pinnacles shieldback katydid		G1G2	S1S2	None	None		Yes	
<i>Idiostatus middlekauffi</i>	Middlekauff's shieldback katydid		G1G2	S1	None	None	IUCN:CR	Yes	
<i>Macrobaenetes algodonensis</i>	Algodones sand treader cricket		G1G2	S2	None	None		No	
<i>Macrobaenetes kelsoensis</i>	Kelso giant sand treader cricket		G2	S2	None	None	IUCN:VU	Yes	
<i>Macrobaenetes valgum</i>	Coachella giant sand treader cricket		G1G2	S2	None	None	IUCN:VU	Yes	
<i>Pristoceuthophilus sp. 1</i>	Samwell Cave cricket		G1G3	S1	None	None	IUCN:VU	Yes	
<i>Psychomastax deserticola</i>	desert monkey grasshopper		G2G3	S1	None	None	IUCN:VU	Yes	
<i>Stenopelmatus cahuilaensis</i>	Coachella Valley jerusalem cricket		G1G2	S2	None	None	IUCN:VU	Yes	
<i>Tetrix sierrana</i>	Sierra pygmy grasshopper		G1G2	S1	None	None	IUCN:VU	Yes	
<i>Trimerotropis infantilis</i>	Zayante band- winged grasshopper		G1	S1	Endangered	None	IUCN:EN	Yes	
<i>Trimerotropis occidentiloides</i>	Santa Monica grasshopper		G2	S2	None	None	IUCN:EN	Yes	
<i>Trimerotropis occulens</i>	Lompoc grasshopper		G1G2	S1S2	None	None	IUCN:EN	Yes	

INSECTA, Order Hemiptera (true bugs)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ambrysus funebris</i>	Nevares Spring naucorid bug		G1	S1	None	None		Yes	
<i>Belostoma saratogae</i>	Saratoga Springs belostoman bug		G1	S1	None	None		Yes	
<i>Oravelia pege</i>	Dry Creek cliff strider bug		G1	S1	None	None		Yes	
<i>Pelocoris biimpressus</i>	Amargosa naucorid bug		G1G3	S1S2	None	None		Yes	
<i>Saldula usingeri</i>	Wilbur Springs shorebug		G2	S2	None	None		Yes	

INSECTA, Order Neuroptera (lacewings)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Oliarces clara</i>	cheeseweed owlfly (cheeseweed moth lacewing)		G1G3	S2	None	None		Yes	

INSECTA, Order Coleoptera (beetles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aegialia concinna</i>	Ciervo aegilian scarab beetle		G1	S1	None	None	BLM:S IUCN:VU	Yes	
<i>Agabus rumpfi</i>	Death Valley agabus diving beetle		G1G3	S1S2	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Agrilus harenus</i>	Harenus jewel beetle		G1	S1	None	None		Yes	
<i>Anomala carlsoni</i>	Carlson's dune beetle		G1	S1	None	None		Yes	
<i>Anomala hardyorum</i>	Hardy's dune beetle		G1	S1	None	None		Yes	
<i>Anthicus antiochensis</i>	Antioch Dunes anthicid beetle		G3	S3	None	None		Yes	
<i>Anthicus sacramento</i>	Sacramento anthicid beetle		G4	S4	None	None	IUCN:EN	Yes	
<i>Atractelmis wawona</i>	Wawona riffle beetle		G3	S1S2	None	None		Yes	
<i>Chaetarthria leechi</i>	Leech's chaetarthrian water scavenger beetle		G1?	S1	None	None		Yes	
<i>Cicindela hirticollis abrupta</i>	Sacramento Valley tiger beetle		G5TH	SH	None	None		Yes	
<i>Cicindela hirticollis gravida</i>	sandy beach tiger beetle		G5T2	S2	None	None		Yes	
<i>Cicindela latesignata</i>	western beach tiger beetle		G2G3	S1	None	None		Yes	
<i>Cicindela ohlone</i>	Ohlone tiger beetle		G1	S1	Endangered	None		Yes	
<i>Cicindela senilis frosti</i>	senile tiger beetle		G2G3T1T3	S1	None	None		Yes	
<i>Cicindela tranquebarica joaquinensis</i>	San Joaquin tiger beetle		G5T1	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cicindela tranquebarica viridissima</i>	greenest tiger beetle		G5T1	S1	None	None		Yes	
<i>Coelus globosus</i>	globose dune beetle		G1G2	S1S2	None	None	IUCN:VU	Yes	
<i>Coelus gracilis</i>	San Joaquin dune beetle		G1	S1	None	None	BLM:S IUCN:VU	Yes	
<i>Coenonycha clementina</i>	San Clemente Island coenonycha beetle		G1G2	S1S2	None	None		Yes	
<i>Cyclocephala wandae</i>	Wandae dune beetle		G1G2	S1	None	None		Yes	
<i>Deltaspis ivae</i>	marsh-elder long-horned beetle		G1	S1	None	None		Yes	
<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle		G3T3	S3	Threatened	None		Yes	
<i>Dinacoma caseyi</i>	Casey's June beetle		G1	S1	Endangered	None		Yes	
<i>Dubiraphia brunnescens</i>	brownish dubiraphian riffle beetle		G1	S1	None	None		Yes	
<i>Dubiraphia giulianii</i>	Giuliani's dubiraphian riffle beetle		G1G3	S1S3	None	None		Yes	
<i>Elaphrus viridis</i>	Delta green ground beetle		G1	S1	Threatened	None	IUCN:CR	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Glaresis arenata</i>	Kelso Dunes scarab glaresis beetle		G2	S2	None	None		Yes	
<i>Habroscelimorpha gabbii</i>	western tidal-flat tiger beetle		G2G4	S1	None	None		Yes	
<i>Hydrochara rickseckeri</i>	Ricksecker's water scavenger beetle		G2?	S2?	None	None		Yes	
<i>Hydroporus leechi</i>	Leech's skyline diving beetle		G3	S2S3	None	None		Yes	
<i>Hydroporus simplex</i>	simple hydroporus diving beetle		G3G4	S3S4	None	None		Yes	
<i>Hygrotus curvipes</i>	curved-foot hygrotus diving beetle		G2	S2	None	None		Yes	
<i>Hygrotus fontinalis</i>	travertine band-thigh diving beetle		G1	S1	None	None		Yes	
<i>Juniperella mirabilis</i>	juniper metallic wood-boring beetle		G2	S1	None	None		Yes	
<i>Lepismadora algodones</i>	Algodones sand jewel beetle		G1G2	S1S2	None	None		Yes	
<i>Lichnanthe albipilosa</i>	white sand bear scarab beetle		G1	S1	None	None		Yes	
<i>Lichnanthe ursina</i>	bumblebee scarab beetle		G2	S2	None	None		Yes	
<i>Lytta hoppingi</i>	Hopping's blister beetle		G1G2	S2	None	None		Yes	
<i>Lytta insperata</i>	Mojave Desert blister beetle		G1G2	S1S2	None	None		No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lytta moesta</i>	moestan blister beetle		G2	S2	None	None		Yes	
<i>Lytta molesta</i>	molestan blister beetle		G2	S2	None	None		Yes	
<i>Lytta morrisoni</i>	Morrison's blister beetle		G1G2	S2	None	None		Yes	
<i>Microcylloepus formicoideus</i>	Furnace Creek riffle beetle		G1	S1	None	None		Yes	
<i>Miloderes nelsoni</i>	Nelson's miloderes weevil		G2	S2	None	None		Yes	
<i>Nebria darlingtoni</i>	South Forks ground beetle		G1	S1	None	None		Yes	
<i>Nebria gebleri siskiyouensis</i>	Siskiyou ground beetle		G4G5T4	S1S2	None	None		Yes	
<i>Nebria sahlbergii triad</i>	Trinity Alps ground beetle		G5T1	S1	None	None		Yes	
<i>Ochthebius crassalus</i>	wing shoulder minute moss beetle		G1G3	S1S3	None	None		No	
<i>Ochthebius reticulatus</i>	Wilbur Springs minute moss beetle		G1	S1	None	None		Yes	
<i>Onychobaris langei</i>	Lange's El Segundo Dune weevil		G1	S1	None	None		Yes	
<i>Optioservus canus</i>	Pinnacles optioservus riffle beetle		G2	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Palaeoxenus dohrni</i>	Dohrn's elegant eucnemid beetle		G3?	S1S2	None	None		Yes	
<i>Polyphylla anteronivea</i>	Saline Valley snow-front June beetle		G2	S2	None	None		Yes	
<i>Polyphylla barbata</i>	Mount Hermon (=barbate) June beetle		G1	S2	Endangered	None		Yes	
<i>Polyphylla erratica</i>	Death Valley June beetle		G1G2	S1S2	None	None		Yes	
<i>Polyphylla morroensis</i>	Morro Bay June beetle		G1	S1	None	None		Yes	
<i>Polyphylla nubila</i>	Atascadero June beetle		G1	S1	None	None		Yes	
<i>Prasinalia imperialis</i>	Algodones white wax jewel beetle		G2	S2	None	None		No	
<i>Pseudocotalpa andrewsi</i>	Andrew's dune scarab beetle		G1	S1	None	None		Yes	
<i>Scaphinotus behrensi</i>	Behrens' snail-eating beetle		G2G4	S2S4	None	None		Yes	
<i>Trachykele hartmani</i>	serpentine cypress wood-boring beetle		G1	S1	None	None		Yes	
<i>Trichinorhipis knulli</i>	Knull's metallic wood-boring beetle		G1	S1	None	None		Yes	
<i>Trigonoscuta brunnotesselata</i>	brown tassel trigonoscuta weevil		G1G2	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Trigonoscuta dorothea dorothea</i>	Dorothy's El Segundo Dune weevil		G1T1	S1	None	None		Yes	
<i>Trigonoscuta rothi algodones</i>	Algodones dune weevil		G1G2T1	S1	None	None		No	
<i>Trigonoscuta rothi imperialis</i>	Imperial dune weevil		G1G2T1	S1	None	None		No	
<i>Trigonoscuta rothi punctata</i>	Punctate dune weevil		G1G2T1	S1	None	None		No	
<i>Trigonoscuta rothi rothi</i>	Roth's dune weevil		G1G2T1	S1	None	None		No	
<i>Trigonoscuta sp.</i>	Doyen's trigonoscuta dune weevil		G1Q	S1	None	None		Yes	Yes
<i>Trigonoscuta stantoni</i>	Santa Cruz Island shore weevil		G1	S1	None	None		Yes	
<i>Vandykea tuberculata</i>	serpentine cypress long-horned beetle		G1	S2	None	None		Yes	

INSECTA, Order Mecoptera (scorpionflies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Orobittacus obscurus</i>	gold rush hanging scorpionfly		G1	S1	None	None		Yes	

INSECTA, Order Diptera (flies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ablautus schlingeri</i>	Oso Flaco robber fly		G2	S2	None	None		Yes	
<i>Apiocera warneri</i>	Glamis sand fly		G1G2	S1	None	None		Yes	
<i>Brennania belkini</i>	Belkin's dune tabanid fly		G1G2	S1S2	None	None	IUCN:VU	Yes	
<i>Cophura hurdi</i>	Antioch cophuran robberfly		GX	SX	None	None		Yes	
<i>Efferia antiochi</i>	Antioch efferian robberfly		G1G2	S1S2	None	None		Yes	
<i>Efferia macroxipha</i>	Glamis robberfly		G1G2	S2S3	None	None		Yes	
<i>Metapogon hurdi</i>	Hurd's metapogon robberfly		G1G2	S1S2	None	None		Yes	
<i>Paracoenia calida</i>	Wilbur Springs shore fly		G1	S1	None	None		Yes	
<i>Rhaphiomidas terminatus abdominalis</i>	Delhi Sands flower-loving fly		G1T1	S1	Endangered	None		Yes	
<i>Rhaphiomidas terminatus terminatus</i>	El Segundo flower-loving fly		G1T1	S1	None	None		Yes	
<i>Rhaphiomidas trochilus</i>	San Joaquin Valley giant flower-loving fly		G1	S1	None	None		Yes	

INSECTA, Order Lepidoptera (butterflies and moths)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Adela oplerella</i>	Opler's longhorn moth		G2	S2	None	None		Yes	
<i>Apodemia mormo langei</i>	Lange's metalmark butterfly		G5T1	S1	Endangered	None		Yes	
<i>Areniscythris brachypteris</i>	Oso Flaco flightless moth		G2	S2	None	None		Yes	
<i>Callophrys mossii bayensis</i>	San Bruno elfin butterfly		G4T2	S2	Endangered	None		Yes	
<i>Callophrys mossii hidakupa</i>	San Gabriel Mountains elfin butterfly		G4T1T2	S1S2	None	None	USFS:S	Yes	
<i>Callophrys mossii marinensis</i>	Marin elfin butterfly		G4T1	S2	None	None		Yes	
<i>Callophrys sheridanii comstocki</i>	desert green hairstreak		G5T3T4	S1S2	None	None		No	
<i>Callophrys thornei</i>	Thorne's hairstreak		G3G4T2	S2	None	None	BLM:S	Yes	Yes
<i>Carterocephalus palaemon magnus</i>	Sonoma arctic skipper		G5T5	S1S3	None	None		Yes	
<i>Cercyonis pegala carsonensis</i>	Carson Valley wood nymph		G5T1T2	S1S2	None	None		No	
<i>Chlosyne leanira elegans</i>	Oso Flaco patch butterfly		G4G5T1T2	S1S2	None	None		Yes	
<i>Coenonympha tullia yontockett</i>	Yontocket satyr		G5T1T2	S1S2	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Danaus plexippus plexippus pop. 1</i>	monarch - California overwintering population		G4T1T2Q	S2	Proposed Threatened	None	IUCN:EN USFS:S	Yes	
<i>Euchloe hyantis andrewsi</i>	Andrew's marble butterfly		G3G4T2	S2	None	None		Yes	
<i>Eugnosta busckana</i>	Busck's gallmoth		G1G3	S2S3	None	None		Yes	
<i>Euphilotes allyni</i>	El Segundo blue butterfly		G1?	S1	Endangered	None		Yes	
<i>Euphilotes baueri</i>	Bauer's dotted-blue		G2	S1S2	None	None	USFS:S	No	
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly		G5T2	S2	Endangered	None		Yes	
<i>Euphilotes glaucon comstocki</i>	Comstock's blue butterfly		G4T2?	S2	None	None		Yes	
<i>Euphilotes mojave</i>	Mojave dotted-blue		G3	S3	None	None		No	
<i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly		G4G5T1	S3	Threatened	None		Yes	
<i>Euphydryas editha monoensis</i>	Mono checkerspot butterfly		G4G5T2	S1S2	None	None	USFS:S	Yes	
<i>Euphydryas editha quino</i>	quino checkerspot butterfly		G4G5T1T2	S1S2	Endangered	Candidate Endangered		Yes	
<i>Euphyes vestris harbisoni</i>	dun skipper		G5T1	S1S2	None	None		No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Euproserpinus euterpe</i>	Kern primrose sphinx moth		G1G2	S1	Threatened	None		Yes	Yes
<i>Glaucopsyche lygdamus palosverdesensis</i>	Palos Verdes blue butterfly		G5T1	S1	Endangered	None		Yes	
<i>Hesperia miriamae longaevicola</i>	White Mountains skipper		G2G3T1T2	S1	None	None		Yes	
<i>Hesperopsis graciellae</i>	MacNeill's sootywing		G2?	S1S2	None	None		No	
<i>Icaricia icarioides albihalos</i>	White Mountains icarioides blue butterfly		G5T2T3	S1	None	None		Yes	
<i>Icaricia icarioides missionensis</i>	Mission blue butterfly		G5T2	S2	Endangered	None		Yes	
<i>Icaricia icarioides moroensis</i>	Morro Bay blue butterfly		G5T2	S2	None	None		Yes	
<i>Icaricia icarioides parapheres</i>	Point Reyes blue butterfly		G5T1T2	S1	None	None		Yes	
<i>Icaricia icarioides pheres</i>	Pheres blue butterfly		G5TX	SX	None	None		Yes	
<i>Icaricia saepiolus albomontanus</i>	White Mountains saepiolus blue butterfly		G5T2	S1	None	None		Yes	
<i>Icaricia saepiolus aureolus</i>	San Gabriel Mountains blue butterfly		G5T1	S1	None	None	USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lycaena hermes</i>	Hermes copper butterfly		G1	S1	Threatened	None	IUCN:VU USFS:S	Yes	
<i>Lycaena rubidus incana</i>	White Mountains copper		G4?T2T3	S1	None	None		No	
<i>Panoquina errans</i>	wandering (=saltmarsh) skipper		G4	S2	None	None	IUCN:NT	Yes	
<i>Pelochrista hennei</i>	Henne's eucosman moth		G1	S1	None	None		Yes	
<i>Philotiella speciosa bohartorum</i>	Boharts' blue butterfly		G3T1	S1	None	None		Yes	
<i>Plebejus anna lotis</i>	lotis blue butterfly		G4TH	SH	Endangered	None		Yes	
<i>Plebulina emigdionis</i>	San Emigdio blue butterfly		G1G2	S1S2	None	None	USFS:S	Yes	
<i>Polites mardon</i>	mardon skipper		G2	S1	None	None	USFS:S	Yes	
<i>Polites sabuleti albamontana</i>	White Mountains sandhill skipper		G4T2	S1S2	None	None		No	
<i>Pseudocopaeodes eunus eunus</i>	alkali skipper		G3T2	S2	None	None		No	
<i>Pseudocopaeodes eunus obscurus</i>	Carson wandering skipper		G3T1	S2	Endangered	None		Yes	
<i>Pyrgus ruralis lagunae</i>	Laguna Mountains skipper		G4G5T1	S1	Endangered	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Speyeria adiastrae</i>	unsilvered fritillary		G1G2T1	S1S2	None	None		Yes	
<i>Speyeria callippe</i>	callippe silverspot butterfly		G5T1	S1	Endangered	None		Yes	
<i>Speyeria egleis tehachapina</i>	Tehachapi Mountain silverspot butterfly		G5T2	S2	None	None	USFS:S	Yes	
<i>Speyeria nokomis carsonensis</i>	Carson Valley silverspot		G3T1T2	S1	None	None		Yes	
<i>Speyeria zerene behrensii</i>	Behren's silverspot butterfly		G5T1	S1	Endangered	None		Yes	
<i>Speyeria zerene hippolyta</i>	Oregon silverspot butterfly		G5T1	S1	Threatened	None		Yes	
<i>Speyeria zerene myrtleae</i>	Myrtle's silverspot butterfly		G5T1	S1	Endangered	None		Yes	Yes
<i>Speyeria zerene sonomensis</i>	Sonoma zerene fritillary		G5T1	S1	None	None		Yes	

INSECTA, Order Trichoptera (caddisflies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cryptochia denningi</i>	Denning's cryptic caddisfly		G1G2	S1S2	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cryptochia excella</i>	Kings Canyon cryptochian caddisfly		G1G2	S2S3	None	None		Yes	
<i>Cryptochia shasta</i>	confusion caddisfly		G1G2	S1	None	None		Yes	
<i>Desmona bethula</i>	amphibious caddisfly		G2G3	S2S3	None	None		Yes	
<i>Diplectrona californica</i>	California diplectronan caddisfly		G2	S1	None	None		Yes	
<i>Ecclisomyia bilera</i>	Kings Creek ecclysomyian caddisfly		G2	S2	None	None		Yes	
<i>Farula praelonga</i>	long-tailed caddisfly		G1G2	S1S2	None	None		Yes	
<i>Goeracea oregona</i>	Sagehen Creek goeracean caddisfly		G3	S1S2	None	None		Yes	
<i>Lepidostoma ermanae</i>	Cold Spring caddisfly		G1	S1	None	None		Yes	
<i>Limnephilus atercus</i>	Fort Dick limnephilus caddisfly		G3G4	S1S2	None	None		Yes	
<i>Neothremma genella</i>	golden-horned caddisfly		G1G2	S2S3	None	None		Yes	
<i>Neothremma siskiyou</i>	Siskiyou caddisfly		G1G2	S1	None	None		No	
<i>Parapsyche extensa</i>	King's Creek parapsyche caddisfly		G1	S1	None	None		Yes	
<i>Rhyacophila lineata</i>	Castle Crag rhyacophilan caddisfly		G1	S1	None	None		Yes	
<i>Rhyacophila mosana</i>	bilobed rhyacophilan caddisfly		G1Q	S1	None	None		Yes	
<i>Rhyacophila spinata</i>	spiny rhyacophilan caddisfly		G1G2	S3	None	None		Yes	

INSECTA, Order Hymenoptera (ants, bees, and wasps)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Andrena blennospermatis</i>	Blennosperma vernal pool andrenid bee		G2	S1	None	None		Yes	
<i>Andrena macswaini</i>	An andrenid bee		G2	S2	None	None		Yes	
<i>Andrena subapasta</i>	An andrenid bee		G1G2	S1S2	None	None		Yes	
<i>Argochrysis lassenae</i>	Lassen cuckoo wasp		G2	S2	None	None		Yes	
<i>Ashmeadiella chumashae</i>	Channel Islands leaf-cutter bee		G2?	S3	None	None		Yes	
<i>Bombus caliginosus</i>	obscure bumble bee		G2G3	S1S2	None	None	IUCN:VU	Yes	
<i>Bombus crotchii</i>	Crotch's bumble bee		G2	S2	None	Candidate Endangered	IUCN:EN	Yes	Yes
<i>Bombus franklini</i>	Franklin's bumble bee		G1	SH	Endangered	Candidate Endangered	IUCN:CR	Yes	Yes
<i>Bombus morrisoni</i>	Morrison bumble bee		G3	S1S2	None	None	IUCN:VU	Yes	
<i>Bombus occidentalis</i>	western bumble bee		G3	S1	None	Candidate Endangered	IUCN:VU USFS:S	Yes	Yes
<i>Bombus pensylvanicus</i>	American bumble bee		G3G4	S2	None	None	IUCN:VU	Yes	
<i>Bombus suckleyi</i>	Suckley's cuckoo bumble bee		G2G3	S1	Proposed Endangered	Candidate Endangered	IUCN:CR	Yes	Yes
<i>Ceratochrysis bradleyi</i>	Bradley's cuckoo wasp		G1	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ceratochrysis gracilis</i>	Piute Mountains cuckoo wasp		G1	S1	None	None		Yes	
<i>Ceratochrysis longimala</i>	Desert cuckoo wasp		G1	S1	None	None		Yes	
<i>Ceratochrysis menkei</i>	Menke's cuckoo wasp		G2	S2	None	None		Yes	
<i>Chrysis tularensis</i>	Tulare cuckoo wasp		G1G2	S2	None	None		Yes	
<i>Cleptes humboldti</i>	Humboldt cuckoo wasp		G1G2	S1S2	None	None		Yes	
<i>Dufourea stagei</i>	Stage's dufourine bee		G1G2	S1	None	None		Yes	
<i>Eucerceris ruficeps</i>	redheaded sphecid wasp		G1G3	S2	None	None		Yes	
<i>Euparagia unidentata</i>	Algodones euparagia		G1G2	S1S2	None	None		Yes	
<i>Habropoda pallida</i>	white faced bee		G3	S3	None	None		No	
<i>Halictus harmonius</i>	haromonius halictid bee		G3	S3	None	None		Yes	
<i>Hedychridium argenteum</i>	Riverside cuckoo wasp		G1G2	S1S2	None	None		Yes	
<i>Hedychridium milleri</i>	Borax Lake cuckoo wasp		G1	S1	None	None		Yes	
<i>Lasioglossum channelense</i>	Channel Island sweat bee		G3	S3	None	None		Yes	
<i>Melitta californica</i>	California mellitid bee		G4?	S2?	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Microbembex elegans</i>	Algodones elegant sand wasp		G1G2	S1	None	None		Yes	
<i>Minymischa ventura</i>	Ventura cuckoo wasp		GU	SU	None	None		Yes	
<i>Myrmosula pacifica</i>	Antioch multilid wasp		GH	SH	None	None		Yes	
<i>Neolarra alba</i>	white cuckoo bee		GH	SH	None	None		Yes	
<i>Paranomada californica</i>	California cuckoo bee		G1	S1	None	None		Yes	
<i>Parnopes borregoensis</i>	Borrego parnopes cuckoo wasp		G1G2	S1S2	None	None		Yes	
<i>Perdita algodones</i>	Algodones perdita		G1	S1	None	None		Yes	
<i>Perdita frontalis</i>	Imperial Perdita		G1G2	S1S2	None	None		Yes	
<i>Perdita hirticeps luteocincta</i>	yellow-banded andrenid bee		GNRTX	SX	None	None		Yes	
<i>Perdita scitula antiochensis</i>	Antioch andrenid bee		G1T1	S2	None	None		Yes	
<i>Perdita stephanomeriae</i>	a miner bee		G2	S1S2	None	None		Yes	
<i>Philanthus nasalis</i>	Antioch specid wasp		G2	S2	None	None		Yes	
<i>Protodufourea wasbaueri</i>	Wasbauer's protodufourea bee		G1	S1	None	None		Yes	
<i>Protodufourea zavortinki</i>	Zavortink's protodufourea bee		G1	S1	None	None		Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Rhopalolemma robertsi</i>	Roberts' rhopalolemma bee		G1	S1	None	None		Yes	
<i>Sedomaya glamisensis</i>	Glamis night tiphid		G1	S1	None	None		No	
<i>Sphaerophthalma ecarinata</i>	Glamis night mutillid		G1	S1	None	None		No	
<i>Sphecodogastra antiochensis</i>	Antioch Dunes halcitid bee		G1	S1	None	None		Yes	
<i>Stictiella villegasi</i>	Algodones sand wasp		G1	S1	None	None		No	
<i>Trachusa gummifera</i>	San Francisco Bay Area leaf-cutter bee		G1	S1	None	None		Yes	

Fishes

PETROMYZONTIDAE (lampreys)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Entosphenus folletti</i>	northern California brook lamprey		G1G2	S1S2	None	None	CDFW:SSC	Yes	
<i>Entosphenus lethophagus</i>	Pit-Klamath brook lamprey		G3G4	S3	None	None	AFS:VU CDFW:SSC IUCN:LC	Yes	
<i>Entosphenus similis</i>	Klamath River lamprey		G3G4Q	S3	None	None	AFS:TH CDFW:SSC IUCN:NT USFS:S	Yes	
<i>Entosphenus tridentatus</i>	Pacific lamprey		G4	S3	None	None	AFS:VU BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	
<i>Entosphenus tridentatus ssp. 1</i>	Goose Lake lamprey		G4T1	S1	None	None	AFS:VU CDFW:SSC USFS:S	Yes	
<i>Lampetra ayresii</i>	western river lamprey		G5	S3	None	None	AFS:VU CDFW:SSC IUCN:LC	No	
<i>Lampetra hubbsi</i>	Kern brook lamprey		G1G2	S1S2	None	None	AFS:TH CDFW:SSC IUCN:VU USFS:S	Yes	
<i>Lampetra richardsoni</i>	western brook lamprey		G4G5	S3S4	None	None	CDFW:SSC IUCN:LC USFS:S	Yes	

ACIPENSERIDAE (sturgeon)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Acipenser medirostris pop. 1</i>	green sturgeon - southern DPS		G2T1	S1	Threatened	None	AFS:VU CDFW:SSC IUCN:EN	Yes	
<i>Acipenser medirostris pop. 2</i>	green sturgeon - northern DPS		G2T1	S1	None	None	AFS:VU CDFW:SSC IUCN:VU	Yes	
<i>Acipenser transmontanus</i>	white sturgeon		G3	S2	None	Candidate Threatened	AFS:EN CDFW:SSC IUCN:VU	No	

SALMONIDAE (trout and salmon)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Oncorhynchus clarkii</i>	coast cutthroat trout		G4	S3	None	None	AFS:VU CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus gorbuscha</i>	pink salmon		G5	S1	None	None		Yes	
<i>Oncorhynchus henshawi henshawi</i>	Lahontan cutthroat trout		GNRT3	S2	Threatened	None	AFS:TH CDFW:SSC	Yes	
<i>Oncorhynchus henshawi seleniris</i>	Paiute cutthroat trout		GNRT1T2	S1	Threatened	None	AFS:EN CDFW:SSC	Yes	
<i>Oncorhynchus keta</i>	chum salmon		G5	S1	None	None		No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Oncorhynchus kisutch pop. 2</i>	coho salmon - southern Oregon / northern California ESU		G5T2Q	S2	Threatened	Threatened	AFS:TH	Yes	Yes
<i>Oncorhynchus kisutch pop. 4</i>	coho salmon - central California coast ESU		G5T2Q	S2	Endangered	Endangered	AFS:EN	Yes	Yes
<i>Oncorhynchus mykiss aguabonita</i>	California golden trout		G5T1	S1	None	None	AFS:TH CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus mykiss aquilarum</i>	Eagle Lake rainbow trout		G5T1	S1	None	None	AFS:TH CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus mykiss gilberti</i>	Kern River rainbow trout		G5T1T2Q	S1	None	None	AFS:TH CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus mykiss irideus pop. 1</i>	steelhead - Klamath Mountains Province DPS		G5T3Q	S2	None	None	CDFW:SSC USFS:S	No	Yes
<i>Oncorhynchus mykiss irideus pop. 10</i>	steelhead - southern California DPS		G5T1Q	S1	Endangered	Endangered	AFS:EN	Yes	Yes
<i>Oncorhynchus mykiss irideus pop. 11</i>	steelhead - Central Valley DPS		G5T2Q	S2	Threatened	None	AFS:TH CDFW:SSC	Yes	Yes
<i>Oncorhynchus mykiss irideus pop. 48</i>	steelhead - northern California DPS summer-run		G5T2Q	S2	Threatened	Endangered	AFS:TH	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Oncorhynchus mykiss irideus</i> pop. 49	steelhead - northern California DPS winter-run		G5T3Q	S3	Threatened	None	AFS:TH CDFW:SSC	Yes	
<i>Oncorhynchus mykiss irideus</i> pop. 8	steelhead - central California coast DPS		G5T3Q	S3	Threatened	None	AFS:TH CDFW:SSC	Yes	Yes
<i>Oncorhynchus mykiss irideus</i> pop. 9	steelhead - south-central California coast DPS		G5T2Q	S2	Threatened	None	AFS:TH CDFW:SSC	Yes	Yes
<i>Oncorhynchus mykiss</i> ssp. 1	Goose Lake redband trout		G5T2Q	S2	None	None	AFS:VU CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus mykiss</i> ssp. 2	McCloud River redband trout		G5T1T2	S1S2	None	None	AFS:VU CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus mykiss</i> ssp. 3	Warner Valley redband trout		G5T2Q	S1?	None	None	AFS:VU USFS:S	No	
<i>Oncorhynchus mykiss whitei</i>	Little Kern golden trout		G5T2	S3	Threatened	None	AFS:EN CDFW:SSC	Yes	
<i>Oncorhynchus tshawytscha</i> pop. 11	chinook salmon - Central Valley spring-run ESU		G5T2Q	S2	Threatened	Threatened	AFS:TH	Yes	Yes
<i>Oncorhynchus tshawytscha</i> pop. 13	chinook salmon - Central Valley fall / late fall-run ESU		G5T3Q	S3	None	None	AFS:VU CDFW:SSC USFS:S	No	Yes
<i>Oncorhynchus tshawytscha</i> pop. 14	chinook salmon - southern Oregon/northern California coastal		G5T3Q	S2	Candidate	None	CDFW:SSC	No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Oncorhynchus tshawytscha</i> pop. 17	chinook salmon - California coastal ESU		G5T2Q	S2	Threatened	None	AFS:TH CDFW:SSC	Yes	Yes
<i>Oncorhynchus tshawytscha</i> pop. 30	chinook salmon - upper Klamath and Trinity Rivers ESU		G5T2Q	S2	Candidate	Threatened	CDFW:SSC USFS:S	Yes	
<i>Oncorhynchus tshawytscha</i> pop. 7	chinook salmon - Sacramento River winter-run ESU		G5T2Q	S2	Endangered	Endangered	AFS:EN	Yes	
<i>Prosopium williamsoni</i>	mountain whitefish		G5	S3	None	None	CDFW:SSC	Yes	
<i>Salvelinus confluentus</i>	bull trout		G3	SX	Threatened	Endangered	IUCN:VU	Yes	

OSMERIDAE (smelt)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Hypomesus transpacificus</i>	Delta smelt		G1	S1	Threatened	Endangered	AFS:TH IUCN:CR	Yes	
<i>Spirinchus thaleichthys</i>	longfin smelt		G5	S1	None	Threatened	IUCN:LC	Yes	
<i>Spirinchus thaleichthys</i> pop. 2	longfin smelt - San Francisco Bay-Delta DPS		G5TNRQ	S1	Endangered	Threatened	IUCN:LC	Yes	
<i>Thaleichthys pacificus</i>	eulachon		G4	S1	Threatened	None	CDFW:SSC IUCN:LC	Yes	Yes

CYPRINIDAE (minnows and carp)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gila coerulea</i>	blue chub		G3G4	S2S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Gila elegans</i>	bonytail		G1	S1	Endangered	Endangered	AFS:EN IUCN:CR	Yes	
<i>Gila orcuttii</i>	arroyo chub		G1	S2	None	None	AFS:VU CDFW:SSC IUCN:VU USFS:S	Yes	
<i>Hesperoleucus mitrulus</i>	northern roach		G2	S2	None	None	AFS:VU CDFW:SSC	Yes	
<i>Hesperoleucus parvipinnis</i>	Gualala roach		G3	S3	None	None	CDFW:SSC	Yes	
<i>Hesperoleucus symmetricus serpentinus</i>	Red Hills roach		GNRT1	S1	None	None	AFS:VU BLM:S CDFW:SSC	Yes	
<i>Hesperoleucus symmetricus symmetricus</i>	central California roach		GNRT3	S3	None	None	CDFW:SSC	Yes	
<i>Hesperoleucus venustus navarroensis</i>	northern coastal roach		GNRT3	S3	None	None	CDFW:SSC	Yes	
<i>Hesperoleucus venustus subditus</i>	southern coastal roach		GNRT2	S2	None	None	CDFW:SSC	Yes	
<i>Hesperoleucus venustus x H. symmetricus</i>	Clear Lake roach		G3	S3	None	None	CDFW:SSC	No	
<i>Lavinia exilicauda chi</i>	Clear Lake hitch		G4T1	S1	Proposed Threatened	Threatened	AFS:VU USFS:S	Yes	

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Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lavinia exilicauda exilicauda</i>	Sacramento hitch		G4T3	S3	None	None	CDFW:SSC	No	
<i>Lavinia exilicauda harengus</i>	Monterey hitch		G4T3	S3	None	None	CDFW:SSC	Yes	
<i>Mylopharodon conocephalus</i>	hardhead		G3	S3	None	None	CDFW:SSC IUCN:LC USFS:S	Yes	
<i>Pogonichthys macrolepidotus</i>	Sacramento splittail		G3	S3	None	None	AFS:VU CDFW:SSC IUCN:LC	Yes	
<i>Ptychocheilus lucius</i>	Colorado pikeminnow		G1	SX	Endangered	Endangered	CDFW:FP IUCN:VU	Yes	
<i>Rhinichthys gabrielino</i>	Santa Ana speckled dace		G1	S1	Proposed Threatened	None	AFS:TH CDFW:SSC USFS:S	Yes	
<i>Rhinichthys nevadensis caldera</i>	Long Valley speckled dace		GNRT1	S1	Proposed Endangered	None	AFS:EN CDFW:SSC	Yes	
<i>Rhinichthys nevadensis nevadensis</i>	Amargosa speckled dace		GNRTNR	S2S3	None	None	AFS:TH BLM:S CDFW:SSC	Yes	Yes
<i>Siphateles bicolor mohavensis</i>	Mohave tui chub		G4T1	S1	Endangered	Endangered	AFS:EN CDFW:FP	Yes	
<i>Siphateles bicolor pectinifer</i>	Lahontan Lake tui chub		G4T3	S1S2	None	None	CDFW:SSC	Yes	
<i>Siphateles bicolor snyderi</i>	Owens tui chub		G4T1	S1	Endangered	Endangered	AFS:EN	Yes	
<i>Siphateles bicolor ssp. 11</i>	High Rock Springs tui chub		G4TX	SX	None	None		Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Siphateles bicolor ssp. 12</i>	Eagle Lake tui chub		G4T1T2	S1S2	None	None	CDFW:SSC	Yes	Yes
<i>Siphateles bicolor ssp. 14</i>	Pit River tui chub		G4T1T3	S1S3	None	None		No	Yes
<i>Siphateles bicolor thalassinus</i>	Goose Lake tui chub		G4T2T3	S2	None	None	AFS:TH CDFW:SSC	Yes	
<i>Siphateles bicolor vaccaceps</i>	Cow Head tui chub		G4T1	S1	None	None	AFS:EN BLM:S CDFW:SSC	Yes	

CATOSTOMIDAE (suckers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Catostomus fumeiventris</i>	Owens sucker		G3	S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Catostomus latipinnis</i>	flannelmouth sucker		G3G4	S1	None	None	IUCN:LC	Yes	
<i>Catostomus microps</i>	Modoc sucker		G2G3	S2	Delisted	Endangered	AFS:EN CDFW:FP IUCN:NT	Yes	
<i>Catostomus occidentalis lacusanserinus</i>	Goose Lake sucker		G5T2Q	S1	None	None	AFS:VU CDFW:SSC USFS:S	Yes	
<i>Catostomus rimiculus ssp. 1</i>	Jenny Creek sucker		G5T2Q	S1	None	None	AFS:VU	No	
<i>Catostomus snyderi</i>	Klamath largescale sucker		G3	S3	None	None	AFS:TH CDFW:SSC IUCN:NT	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chasmistes brevirostris</i>	shortnose sucker		G1G2	S1	Endangered	Endangered	AFS:EN CDFW:FP IUCN:EN	Yes	
<i>Deltistes luxatus</i>	Lost River sucker		G2?	S2	Endangered	Endangered	AFS:EN CDFW:FP IUCN:EN	Yes	
<i>Pantosteus lahontan</i>	Lahontan mountain sucker		GNR	S2	None	None	CDFW:SSC	Yes	
<i>Pantosteus santaanae</i>	Santa Ana sucker		G1	S1	Threatened	None	AFS:TH CDFW:SSC IUCN:EN	Yes	
<i>Xyrauchen texanus</i>	razorback sucker		G1	S2	Endangered	Endangered	AFS:EN CDFW:FP IUCN:CR	Yes	

CYPRINODONTIDAE (killifishes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cyprinodon macularius</i>	desert pupfish		G1	S1	Endangered	Endangered	AFS:EN IUCN:VU	Yes	
<i>Cyprinodon nevadensis amargosae</i>	Amargosa pupfish		G2T1T2	S1S2	None	None	AFS:VU BLM:S CDFW:SSC IUCN:VU	Yes	
<i>Cyprinodon nevadensis nevadensis</i>	Saratoga Springs pupfish		G2T1	S1	None	None	AFS:TH CDFW:SSC IUCN:VU	Yes	
<i>Cyprinodon nevadensis shoshone</i>	Shoshone pupfish		G2T1	S1	None	None	AFS:EN CDFW:SSC IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cyprinodon radiosus</i>	Owens pupfish		G1	S2	Endangered	Endangered	AFS:EN CDFW:FP IUCN:EN	Yes	
<i>Cyprinodon salinus milleri</i>	Cottonball Marsh pupfish		G1T1Q	S1	None	Threatened	AFS:TH IUCN:EN	Yes	
<i>Cyprinodon salinus salinus</i>	Salt Creek pupfish		G1T1	S1	None	None	AFS:VU CDFW:SSC IUCN:EN	Yes	

GASTEROSTEIDAE (sticklebacks)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gasterosteus aculeatus microcephalus</i>	resident threespine stickleback	South of Pt. Conception only	G5T2T3	S2S3	None	None		No	
<i>Gasterosteus aculeatus williamsoni</i>	unarmored threespine stickleback		G5T1	S1	Endangered	Endangered	AFS:EN CDFW:FP	Yes	

CENTRARCHIDAE (sunfishes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Archoplites interruptus</i>	Sacramento perch	Within native range only	G1	S1	None	None	AFS:TH CDFW:SSC IUCN:EN	Yes	

EMBIOTOCIDAE (surfperches)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Hysterothorax traskii lagunae</i>	Clear Lake tule perch		G5T3	S3	None	None	CDFW:SSC	Yes	
<i>Hysterothorax traskii pomo</i>	Russian River tule perch		G5T4	S4	None	None	AFS:VU CDFW:SSC	Yes	
<i>Hysterothorax traskii traskii</i>	Sacramento-San Joaquin tule perch		G5T2T3	S2S3	None	None		No	

GOBIIDAE (gobies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Eucyclogobius newberryi</i>	tidewater goby		G3	S3	Endangered	None	AFS:EN CDFW:SSC IUCN:NT	Yes	

COTTIDAE (sculpins)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cottus asper ssp.</i>	Clear Lake prickly sculpin		G5T1	SNR	None	None	CDFW:SSC	No	
<i>Cottus asperimus</i>	rough sculpin		G2	S2	None	Threatened	AFS:VU BLM:S CDFW:FP IUCN:NT	Yes	
<i>Cottus gulosus</i>	rifle sculpin		G5	S4	None	None	CDFW:SSC IUCN:LC	No	
<i>Cottus klamathensis klamathensis</i>	Upper Klamath marbled sculpin		G4T2	S1S2	None	None	CDFW:SSC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cottus klamathensis macrops</i>	bigeye marbled sculpin		G4T2T3	S2S3	None	None	AFS:VU CDFW:SSC	Yes	
<i>Cottus klamathensis polyporus</i>	Lower Klamath marbled sculpin		G4T2T4	S2S4	None	None	CDFW:SSC	Yes	
<i>Cottus perplexus</i>	reticulate sculpin		G4	S2S3	None	None	IUCN:LC	No	

Amphibians

AMBYSTOMATIDAE (mole salamanders)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ambystoma californiense</i> pop. 1	California tiger salamander - central California DPS		G3T3	S3	Threatened	Threatened	CDFW:WL IUCN:VU	Yes	
<i>Ambystoma californiense</i> pop. 2	California tiger salamander - Santa Barbara County DPS		G3T2	S2	Endangered	Threatened	CDFW:WL IUCN:VU	Yes	
<i>Ambystoma californiense</i> pop. 3	California tiger salamander - Sonoma County DPS		G3T2	S2	Endangered	Threatened	CDFW:WL IUCN:VU	Yes	
<i>Ambystoma macrodactylum croceum</i>	Santa Cruz long-toed salamander		G5T1T2	S2	Endangered	Endangered	CDFW:FP	Yes	
<i>Ambystoma macrodactylum sigillatum</i>	southern long-toed salamander		G5T4	S2	None	None	CDFW:SSC	Yes	

DICAMPTODONTIDAE (giant salamanders)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Dicamptodon ensatus</i>	California giant salamander		G2G3	S2S3	None	None	CDFW:SSC IUCN:NT	Yes	

RHYACOTRITONIDAE (Olympic salamanders)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Rhyacotriton variegatus</i>	southern torrent salamander		G3?	S2S3	None	None	CDFW:SSC IUCN:LC USFS:S	Yes	

SALAMANDRIDAE (newts)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Taricha rivularis</i>	red-bellied newt		G2	S2	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Taricha torosa</i>	Coast Range newt	Monterey Co. & south only	G4	S4	None	None	CDFW:SSC	Yes	

PLETHODONTIDAE (lungless salamanders)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aneides niger</i>	Santa Cruz black salamander		G3	S3	None	None	CDFW:SSC	Yes	Yes
<i>Batrachoseps altasierrae</i>	Greenhorn Mountains slender salamander		G2	S2	None	None		Yes	
<i>Batrachoseps bramei</i>	Fairview slender salamander		G3	S3	None	None	USFS:S	Yes	
<i>Batrachoseps campi</i>	Inyo Mountains slender salamander		G3	S3	None	None	BLM:S CDFW:SSC IUCN:EN USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Batrachoseps diabolicus</i>	Hell Hollow slender salamander		G3	S3	None	None	IUCN:DD	No	
<i>Batrachoseps gabrieli</i>	San Gabriel slender salamander		G2G3	S2S3	None	None	IUCN:DD USFS:S	Yes	
<i>Batrachoseps incognitus</i>	San Simeon slender salamander		G2	S2	None	None	IUCN:DD USFS:S	No	
<i>Batrachoseps kawia</i>	Sequoia slender salamander		G2	S2	None	None	IUCN:DD	No	
<i>Batrachoseps luciae</i>	Santa Lucia slender salamander		G3	S3	None	None	IUCN:LC	No	
<i>Batrachoseps major aridus</i>	desert slender salamander		G4T1	S1	Endangered	Endangered		Yes	
<i>Batrachoseps minor</i>	lesser slender salamander		G1	S1	None	None	CDFW:SSC IUCN:DD USFS:S	Yes	
<i>Batrachoseps pacificus</i>	Channel Islands slender salamander		G3G4	S3S4	None	None	IUCN:LC	Yes	
<i>Batrachoseps regius</i>	Kings River slender salamander		G2G3	S2S3	None	None	IUCN:VU USFS:S	Yes	
<i>Batrachoseps relictus</i>	relictual slender salamander		G1	S1	Proposed Endangered	None	CDFW:SSC IUCN:DD USFS:S	Yes	Yes
<i>Batrachoseps robustus</i>	Kern Plateau salamander		G3	S3	None	None	IUCN:NT	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Batrachoseps simatus</i>	Kern Canyon slender salamander		G2G3	S2S3	Proposed Threatened	Threatened	IUCN:VU USFS:S	Yes	
<i>Batrachoseps stebbinsi</i>	Tehachapi slender salamander		G2G3	S2	None	Threatened	BLM:S IUCN:VU	Yes	
<i>Batrachoseps wakei</i>	Arguello slender salamander		G1	S1	None	None		Yes	
<i>Ensatina eschscholtzii croceater</i>	yellow-blotched salamander		G5T3	S3	None	None	BLM:S CDFW:WL USFS:S	Yes	
<i>Ensatina eschscholtzii klauberi</i>	large-blotched salamander		G5T2?	S3	None	None	CDFW:WL USFS:S	Yes	
<i>Hydromantes brunus</i>	limestone salamander		G2G3	S2S3	None	Threatened	BLM:S CDFW:FP IUCN:VU USFS:S	Yes	
<i>Hydromantes platycephalus</i>	Mount Lyell salamander		G4	S4	None	None	CDFW:WL IUCN:LC	Yes	
<i>Hydromantes shastae</i>	Shasta salamander		G3	S3	None	Threatened	BLM:S IUCN:VU USFS:S	Yes	Yes
<i>Plethodon asupak</i>	Scott Bar salamander		G2G3	S3	None	Threatened	IUCN:VU	Yes	Yes
<i>Plethodon elongatus</i>	Del Norte salamander		G4	S3	None	None	CDFW:WL IUCN:NT	Yes	
<i>Plethodon stormi</i>	Siskiyou Mountains salamander		G3?	S3	None	Threatened	IUCN:EN USFS:S	Yes	

ASCAPHIDAE (tailed frogs)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ascaphus truei</i>	Pacific tailed frog		G4	S3S4	None	None	CDFW:SSC IUCN:LC	Yes	

SCAPHIOPODIDAE (spadefoot toads)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Scaphiopus couchii</i>	Couch's spadefoot		G5	S2	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	
<i>Spea hammondi</i>	western spadefoot		G2G3	S3S4	Proposed Threatened	None	BLM:S CDFW:SSC IUCN:NT	Yes	

BUFONIDAE (true toads)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anaxyrus californicus</i>	arroyo toad		G1G2	S2	Endangered	None	CDFW:SSC IUCN:EN	Yes	Yes
<i>Anaxyrus canorus</i>	Yosemite toad		G2	S2	Threatened	None	CDFW:SSC IUCN:EN USFS:S	Yes	Yes
<i>Anaxyrus exsul</i>	black toad		G1	S1	None	Threatened	BLM:S CDFW:FP IUCN:VU USFS:S	Yes	Yes
<i>Incilius alvarius</i>	Sonoran Desert toad		G5	SH	None	None	CDFW:SSC IUCN:LC	Yes	Yes

RANIDAE (true frogs)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lithobates pipiens</i>	northern leopard frog	Native populations only	G5	S2	None	None	CDFW:SSC IUCN:LC	Yes	Yes
<i>Lithobates yavapaiensis</i>	lowland leopard frog		G4	SX	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	Yes
<i>Rana aurora</i>	northern red-legged frog		G4	S3	None	None	CDFW:SSC IUCN:LC USFS:S	Yes	Yes
<i>Rana boylei</i> pop. 1	foothill yellow-legged frog - north coast DPS		G3T4	S4	None	None	BLM:S CDFW:SSC USFS:S	Yes	
<i>Rana boylei</i> pop. 2	foothill yellow-legged frog - Feather River DPS		G3T2	S2	Threatened	Threatened	BLM:S USFS:S	Yes	
<i>Rana boylei</i> pop. 3	foothill yellow-legged frog - north Sierra DPS		G3T2	S2	None	Threatened	BLM:S USFS:S	Yes	
<i>Rana boylei</i> pop. 4	foothill yellow-legged frog - central coast DPS		G3T2	S2	Threatened	Endangered	BLM:S USFS:S	Yes	
<i>Rana boylei</i> pop. 5	foothill yellow-legged frog - south Sierra DPS		G3T2	S2	Endangered	Endangered	BLM:S USFS:S	Yes	
<i>Rana boylei</i> pop. 6	foothill yellow-legged frog - south coast DPS		G3T1	S1	Endangered	Endangered	BLM:S USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Rana cascadae</i>	Cascades frog		G3	S3	None	Candidate Endangered	CDFW:SSC IUCN:NT USFS:S	Yes	
<i>Rana draytonii</i>	California red-legged frog		G2G3	S2S3	Threatened	None	CDFW:SSC IUCN:VU	Yes	Yes
<i>Rana muscosa</i>	southern mountain yellow-legged frog		G1	S2	Endangered	Endangered	CDFW:WL IUCN:EN USFS:S	Yes	Yes
<i>Rana pretiosa</i>	Oregon spotted frog		G2	SH	Threatened	None	BLM:S CDFW:SSC IUCN:VU	Yes	
<i>Rana sierrae</i>	Sierra Nevada yellow-legged frog		G2	S2	Endangered	Threatened	CDFW:WL IUCN:EN USFS:S	Yes	Yes

Reptiles

CHELONIIDAE (sea turtles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chelonia mydas</i>	green turtle		G3	S1	Threatened	None	IUCN:EN	Yes	

KINOSTERNIDAE (musk and mud turtles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Kinosternon sonoriense</i>	Sonoran mud turtle		G3	SH	None	None	CDFW:SSC IUCN:NT	Yes	

EMYDIDAE (box and water turtles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Actinemys marmorata</i>	northwestern pond turtle		G2	SNR	Proposed Threatened	None	BLM:S CDFW:SSC IUCN:VU USFS:S	Yes	
<i>Actinemys pallida</i>	southwestern pond turtle		G2	SNR	Proposed Threatened	None	BLM:S CDFW:SSC IUCN:VU USFS:S	Yes	

TESTUDINIDAE (land tortoises)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gopherus agassizii</i>	desert tortoise		G2G3	S2S3	Threatened	Endangered	IUCN:CR	Yes	

GEKKONIDAE (geckos)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Coleonyx switaki</i>	barefoot banded gecko		G4	S3	None	Threatened	BLM:S IUCN:LC	Yes	
<i>Coleonyx variegatus abbotti</i>	San Diego banded gecko		G5T5	S1S2	None	None	CDFW:SSC	Yes	

CROTAPHYTIDAE (collared and leopard lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gambelia copeii</i>	Cope's leopard lizard		G5	S1S2	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Gambelia sila</i>	blunt-nosed leopard lizard		G1	S2	Endangered	Endangered	CDFW:FP IUCN:EN	Yes	

PHRYNOSOMATIDAE (spiny lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Phrynosoma blainvillii</i>	coast horned lizard		G4	S4	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Phrynosoma mcallii</i>	flat-tailed horned lizard		G3	S3	None	None	BLM:S CDFW:SSC IUCN:NT	Yes	
<i>Sceloporus graciosus graciosus</i>	northern sagebrush lizard		G5T5	S3	None	None	BLM:S	Yes	
<i>Uma inornata</i>	Coachella Valley fringe-toed lizard		G1	S1	Threatened	Endangered	IUCN:EN	Yes	
<i>Uma notata</i>	Colorado Desert fringe-toed lizard		G3	S2	None	None	BLM:S CDFW:SSC IUCN:NT	Yes	
<i>Uma scoparia</i>	Mojave fringe-toed lizard		G3G4	S3S4	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	

XANTUSIIDAE (night lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Xantusia gracilis</i>	sandstone night lizard		G1	S2	None	None	CDFW:SSC IUCN:VU	Yes	
<i>Xantusia riversiana</i>	island night lizard		G3	S3	Delisted	None	IUCN:LC	Yes	
<i>Xantusia vigilis sierrae</i>	Sierra night lizard		G5T1	S1	None	None	CDFW:SSC USFS:S	Yes	Yes

SCINCIDAE (skinks)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Plestiodon skiltonianus interparietalis</i>	Coronado skink		G5T5	S2S3	None	None	BLM:S CDFW:WL	Yes	

TEIIDAE (whiptails and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aspidoscelis hyperythra</i>	orange-throated whiptail		G5	S2S3	None	None	CDFW:WL IUCN:LC USFS:S	Yes	
<i>Aspidoscelis tigris stejnegeri</i>	coastal whiptail		G5T5	S3	None	None	CDFW:SSC	Yes	

ANGUIDAE (alligator lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Elgaria panamintina</i>	Panamint alligator lizard		G3	S3	None	None	BLM:S CDFW:SSC IUCN:VU USFS:S	Yes	

ANNIELLIDAE (legless lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anniella alexanderae</i>	Temblor legless lizard		G1	S1	None	Candidate Endangered	CDFW:SSC	Yes	Yes
<i>Anniella campi</i>	Southern Sierra legless lizard		G1G2	S2	None	None	CDFW:SSC USFS:S	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anniella grinnelli</i>	Bakersfield legless lizard		G2G3	S2S3	None	None	CDFW:SSC	Yes	Yes
<i>Anniella pulchra</i>	Northern California legless lizard		G3	S2S3	None	None	CDFW:SSC USFS:S	Yes	Yes
<i>Anniella spp.</i>	California legless lizard		G3G4	S3S4	None	None	CDFW:SSC	Yes	Yes
<i>Anniella stebbinsi</i>	Southern California legless lizard		G3	S3	None	None	CDFW:SSC USFS:S	Yes	Yes

HELODERMATIDAE (venomous lizards)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Heloderma suspectum cinctum</i>	banded Gila monster		G4T3	S1	None	None	BLM:S CDFW:SSC	Yes	Yes

BOIDAE (boas)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Charina umbratica</i>	southern rubber boa		G2G3	S2	None	Threatened	IUCN:VU USFS:S	Yes	

COLUBRIDAE (egg-laying snakes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Arizona elegans occidentalis</i>	California glossy snake		G5T2	S2	None	None	CDFW:SSC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Diadophis punctatus modestus</i>	San Bernardino ringneck snake		G5T2T3	S2?	None	None	USFS:S	Yes	
<i>Diadophis punctatus regalis</i>	regal ringneck snake		G5TNR	S2	None	None	CDFW:SSC	Yes	
<i>Diadophis punctatus similis</i>	San Diego ringneck snake		G5T4	S2?	None	None	USFS:S	Yes	
<i>Masticophis flagellum ruddocki</i>	San Joaquin coachwhip		G5T2T3	S3	None	None	CDFW:SSC	Yes	
<i>Masticophis fuliginosus</i>	Baja California coachwhip		G5	S1S2	None	None	CDFW:SSC	Yes	
<i>Masticophis lateralis euryxanthus</i>	Alameda whipsnake		G4T2	S2	Threatened	Threatened		Yes	
<i>Pituophis catenifer pumilus</i>	Santa Cruz Island gophersnake		G5T1T2	S1?	None	None	CDFW:WL	No	
<i>Salvadora hexalepis virgultea</i>	coast patch-nosed snake		G5T4	S3	None	None	CDFW:SSC	Yes	

NATRICIDAE (live-bearing snakes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Thamnophis gigas</i>	giant gartersnake		G2	S2	Threatened	Threatened	IUCN:VU	Yes	
<i>Thamnophis hammondi</i>	two-striped gartersnake		G4	S3S4	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Thamnophis hammondi</i> pop. 1	Santa Catalina gartersnake		G4T1?	S1	None	None		No	
<i>Thamnophis sirtalis</i> pop. 1	south coast gartersnake	Coastal plain from Ventura Co. to San Diego Co., from sea level to about 850 m.	G5T1T2	S1S2	None	None	CDFW:SSC	Yes	Yes
<i>Thamnophis sirtalis tetrataenia</i>	San Francisco gartersnake		G5T2Q	S2	Endangered	Endangered	CDFW:FP	Yes	

CROTALIDAE (pit vipers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Crotalus ruber</i>	red-diamond rattlesnake		G4	S3	None	None	CDFW:SSC IUCN:LC USFS:S	Yes	

Birds

ANATIDAE (ducks, geese, and swans)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anser albifrons elgasi</i>	tule greater white-fronted goose	Wintering	G5T3	S3	None	None	CDFW:SSC	No	
<i>Aythya americana</i>	redhead	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC	No	
<i>Aythya valisineria</i>	canvasback	Nesting	G5	S2	None	None	IUCN:LC	No	
<i>Branta bernicla</i>	brant	Wintering & staging	G5	S2	None	None	CDFW:SSC IUCN:LC	No	
<i>Branta hutchinsii leucopareia</i>	cackling (=Aleutian Canada) goose	Wintering	G5T3	S3	Delisted	None	CDFW:WL	Yes	
<i>Bucephala islandica</i>	Barrow's goldeneye	Nesting	G5	S1	None	None	CDFW:SSC IUCN:LC	No	
<i>Dendrocygna bicolor</i>	fulvous whistling-duck	Nesting	G5	S1	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Histrionicus histrionicus</i>	harlequin duck	Nesting	G4	S2	None	None	CDFW:SSC IUCN:LC	Yes	

PHASIANIDAE (grouse and ptarmigan)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Bonasa umbellus</i>	ruffed grouse		G5	S3S4	None	None	CDFW:WL IUCN:LC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Centrocercus urophasianus</i>	greater sage-grouse	Nesting & leks	G3	S2S3	Proposed Threatened	Candidate Endangered	BLM:S CDFW:SSC IUCN:NT USFS:S	Yes	Yes
<i>Dendragapus fuliginosus howardi</i>	Mount Pinos sooty grouse		G5T2T3	S3	None	None	CDFW:SSC	Yes	Yes
<i>Tympanuchus phasianellus columbianus</i>	Columbian sharp-tailed grouse		G5T3	SX	None	None	CDFW:SSC	No	

ODONTOPHORIDAE (partridge and quail)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Callipepla californica catalinensis</i>	Catalina California quail		G5T2	S2	None	None	CDFW:SSC	No	

GAVIIDAE (loons)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gavia immer</i>	common loon	Nesting	G5	S1	None	None	CDFW:SSC IUCN:LC	No	

DIOMEDEIDAE (albatrosses)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Phoebastria albatrus</i>	short-tailed albatross		G1	S1	Endangered	None	CDFW:SSC IUCN:VU	No	

HYDROBATIDAE (storm petrels)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Hydrobates furcatus</i>	fork-tailed storm-petrel	Nesting colony	G5	S1	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	
<i>Hydrobates homochroa</i>	ashy storm-petrel	Nesting colony	G2	S2	None	None	BLM:S CDFW:SSC IUCN:EN USFWS:BCC	Yes	
<i>Hydrobates melania</i>	black storm-petrel	Nesting colony	G3	S1	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	

PELECANIIDAE (pelicans)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pelecanus erythrorhynchos</i>	American white pelican	Nesting colony	G4	S1S2	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Pelecanus occidentalis californicus</i>	California brown pelican	Nesting colony & communal roosts	G4T3T4	S3	Delisted	Delisted	BLM:S USFS:S	Yes	Yes

PHALACROCORACIDAE (cormorants)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Nannopterum auritum</i>	double-crested cormorant	Nesting colony	G5	S4	None	None	CDFW:WL IUCN:LC	Yes	

ARDEIDAE (herons, egrets, and bitterns)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ardea alba</i>	great egret	Nesting colony	G5	S4	None	None	CDF:S IUCN:LC	Yes	
<i>Ardea herodias</i>	great blue heron	Nesting colony	G5	S4	None	None	CDF:S IUCN:LC	Yes	
<i>Botaurus exilis</i>	least bittern	Nesting	G4	S2	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Botaurus lentiginosus</i>	American bittern		G5	S3S4	None	None	IUCN:LC	No	
<i>Egretta thula</i>	snowy egret	Nesting colony	G5	S4	None	None	IUCN:LC	Yes	
<i>Nycticorax nycticorax</i>	black-crowned night heron	Nesting colony	G5	S4	None	None	IUCN:LC	Yes	

THRESKIORNITHIDAE (ibises and spoonbills)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Plegadis chihi</i>	white-faced ibis	Nesting colony	G5	S3S4	None	None	CDFW:WL IUCN:LC	Yes	

CICONIIDAE (storks)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Mycteria americana</i>	wood stork		G4	S1	None	None	CDFW:SSC IUCN:LC	No	

CATHARTIDAE (New World vultures)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Gymnogyps californianus</i>	California condor		G1	S2	Endangered	Endangered	CDF:S CDFW:FP IUCN:CR	Yes	

PANDIONIDAE (ospreys)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pandion haliaetus</i>	osprey	Nesting	G5	S4	None	None	CDF:S CDFW:WL IUCN:LC	Yes	

ACCIPITRIDAE (hawks, kites, harriers, and eagles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Accipiter striatus</i>	sharp-shinned hawk	Nesting	G5	S4	None	None	CDFW:WL IUCN:LC	Yes	
<i>Aquila chrysaetos</i>	golden eagle	Nesting and wintering	G5	S3	None	None	BLM:S CDF:S CDFW:FP CDFW:WL IUCN:LC	Yes	
<i>Astur atricapillus</i>	American goshawk	Nesting	G5	S3	None	None	BLM:S CDF:S CDFW:SSC USFS:S	Yes	
<i>Astur cooperii</i>	Cooper's hawk	Nesting	G5	S4	None	None	CDFW:WL IUCN:LC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Buteo regalis</i>	ferruginous hawk	Wintering	G4	S3S4	None	None	CDFW:WL IUCN:LC	Yes	
<i>Buteo swainsoni</i>	Swainson's hawk	Nesting	G5	S4	None	Threatened	BLM:S IUCN:LC	Yes	
<i>Circus hudsonius</i>	northern harrier	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	Yes
<i>Elanus leucurus</i>	white-tailed kite	Nesting	G5	S3S4	None	None	BLM:S CDFW:FP IUCN:LC	Yes	
<i>Haliaeetus leucocephalus</i>	bald eagle	Nesting and wintering	G5	S3	Delisted	Endangered	BLM:S CDF:S CDFW:FP IUCN:LC USFS:S	Yes	
<i>Parabuteo unicinctus</i>	Harris' hawk	Nesting	G5	S1	None	None	CDFW:WL IUCN:LC	No	

FALCONIDAE (falcons)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Falco columbarius</i>	merlin	Wintering	G5	S3S4	None	None	CDFW:WL IUCN:LC	Yes	
<i>Falco mexicanus</i>	prairie falcon	Nesting	G5	S4	None	None	CDFW:WL IUCN:LC	Yes	
<i>Falco peregrinus anatum</i>	American peregrine falcon	Nesting	G4T4	S3S4	Delisted	Delisted	CDF:S	Yes	Yes

RALLIDAE (rails, coots, and gallinules)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Coturnicops noveboracensis</i>	yellow rail		G4	S2	None	None	CDFW:SSC IUCN:LC USFS:S USFWS:BCC	Yes	
<i>Laterallus jamaicensis coturniculus</i>	California black rail		G3T1	S2	None	Threatened	BLM:S CDFW:FP IUCN:EN	Yes	Yes
<i>Rallus obsoletus levipes</i>	light-footed Ridgway's rail		G3T1T2	S1	Endangered	Endangered	CDFW:FP	Yes	
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail		G3T1	S2	Endangered	Endangered	CDFW:FP	Yes	
<i>Rallus obsoletus yumanensis</i>	Yuma Ridgway's rail		G3T3	S1	Endangered	Threatened	CDFW:FP	Yes	

GRUIDAE (cranes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Antigone canadensis canadensis</i>	lesser sandhill crane	Wintering	G5T4	S4	None	None	CDFW:SSC	No	
<i>Antigone canadensis tabida</i>	greater sandhill crane	Nesting & wintering	G5T5	S2	None	Threatened	BLM:S CDFW:FP USFS:S	Yes	

CHARADRIIDAE (plovers and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Anarhynchus montanus</i>	mountain plover	Wintering	G3	S2	None	None	BLM:S CDFW:SSC IUCN:NT USFWS:BCC	Yes	
<i>Anarhynchus nivosus nivosus</i>	western snowy plover	Nesting	G3T3	S3	Threatened	None	CDFW:SSC	Yes	Yes

SCOLOPACIDAE (sandpipers and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Numenius americanus</i>	long-billed curlew	Nesting	G4	S2	None	None	CDFW:WL IUCN:LC	No	

LARIDAE (gulls and terns)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chlidonias niger</i>	black tern	Nesting colony	G4G5	S2	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Gelochelidon nilotica</i>	gull-billed tern	Nesting colony	G5	S1	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	Yes
<i>Hydroprogne caspia</i>	Caspian tern	Nesting colony	G5	S4	None	None	IUCN:LC	Yes	Yes
<i>Larus californicus</i>	California gull	Nesting colony	G5	S4	None	None	CDFW:WL IUCN:LC USFWS:BCC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Leucophaeus atricilla</i>	laughing gull	Nesting colony	G5	S1	None	None	CDFW:WL IUCN:LC	No	
<i>Rynchops niger</i>	black skimmer	Nesting colony	G5	S2	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Sternula antillarum browni</i>	California least tern	Nesting colony	G4T2T3Q	S2	Endangered	Endangered	CDFW:FP	Yes	Yes
<i>Thalasseus elegans</i>	elegant tern	Nesting colony	G4	S3	None	None	CDFW:WL IUCN:NT USFWS:BCC	No	Yes

ALCIDAE (auklets, puffins, and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Brachyramphus marmoratus</i>	marbled murrelet	Nesting	G3	S2	Threatened	Endangered	CDF:S IUCN:EN	Yes	
<i>Cerorhinca monocerata</i>	rhinoceros auklet	Nesting colony	G5	S3	None	None	CDFW:WL IUCN:LC	Yes	
<i>Fratercula cirrhata</i>	tufted puffin	Nesting colony	G5	S1S2	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Ptychoramphus aleuticus</i>	Cassin's auklet	Nesting colony	G4	S3	None	None	CDFW:SSC IUCN:NT USFWS:BCC	No	
<i>Synthliboramphus scrippsi</i>	Scripps's murrelet	Nesting colony	G2	S2	None	Threatened	BLM:S IUCN:VU USFWS:BCC	Yes	Yes

CUCULIDAE (cuckoos and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	Nesting	G5T2T3	S1	Threatened	Endangered	BLM:S USFS:S	Yes	

STRIGIDAE (owls)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Asio flammeus</i>	short-eared owl	Nesting	G5	S2	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Asio otus</i>	long-eared owl	Nesting	G5	S3?	None	None	CDFW:SSC IUCN:LC USFWS:BCC	Yes	
<i>Athene cunicularia</i>	burrowing owl	Burrow sites & some wintering sites	G4	S2	None	Candidate Endangered	BLM:S CDFW:SSC IUCN:LC USFWS:BCC	Yes	Yes
<i>Micrathene whitneyi</i>	elf owl	Nesting	G4	S1	None	Endangered	BLM:S IUCN:LC	Yes	
<i>Psilosops flammeolus</i>	flamulated owl	Nesting	G4	S2S4	None	None	IUCN:LC USFWS:BCC	Yes	
<i>Strix nebulosa</i>	great gray owl	Nesting	G5	S1	None	Endangered	CDF:S IUCN:LC USFS:S	Yes	
<i>Strix occidentalis caurina</i>	northern spotted owl		G3G4T3	S2	Threatened	Threatened	CDF:S	No	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Strix occidentalis occidentalis</i>	California spotted owl		G3G4T2T3	S2	None	None	BLM:S CDFW:SSC USFS:S USFWS:BCC	No	Yes

APODIDAE (swifts)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chaetura vauxi</i>	Vaux's swift	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC USFWS:BCC	No	
<i>Cypseloides niger</i>	black swift	Nesting	G4	S3	None	None	CDFW:SSC IUCN:VU USFWS:BCC	Yes	

TROCHILIDAE (hummingbirds)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Calypte costae</i>	Costa's hummingbird	Nesting	G5	S4	None	None	IUCN:LC USFWS:BCC	No	
<i>Selasphorus rufus</i>	rufous hummingbird	Nesting	G4	S1S2	None	None	IUCN:NT USFWS:BCC	No	

PICIDAE (woodpeckers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Colaptes chrysoides</i>	gilded flicker		G4	S2	None	Endangered	BLM:S IUCN:LC USFWS:BCC	Yes	
<i>Melanerpes lewis</i>	Lewis' woodpecker	Nesting	G4	S4	None	None	IUCN:LC USFWS:BCC	Yes	
<i>Melanerpes uropygialis</i>	Gila woodpecker		G5	S2	None	Endangered	BLM:S IUCN:LC USFWS:BCC	Yes	
<i>Picoides arcticus</i>	black-backed woodpecker		G5	S2	None	None	IUCN:LC	Yes	

TYRANNIDAE (tyrant flycatchers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Contopus cooperi</i>	olive-sided flycatcher	Nesting	G4	S3	None	None	CDFW:SSC IUCN:NT USFWS:BCC	Yes	
<i>Empidonax traillii</i>	willow flycatcher	Nesting	G5	S3	None	Endangered	IUCN:LC USFS:S	Yes	Yes
<i>Empidonax traillii brewsteri</i>	little willow flycatcher	Nesting	G5T3T4	S3	None	Endangered		Yes	Yes
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	Nesting	G5T2	S3	Endangered	Endangered		Yes	Yes
<i>Myiarchus tyrannulus</i>	brown-crested flycatcher	Nesting	G5	S3	None	None	CDFW:WL IUCN:LC	Yes	
<i>Pyrocephalus rubinus</i>	vermillion flycatcher	Nesting	G5	S2S3	None	None	CDFW:SSC IUCN:LC	Yes	

LANIIDAE (shrikes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lanius ludovicianus</i>	loggerhead shrike	Nesting	G4	S4	None	None	CDFW:SSC IUCN:NT	Yes	
<i>Lanius ludovicianus anthonyi</i>	Island loggerhead shrike		G4T1	S1	None	None	CDFW:SSC	No	
<i>Lanius ludovicianus mearnsi</i>	San Clemente loggerhead shrike		G4T1Q	S2	Endangered	None	CDFW:SSC	Yes	Yes

VIREONIDAE (vireos)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Vireo bellii arizonae</i>	Arizona Bell's vireo	Nesting	G5T4	S3	None	Endangered	BLM:S	Yes	Yes
<i>Vireo bellii pusillus</i>	least Bell's vireo	Nesting	G5T2	S3	Endangered	Endangered		Yes	Yes
<i>Vireo huttoni unitti</i>	Catalina Hutton's vireo		G5T2?	S2	None	None	CDFW:SSC	No	
<i>Vireo vicinior</i>	gray vireo	Nesting	G5	S2	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	

CORVIDAE (jays, crows, and magpies)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aphelocoma californica cana</i>	Eagle Mountain scrub-jay		G5T3	S3	None	None	CDFW:WL	No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aphelocoma insularis</i>	Island scrub-jay		G1	S1	None	None	IUCN:NT USFWS:BCC	No	
<i>Pica nuttalli</i>	yellow-billed magpie	Nesting & communal roosts	G3G4	S3S4	None	None	IUCN:VU USFWS:BCC	No	

ALAUDIDAE (larks)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Eremophila alpestris actia</i>	California horned lark		G5T4Q	S4	None	None	CDFW:WL IUCN:LC	Yes	

HIRUNDINIDAE (swallows)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Progne subis</i>	purple martin	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Riparia riparia</i>	bank swallow	Nesting	G5	S3	None	Threatened	BLM:S IUCN:LC	Yes	

PARIDAE (titmice and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Poecile atricapillus</i>	black-capped chickadee		G5	S3	None	None	CDFW:WL IUCN:LC	No	

TROGLODYTIDAE (wrens)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Campylorhynchus brunneicapillus sandiegensis</i>	coastal cactus wren	San Diego & Orange Counties only	G5T3Q	S2	None	None	CDFW:SSC USFS:S USFWS:BCC	Yes	Yes
<i>Cistothorus palustris clarkae</i>	Clark's marsh wren		G5T2	S2	None	None	CDFW:SSC	No	
<i>Thryomanes bewickii leucophrys</i>	San Clemente Bewick's wren		G5TX	SX	None	None	CDFW:SSC	No	

POLIOPTILIDAE (gnatcatchers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Poliioptila californica californica</i>	coastal California gnatcatcher		G4G5T3Q	S2	Threatened	None	CDFW:SSC	Yes	Yes
<i>Poliioptila melanura</i>	black-tailed gnatcatcher		G5	S3S4	None	None	CDFW:WL IUCN:LC	Yes	

MIMIDAE (mockingbirds and thrashers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Toxostoma bendirei</i>	Bendire's thrasher		G4	S2	None	None	BLM:S CDFW:SSC IUCN:VU USFWS:BCC	Yes	
<i>Toxostoma crissale</i>	Crissal thrasher		G5	S2	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Toxostoma lecontei</i>	Le Conte's thrasher		G4	S3	None	None	BLM:S CDFW:SSC IUCN:LC USFWS:BCC	Yes	Yes

PASSERELLIDAE (sparrows)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aimophila ruficeps canescens</i>	southern California rufous-crowned sparrow		G5T3	S4	None	None	CDFW:WL	Yes	
<i>Aimophila ruficeps obscura</i>	Santa Cruz Island rufous-crowned sparrow		G5T2	S2	None	None	CDFW:SSC	No	
<i>Ammodramus savannarum</i>	grasshopper sparrow	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Artemisiospiza belli belli</i>	Bell's sparrow		G5T2T3	S3	None	None	CDFW:WL	Yes	
<i>Artemisiospiza belli clementeae</i>	San Clemente Bell's sparrow		G5T2Q	S2	Delisted	None	CDFW:SSC	Yes	Yes
<i>Junco hyemalis caniceps</i>	gray-headed junco	Nesting	G5T5	S1	None	None	CDFW:WL	Yes	
<i>Melospiza melodia graminea</i>	Channel Island song sparrow		G5T1	S1	None	None	CDFW:SSC USFWS:BCC	Yes	Yes
<i>Melospiza melodia maxillaris</i>	Suisun song sparrow		G5T3	S2	None	None	CDFW:SSC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Melospiza melodia pop. 1</i>	song sparrow ("Modesto" population)		G5T3?Q	S3?	None	None	CDFW:SSC	Yes	
<i>Melospiza melodia pusillula</i>	Alameda song sparrow		G5T2T3	S2	None	None	CDFW:SSC USFWS:BCC	Yes	
<i>Melospiza melodia samuelis</i>	San Pablo song sparrow		G5T2	S2	None	None	CDFW:SSC USFWS:BCC	Yes	
<i>Melozona aberti</i>	Abert's towhee		G4	S4	None	None	IUCN:LC	No	
<i>Melozona crissalis eremophilus</i>	Inyo California towhee		G4G5T2	S2	Threatened	Endangered		Yes	Yes
<i>Passerculus sandwichensis alaudinus</i>	Bryant's savannah sparrow		G5T3	S3	None	None	CDFW:SSC	No	
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow		G5T3	S3	None	Endangered	USFWS:BCC	Yes	
<i>Passerculus sandwichensis rostratus</i>	large-billed savannah sparrow	Wintering	G5T2T3Q	S2	None	None	CDFW:SSC	No	
<i>Pipilo maculatus clementae</i>	San Clemente spotted towhee		G5T1T2	S3	None	None	CDFW:SSC	No	
<i>Pooecetes gramineus affinis</i>	Oregon vesper sparrow	Wintering	G5T2	S2	None	None	CDFW:SSC USFWS:BCC	No	
<i>Spizella breweri</i>	Brewer's sparrow	Nesting	G5	S4	None	None	IUCN:LC	Yes	

ICTERIIDAE (yellow-breasted chats)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Icteria virens</i>	yellow-breasted chat	Nesting	G5	S4	None	None	CDFW:SSC IUCN:LC	Yes	

ICTERIDAE (blackbirds)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Agelaius phoeniceus aciculatus</i>	Kern red-winged blackbird		G5T1	S1	None	None	CDFW:SSC	No	
<i>Agelaius tricolor</i>	tricolored blackbird	Nesting colony	G1G2	S2	None	Threatened	BLM:S CDFW:SSC IUCN:EN USFWS:BCC	Yes	
<i>Xanthocephalus xanthocephalus</i>	yellow-headed blackbird	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	

PARULIDAE (wood-warblers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat		G5T3	S3	None	None	CDFW:SSC USFWS:BCC	Yes	Yes
<i>Leiothlypis luciae</i>	Lucy's warbler	Nesting	G5	S3	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	
<i>Leiothlypis virginiae</i>	Virginia's warbler	Nesting	G5	S2	None	None	CDFW:WL IUCN:LC USFWS:BCC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Setophaga petechia</i>	yellow warbler	Nesting	G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	Yes
<i>Setophaga petechia sonorana</i>	Sonoran yellow warbler	Nesting	G5T2T3	S2	None	None	CDFW:SSC	Yes	Yes

CARDINALIDAE (cardinals)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cardinalis cardinalis</i>	northern cardinal		G5	S1	None	None	CDFW:WL IUCN:LC	Yes	
<i>Piranga flava</i>	hepatic tanager	Nesting	G5	S1	None	None	CDFW:WL IUCN:LC	Yes	
<i>Piranga rubra</i>	summer tanager	Nesting	G5	S1	None	None	CDFW:SSC IUCN:LC	Yes	

FRINGILLIDAE (finches and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Spinus lawrencei</i>	Lawrence's goldfinch	Nesting	G3G4	S4	None	None	IUCN:LC USFWS:BCC	Yes	

Mammals

SORICIDAE (shrews)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Sorex lyelli</i>	Mount Lyell shrew		G3G4	S3S4	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Sorex ornatus relictus</i>	Buena Vista Lake ornate shrew		G5T1	S1	Endangered	None	CDFW:SSC	Yes	
<i>Sorex ornatus salarius</i>	Monterey shrew		G5T1T2	S1S2	None	None	CDFW:SSC	Yes	
<i>Sorex ornatus salicornicus</i>	southern California saltmarsh shrew		G5T1?	S1	None	None	CDFW:SSC	Yes	
<i>Sorex ornatus sinuosus</i>	Suisun shrew		G5T1T2Q	S1S2	None	None	CDFW:SSC	Yes	
<i>Sorex ornatus willetti</i>	Santa Catalina shrew		G5T1	S1	None	None	CDFW:SSC	Yes	
<i>Sorex vagrans halicoetes</i>	salt-marsh wandering shrew		G5T1	S1	None	None	CDFW:SSC	Yes	
<i>Sorex vagrans paludivagus</i>	Monterey vagrant shrew		G5T1	S2	None	None		Yes	

TALPIDAE (moles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Scapanus latimanus insularis</i>	Angel Island mole		GNRT1	S2?	None	None		Yes	
<i>Scapanus latimanus parvus</i>	Alameda Island mole		GNRT1Q	SH	None	None	CDFW:SSC	Yes	

PHYLLOSTOMIDAE (leaf-nosed bats)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Choeronycteris mexicana</i>	Mexican long-tongued bat		G3G4	S1	None	None	CDFW:SSC IUCN:NT	Yes	
<i>Leptonycteris yerbabuenae</i>	lesser long-nosed bat		G3	S1	Delisted	None	CDFW:SSC IUCN:NT	Yes	Yes
<i>Macrotus californicus</i>	California leaf-nosed bat		G3G4	S3	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	

VESPERTILIONIDAE (evening bats)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Antrozous pallidus</i>	pallid bat		G4	S3	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat		G4	S2	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	
<i>Euderma maculatum</i>	spotted bat		G4	S3	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	
<i>Lasionycteris noctivagans</i>	silver-haired bat		G4	S3S4	None	None	IUCN:LC	Yes	
<i>Lasiurus cinereus</i>	hoary bat		G3G4	S4	None	None	IUCN:LC	Yes	
<i>Lasiurus frantzii</i>	western red bat		G4	S3	None	None	CDFW:SSC IUCN:LC	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lasiurus xanthinus</i>	western yellow bat		G4G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Myotis ciliolabrum</i>	western small-footed myotis		G5	S3	None	None	BLM:S IUCN:LC	Yes	
<i>Myotis evotis</i>	long-eared myotis		G5	S3	None	None	BLM:S IUCN:LC	Yes	
<i>Myotis occultus</i>	Arizona Myotis		G4G5	S1	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Myotis thysanodes</i>	fringed myotis		G4	S3	None	None	BLM:S IUCN:LC USFS:S	Yes	
<i>Myotis velifer</i>	cave myotis		G4G5	S1	None	None	BLM:S CDFW:SSC IUCN:LC	Yes	
<i>Myotis volans</i>	long-legged myotis		G4G5	S3	None	None	IUCN:LC	Yes	
<i>Myotis yumanensis</i>	Yuma myotis		G5	S4	None	None	BLM:S IUCN:LC	Yes	

MOLOSSIDAE (free-tailed bats)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Eumops perotis californicus</i>	western mastiff bat		G4G5T4	S3S4	None	None	BLM:S CDFW:SSC	Yes	
<i>Nyctinomops femorosaccus</i>	pocketed free-tailed bat		G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Nyctinomops macrotis</i>	big free-tailed bat		G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	

OCHOTONIDAE (pikas)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ochotona princeps schisticeps</i>	gray-headed pika		G5T4	S2S4	None	None		Yes	

LEPORIDAE (rabbits and hares)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Brachylagus idahoensis</i>	pygmy rabbit		G4	S3	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	
<i>Lepus americanus klamathensis</i>	Oregon snowshoe hare		G5T3T4Q	S2	None	None	CDFW:SSC	Yes	
<i>Lepus americanus tahoensis</i>	Sierra Nevada snowshoe hare		G5T3T4Q	S2	None	None	CDFW:SSC	Yes	
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit		G5T3T4	S3S4	None	None		Yes	
<i>Lepus townsendii townsendii</i>	western white-tailed jackrabbit		G5T5	S3?	None	None	CDFW:SSC	Yes	
<i>Sylvilagus bachmani riparius</i>	riparian brush rabbit		GNRT2	S2	Endangered	Endangered		Yes	

APLODONTIIDAE (mountain beavers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aplodontia rufa californica</i>	Sierra Nevada mountain beaver		G5T3T4	S2S3	None	None	CDFW:SSC IUCN:LC	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Aplodontia rufa humboldtiana</i>	Humboldt mountain beaver		G5TNR	SNR	None	None		Yes	
<i>Aplodontia rufa nigra</i>	Point Arena mountain beaver		G5T1	S1	Endangered	None	CDFW:SSC IUCN:LC	Yes	Yes
<i>Aplodontia rufa phaea</i>	Point Reyes mountain beaver		G5T2	S2	None	None	CDFW:SSC IUCN:LC	Yes	Yes

SCIURIDAE (squirrels and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ammospermophilus nelsoni</i>	Nelson's (=San Joaquin) antelope squirrel		G2G3	S3	None	Threatened	BLM:S IUCN:EN	Yes	
<i>Callospermophilus lateralis bernardinus</i>	San Bernardino golden-mantled ground squirrel		G5T1	S1	None	None		Yes	
<i>Glaucomys oregonensis californicus</i>	San Bernardino flying squirrel		G5T1T2	S1S2	None	None	CDFW:SSC USFS:S	Yes	
<i>Neotamias alpinus</i>	Alpine chipmunk		G4	S3	None	None	IUCN:LC	Yes	
<i>Neotamias panamintinus acrus</i>	Kingston Mountain chipmunk		G4T1T2	S1S2	None	None		Yes	
<i>Neotamias speciosus callipeplus</i>	Mount Pinos chipmunk		G4T2	S2	None	None	USFS:S	Yes	
<i>Neotamias speciosus speciosus</i>	lodgepole chipmunk		G4T3T4	S2	None	None		Yes	
<i>Urocitellus mollis</i>	Piute ground squirrel		G5	S3	None	None	IUCN:LC	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Xerospermophilus mohavensis</i>	Mohave ground squirrel		G3	S2	None	Threatened	BLM:S IUCN:NT	Yes	
<i>Xerospermophilus tereticaudus chlorus</i>	Palm Springs round-tailed ground squirrel		G5T2	S2	None	None	BLM:S CDFW:SSC	Yes	

GEOMYIDAE (pocket gophers)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Thomomys bottae operarius</i>	Owens Lake pocket gopher		G5T1?	S1?	None	None		No	

HETEROMYIDAE (kangaroo rats, pocket mice, and kangaroo mice)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Chaetodipus californicus femoralis</i>	Dulzura pocket mouse		G5T3	S3	None	None		Yes	
<i>Chaetodipus fallax fallax</i>	northwestern San Diego pocket mouse		G5T3T4	S3S4	None	None		Yes	
<i>Chaetodipus fallax pallidus</i>	pallid San Diego pocket mouse		G5T3T4	S3S4	None	None		Yes	
<i>Dipodomys californicus eximius</i>	Marysville California kangaroo rat		G3T1	S1	None	None	CDFW:SSC	Yes	
<i>Dipodomys heermanni arenae</i>	Lompoc kangaroo rat		G4T1T2	S1S2	None	None		No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Dipodomys heermanni berkeleyensis</i>	Berkeley kangaroo rat		G4T1	S2	None	None		Yes	
<i>Dipodomys heermanni dixonii</i>	Merced kangaroo rat		G4T2	S2	None	None		Yes	
<i>Dipodomys heermanni goldmani</i>	Salinas kangaroo rat		G4T2T3	S2S3	None	None		Yes	
<i>Dipodomys heermanni heermanni</i>	Heermann's kangaroo rat		G4T2	S2	None	None		No	
<i>Dipodomys heermanni morroensis</i>	Morro Bay kangaroo rat		G4TH	SH	Endangered	Endangered	CDFW:FP	Yes	
<i>Dipodomys ingens</i>	giant kangaroo rat		G1G2	S2	Endangered	Endangered	IUCN:EN	Yes	
<i>Dipodomys merriami collinus</i>	Earthquake Merriam's kangaroo rat		G5T2?	S2	None	None		Yes	
<i>Dipodomys merriami parvus</i>	San Bernardino kangaroo rat		G5T1	S1	Endangered	Endangered	CDFW:SSC	Yes	
<i>Dipodomys merriami trinidadensis</i>	Valle de la Trinidad kangaroo rat		G5T2T3Q	S2	None	None		Yes	
<i>Dipodomys nitratooides brevinasus</i>	short-nosed kangaroo rat		G2T1T2	S1S2	None	None	BLM:S CDFW:SSC IUCN:VU	Yes	
<i>Dipodomys nitratooides exilis</i>	Fresno kangaroo rat		G2TH	SH	Endangered	Endangered	IUCN:VU	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Dipodomys nitratoide nitratoide</i>	Tipton kangaroo rat		G2T1T2	S2	Endangered	Endangered	IUCN:VU	Yes	
<i>Dipodomys panamintinus argusensis</i>	Argus Mountains kangaroo rat		G4T1T3	S1S3	None	None		Yes	
<i>Dipodomys panamintinus panamintinus</i>	Panamint kangaroo rat		G4T3	S3	None	None		Yes	
<i>Dipodomys simulans</i>	Dulzura kangaroo rat		G4	S3	None	None	IUCN:LC	Yes	
<i>Dipodomys stephensi</i>	Stephens' kangaroo rat		G2	S3	Threatened	Threatened	IUCN:VU	Yes	
<i>Dipodomys venustus elephantinus</i>	big-eared kangaroo rat		G2T2	S3	None	None		Yes	
<i>Dipodomys venustus sanctiluciae</i>	Santa Lucia Mountain kangaroo rat		G2T3	S3	None	None		Yes	
<i>Dipodomys venustus venustus</i>	Santa Cruz kangaroo rat		G2T1	S1	None	None		Yes	
<i>Perognathus alticolus alticolus</i>	white-eared pocket mouse		G2TH	SH	None	None	BLM:S CDFW:SSC IUCN:VU USFS:S	Yes	Yes
<i>Perognathus alticolus inexpectatus</i>	Tehachapi pocket mouse		G2T1T2	S1S2	None	None	CDFW:SSC IUCN:VU USFS:S	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Perognathus inornatus</i>	San Joaquin pocket mouse		G3	S2S3	None	None	BLM:S IUCN:LC	Yes	Yes
<i>Perognathus inornatus psammophilus</i>	Salinas pocket mouse		G3T2?	S1	None	None	CDFW:SSC	Yes	
<i>Perognathus longimembris bangsi</i>	Palm Springs pocket mouse		G5T2	S1	None	None	BLM:S CDFW:SSC	Yes	
<i>Perognathus longimembris brevinasus</i>	Los Angeles pocket mouse		G5T2	S1S2	None	None	CDFW:SSC	Yes	
<i>Perognathus longimembris internationalis</i>	Jacumba pocket mouse		G5T2T3	S2	None	None	CDFW:SSC	Yes	
<i>Perognathus longimembris pacificus</i>	Pacific pocket mouse		G5T2	S2	Endangered	None	CDFW:SSC	Yes	
<i>Perognathus longimembris salinensis</i>	Saline Valley pocket mouse		G5T1	S1	None	None		No	
<i>Perognathus longimembris tularensis</i>	Tulare pocket mouse		G5T1	S1	None	None		No	
<i>Perognathus mollipilosus xanthonotus</i>	yellow-eared pocket mouse		GNRT2	S2	None	None	BLM:S	Yes	

CRICETIDAE (mice, rats, and voles)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Arborimus albipes</i>	white-footed vole		G3G4	S2	None	None	CDFW:SSC IUCN:LC	Yes	
<i>Arborimus pomo</i>	Sonoma tree vole		G3	S3	None	None	CDFW:SSC IUCN:NT	Yes	
<i>Microtus californicus halophilus</i>	Monterey vole		G5T1	S2	None	None		Yes	
<i>Microtus californicus mohavensis</i>	Mohave river vole		G5T1	S1	None	None	CDFW:SSC	Yes	
<i>Microtus californicus sanpabloensis</i>	San Pablo vole		G5T1T2	S1S2	None	None	CDFW:SSC	Yes	
<i>Microtus californicus scirpensis</i>	Amargosa vole		G5T1	S1	Endangered	Endangered		Yes	
<i>Microtus californicus stephensi</i>	south coast marsh vole		G5T2T3	S2	None	None	CDFW:SSC	Yes	
<i>Microtus californicus vallicola</i>	Owens Valley vole		G5T3	S3	None	None	BLM:S CDFW:SSC	Yes	
<i>Neotoma albigula venusta</i>	Colorado Valley woodrat		G5T3T4	S1S2	None	None		Yes	
<i>Neotoma fuscipes annectens</i>	San Francisco dusky-footed woodrat		G5T2T3	S2S3	None	None	CDFW:SSC	Yes	
<i>Neotoma fuscipes riparia</i>	riparian (=San Joaquin Valley) woodrat		G5T1	S1	Endangered	None	CDFW:SSC	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat		G5T3T4	S3S4	None	None	CDFW:SSC	Yes	
<i>Neotoma macrotis luciana</i>	Monterey dusky-footed woodrat		G5T3	S3	None	None	BLM:S CDFW:SSC	Yes	
<i>Onychomys torridus ramona</i>	southern grasshopper mouse		G5T3	S3	None	None	CDFW:SSC	Yes	
<i>Onychomys torridus tularensis</i>	Tulare grasshopper mouse		G5T1T2	S1S2	None	None	BLM:S CDFW:SSC	Yes	
<i>Peromyscus maniculatus anacapae</i>	Anacapa Island deer mouse		G5T1T2	S1S2	None	None	CDFW:SSC	Yes	
<i>Peromyscus maniculatus clementis</i>	San Clemente deer mouse		G5T1T2	S1S2	None	None		No	
<i>Reithrodontomys megalotis distichlis</i>	Salinas harvest mouse		G5T1	S2	None	None		Yes	
<i>Reithrodontomys megalotis santacruzae</i>	Santa Cruz harvest mouse		G5T1Q	S1	None	None		Yes	Yes
<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse		G1G2	S3	Endangered	Endangered	CDFW:FP IUCN:EN	Yes	
<i>Sigmodon arizonae plenus</i>	Colorado River cotton rat		G5T2T3	S1S2	None	None	CDFW:SSC	Yes	
<i>Sigmodon hispidus eremicus</i>	Yuma hispid cotton rat		G5T2T3	S2	None	None	CDFW:SSC	Yes	

ERETHIZONTIDAE (New World porcupines)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Erethizon dorsatum</i>	North American porcupine		G5	S3	None	None	IUCN:LC	Yes	

CANIDAE (foxes, wolves, and coyotes)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Canis lupus</i>	gray wolf		G5	S1	Endangered	Endangered	IUCN:LC	Yes	
<i>Urocyon littoralis catalinae</i>	Santa Catalina Island fox		G3T1	S2	Threatened	Threatened		Yes	Yes
<i>Urocyon littoralis clementae</i>	San Clemente Island fox		G3T1	S2	None	Threatened		Yes	Yes
<i>Urocyon littoralis dickeyi</i>	San Nicolas Island fox		G3T1	S1	None	Threatened		Yes	Yes
<i>Urocyon littoralis littoralis</i>	San Miguel Island fox		G3T1	S1	Delisted	Threatened		Yes	Yes
<i>Urocyon littoralis santacruzae</i>	Santa Cruz Island fox		G3T1	S2	Delisted	Threatened		Yes	Yes
<i>Urocyon littoralis santarosae</i>	Santa Rosa Island fox		G3T1	S2	Delisted	Threatened		Yes	Yes
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox		G4T2	S3	Endangered	Threatened		Yes	
<i>Vulpes vulpes necator pop. 1</i>	Sierra Nevada red fox - southern Cascades DPS		G5TNR	S1	None	Threatened	USFS:S	Yes	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Vulpes vulpes necator pop. 2</i>	Sierra Nevada red fox - Sierra Nevada DPS		G5TNR	S1	Endangered	Threatened	USFS:S	Yes	
<i>Vulpes vulpes patwin</i>	Sacramento Valley red fox		G5T2	S2	None	None		No	

OTARIIDAE (sea lions and fur seals)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Arctocephalus townsendi</i>	Guadalupe fur-seal		G2	S1	Threatened	Threatened	CDFW:FP IUCN:LC	Yes	
<i>Callorhinus ursinus</i>	northern fur-seal		G3	S1	None	None	IUCN:VU	Yes	
<i>Eumetopias jubatus</i>	Steller sea lion		G3	S2	Delisted	None	IUCN:NT MMC:SSC	Yes	

PROCYONIDAE (raccoons and ringtails)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Bassariscus astutus nevadensis</i>	Nevada ringtail		G5TNR	SNR	None	None	CDFW:FP	No	
<i>Bassariscus astutus octavus</i>	southern California ringtail		G5T3	S3	None	None	CDFW:FP	No	
<i>Bassariscus astutus raptor</i>	northern California ringtail		G5TNR	SNR	None	None	CDFW:FP	No	
<i>Bassariscus astutus willetti</i>	Palo Verde Mountains ringtail		G5T2	S2	None	None	CDFW:FP	No	

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Bassariscus astutus yumanensis</i>	Yuma ringtail		G5TU	S2	None	None	CDFW:FP	No	

MUSTELIDAE (weasels and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Enhydra lutris nereis</i>	southern sea otter		G4T2	S3	Threatened	None	CDFW:FP IUCN:EN MMC:SSC	Yes	Yes
<i>Gulo gulo</i>	wolverine		G4	S1	Threatened	Threatened	CDFW:FP IUCN:LC USFS:S	Yes	
<i>Lontra canadensis sonora</i>	southwestern river otter		G5T1	SH	None	None	CDFW:SSC	Yes	Yes
<i>Martes caurina</i>	Pacific marten		G4G5	S3	None	None	IUCN:LC USFS:S	Yes	
<i>Martes caurina humboldtensis</i>	Humboldt marten		G4G5T1	S1	Threatened	Endangered	CDFW:SSC USFS:S	Yes	Yes
<i>Martes caurina sierrae</i>	Sierra marten		G4G5T3	S3	None	None	USFS:S	Yes	
<i>Neogale frenata inyoensis</i>	Inyo long-tailed weasel		G5T2Q	S2	None	None		No	
<i>Neogale frenata xanthogenys</i>	San Joaquin long-tailed weasel		G5T2T3	S3	None	None		No	
<i>Pekania pennanti</i>	Fisher		G5	S2S3	None	None	BLM:S CDFW:SSC IUCN:LC USFS:S	Yes	Yes

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Pekania pennanti</i> <i>pop. 2</i>	Fisher - southern Sierra Nevada ESU		G5T1	S1	Endangered	Threatened	BLM:S CDFW:SSC USFS:S	Yes	
<i>Taxidea taxus</i>	American badger		G5	S3	None	None	CDFW:SSC IUCN:LC	Yes	

MEPHITIDAE (skunks)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Spilogale gracilis</i> <i>amphiala</i>	Channel Islands spotted skunk		G5T3	S3	None	None	CDFW:SSC	Yes	

FELIDAE (cats and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Lynx rufus pallescens</i>	pallid bobcat		G5T3?	S3?	None	None		No	
<i>Puma concolor browni</i>	Yuma mountain lion		G5T1T2Q	S1	None	None	CDFW:SSC	Yes	

CERVIDAE (deer, elk, and moose)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Cervus canadensis</i> <i>nannodes</i>	tule elk		G4T3	S3	None	None		No	

ANTILOCAPRIDAE (pronghorn)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Antilocapra americana</i>	pronghorn		G5	S3	None	None	IUCN:LC	No	

BOVIDAE (sheep and relatives)

Scientific Name	Common Name	Comments	Global Rank	State Rank	ESA	CESA	Other Status	Records in CNDDDB?	End Notes?
<i>Ovis canadensis nelsoni</i>	desert bighorn sheep		G4T3	S3	None	None	BLM:S CDFW:FP USFS:S	Yes	Yes
<i>Ovis canadensis nelsoni pop. 2</i>	Peninsular bighorn sheep DPS		G4T3Q	S2	Endangered	Threatened	CDFW:FP	Yes	Yes
<i>Ovis canadensis sierrae</i>	Sierra Nevada bighorn sheep		G4T2	S2	Endangered	Endangered	CDFW:FP	Yes	

End Notes

Invertebrates

GASTROPODA (snails, slugs, and abalones)

Prophysaon sp. 1

Klamath tailedropper

- 1) This entity is known to be unique morphologically and genetically (Frest & Johannes 2000, Wilke & Duncan 2004, Roth & Sadeghian 2006), but has not been formally described and some may reference it as part of the *Prophysaon coeruleum* species complex.

ARACHNIDA (spiders and relatives)

Hubbardia shoshonensis

Shoshone Cave whip-scorpion

- 1) BLM Sensitive list uses the scientific name *Trithyreus shoshonensis*.

CRUSTACEA, Order Amphipoda (amphipods)

Hyaella muerta

Texas Spring amphipod

- 1) First North American hypogean hyalellid.

Hyaella sandra

Death Valley amphipod

- 1) Population in Texas Springs is an accidental introduction. Population in Nevares Springs may be a new species.

INSECTA, Order Coleoptera (beetles)

Trigonoscuta sp.

Doyen's trigonoscuta dune weevil

- 1) Sometimes referred to as *Trigonoscuta doyen*, which is an unpublished manuscript name.

INSECTA, Order Lepidoptera (butterflies and moths)

Callophrys thornei

Thorne's hairstreak

- 1) Formerly *Mitoura thornei*.

Euproserpinus euterpe

Kern primrose sphinx moth

- 1) Until its rediscovery in Kern County in 1974, this moth had been thought to be extinct. A second population was later found in San Luis Obispo County (Xerces Society 2005).

Speyeria zerene myrtleae

Myrtle's silverspot butterfly

- 1) The USFWS and others have not yet determined if the taxonomic expansion by Emmel and Emmel (1998) into *S. z. myrtleae* and *S. z. puntareyes* is warranted. The *Speyeria zerene* along the coast of Marin and Sonoma Counties are federally endangered under the subspecies concept in the 1992 listing.

INSECTA, Order Hymenoptera (ants, bees, and wasps)

Bombus crotchii

Crotch's bumble bee

- 1) Originally advanced to candidacy by the Fish and Game Commission in June 2019. The candidacy determination was challenged in court. Candidacy was temporarily stayed beginning February 2021 following an adverse trial court judgment. The Third District Court of Appeal reversed the trial court judgment. Candidacy was reinstated on September 30, 2022.

Bombus franklini

Franklin's bumble bee

- 1) Originally advanced to candidacy by the Fish and Game Commission in June 2019. The candidacy determination was challenged in court. Candidacy was temporarily stayed beginning February 2021 following an adverse trial court judgment. The Third District Court of Appeal reversed the trial court judgment. Candidacy was reinstated on September 30, 2022.

Bombus occidentalis

western bumble bee

- 1) Originally advanced to candidacy by the Fish and Game Commission in June 2019. The candidacy determination was challenged in court. Candidacy was temporarily stayed beginning February 2021 following an adverse trial court judgment. The Third District Court of Appeal reversed the trial court judgment. Candidacy was reinstated on September 30, 2022.

Bombus suckleyi

Suckley's cuckoo bumble bee

- 1) Originally advanced to candidacy by the Fish and Game Commission in June 2019. The candidacy determination was challenged in court. Candidacy was temporarily stayed beginning February 2021 following an adverse trial court judgment. The Third District Court of Appeal reversed the trial court judgment. Candidacy was reinstated on September 30, 2022.

Fishes

SALMONIDAE (trout and salmon)

Oncorhynchus kisutch pop. 2

coho salmon - southern Oregon / northern California ESU

- 1) Federal listing refers to populations between Cape Blanco, Oregon and Punta Gorda, Humboldt County, California.
- 2) State listing refers to populations between the Oregon border and Punta Gorda, Humboldt County, California.

Oncorhynchus kisutch pop. 4

coho salmon - central California coast ESU

- 1) Federal listing is limited to naturally spawning populations in streams between Punta Gorda, Humboldt County and the San Lorenzo River, Santa Cruz County.
- 2) State listing is limited to populations south of Punta Gorda, Humboldt County.

Oncorhynchus mykiss irideus pop. 1

steelhead - Klamath Mountains Province DPS

- 1) This ESU includes all naturally spawned populations residing in streams between the Elk River in Oregon and the Klamath River in California, inclusive.
- 2) CDFW SSC designation refers only to the California portion of the ESU and refers only to the summer-run.

Oncorhynchus mykiss irideus pop. 10

steelhead - southern California DPS

- 1) The federal designation refers to fish in the coastal basins from the Santa Maria River (inclusive), south to the U.S. - Mexico Border.

Oncorhynchus mykiss irideus pop. 11

steelhead - Central Valley DPS

- 1) Federal listing includes all runs in the Sacramento and San Joaquin rivers and their tributaries.

Oncorhynchus mykiss irideus pop. 8

steelhead - central California coast DPS

- 1) Federal listing includes all runs in coastal basins from the Russian River in Sonoma County, south to Soquel Creek in Santa Cruz County, inclusive. It includes the San Francisco and San Pablo Bay basins, but excludes the Sacramento-San Joaquin River basins.

Oncorhynchus mykiss irideus pop. 9

steelhead - south-central California coast DPS

- 1) Federal listing includes all runs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River.
- 2) CDFW SSC designation refers to southern steelhead trout.

Oncorhynchus tshawytscha pop. 11

chinook salmon - Central Valley spring-run ESU

- 1) Federal listing refers to the Central Valley spring-run ESU. It includes populations spawning in the Sacramento River and its tributaries.

Oncorhynchus tshawytscha pop. 13

chinook salmon - Central Valley fall / late fall-run ESU

- 1) The Central Valley fall/late fall-run ESU refers to populations spawning in the Sacramento and San Joaquin rivers and their tributaries.
- 2) CDFW SSC designation refers only to the fall-run.

Oncorhynchus tshawytscha pop. 17

chinook salmon - California coastal ESU

- 1) Originally proposed as part of a larger Southern Oregon and California Coastal ESU. This new ESU was revised to include only naturally spawned coastal spring- and fall-run chinook salmon between Redwood Creek in Humboldt County and the Russian River in Sonoma County.

OSMERIDAE (smelt)

Thaleichthys pacificus

eulachon

- 1) The Federal Threatened status pertains to the "southern DPS" of eulachon that range from central British Columbia, Washington, Oregon, and northern California.

CYPRINIDAE (minnows and carp)

Rhinichthys nevadensis nevadensis

Amargosa speckled dace

- 1) Moyle et al. 2023 formally named/described the *Rhinichthys* complex in California and Nevada, and former Amargosa Canyon speckled dace (*R. osculus* ssp. 1) and Owens speckled dace (*R. osculus* ssp. 2) are combined as newly described Amargosa speckled dace (*R. nevadensis nevadensis*).

Siphateles bicolor ssp. 11

High Rock Springs tui chub

- 1) Formerly *Siphateles bicolor* ssp. 2, which did not account for other undescribed subspecies outside of CA.

Siphateles bicolor ssp. 12

Eagle Lake tui chub

- 1) Formerly *Siphateles bicolor* ssp. 1, which did not account for other undescribed subspecies outside of CA.

Siphateles bicolor ssp. 14

Pit River tui chub

- 1) Formerly *Siphateles bicolor* ssp. 3, which did not account for other undescribed subspecies outside of CA.

Amphibians

PLETHODONTIDAE (lungless salamanders)

Aneides niger

Santa Cruz black salamander

- 1) CDFW SSC status uses former subspecies concept of *Aneides flavipunctatus niger*.

Batrachoseps relictus

relictual slender salamander

- 1) Taxonomy follows Jockusch et al. 2012. Morphological and molecular diversification of slender salamanders (Caudata: Plethodontidae: *Batrachoseps*) in the southern Sierra Nevada of California with descriptions of two new species. Zootaxa 3190:1-30, which synonymized *Batrachoseps* sp. 1, Breckenridge Mountain slender salamander, with *B. relictus*.

Hydromantes shastae

Shasta salamander

- 1) *Hydromantes shastae* has been proposed to consist of cryptic genetic structuring that may warrant recognition of additional species named as *Hydromantes samweli* and *Hydromantes wintu* (Bingham et al. 2018, Bull. Mus. Comp. Zool. 161(10):403-427). Until formally reviewed by the Fish and Game Commission, all populations in the Shasta salamander complex are legally state threatened.

Plethodon asupak

Scott Bar salamander

- 1) Since this newly described species was formerly considered to be a subpopulation of *Plethodon stormi* (Mead et al. 2005), and since *Plethodon stormi* is listed as threatened under CESA, *Plethodon asupak* retains the designation as a threatened species under CESA (Calif. Regulatory Notice Register, No. 21-Z, p.916, 25 May 2007).

BUFONIDAE (true toads)

Anaxyrus californicus

arroyo toad

- 1) At the time of listing, arroyo toad was known as *Bufo microscaphus californicus*, a subspecies of southwestern toad. In 2001, it was determined to be its own species, *Bufo californicus*. Since then, many species in the genus *Bufo* were changed to the genus *Anaxyrus*, and now arroyo toad is known as *Anaxyrus californicus* (Frost et al. 2006).

Anaxyrus canorus

Yosemite toad

- 1) Formerly *Bufo canorus*; Frost et al. (2006. The Amphibian Tree of Life. Bulletin of the American Museum of Natural History 297: 1-370) placed this species in the genus *Anaxyrus* (Tschudi 1845).

Anaxyrus exsul

black toad

- 1) Formerly *Bufo canorus*; Frost et al. (2006. The Amphibian Tree of Life. Bulletin of the American Museum of Natural History 297: 1-370) placed this species in the genus *Anaxyrus* (Tschudi 1845).

Incilius alvarius

Sonoran Desert toad

- 1) Formerly *Bufo alvarius*. Between 2006-2009, the scientific name has been changed to *Cranopsis alvaria*, *Ollotis alvaria*, *Incilius alvarius*, back to *Ollotis alvarius*, and then back to *Incilius alvarius*. The common name has changed from Colorado River toad to Sonoran Desert toad.

RANIDAE (true frogs)

Lithobates pipiens

northern leopard frog

- 1) Formerly *Rana pipiens*; Frost et al. (2006. The Amphibian Tree of Life. Bulletin of the American Museum of Natural History 297: 1-370) placed this species in the genus *Lithobates* (Fitzinger 1843).

Lithobates yavapaiensis

lowland leopard frog

- 1) Formerly *Rana yavapaiensis*; Frost et al. (2006. The Amphibian Tree of Life. Bulletin of the American Museum of Natural History 297: 1-370) placed this species in the genus *Lithobates* (Fitzinger 1843).

Rana aurora

northern red-legged frog

- 1) An mtDNA study (Shaffer et al. 2004) concluded that *Rana aurora aurora* and *Rana aurora draytonii* should be recognized as separate species with a narrow zone of overlap

Rana draytonii

California red-legged frog

- 1) An mtDNA study (Shaffer et al. 2004) concluded that *Rana aurora aurora* and *Rana aurora draytonii* should be recognized as separate species with a narrow zone of overlap, and that the range of *draytonii* extends about 100 km further north in coastal California than previously thought.

Rana muscosa

southern mountain yellow-legged frog

- 1) Both federally recognized Distinct Population Segments (DPS) of the mountain yellow-legged frog (*Rana muscosa*) are currently Endangered (2021). The mountain yellow-legged frog – northern DPS is known from the southern Sierra Nevada; the mountain yellow-legged frog – southern DPS is known from the Transverse Ranges.

Rana sierrae

Sierra Nevada yellow-legged frog

- 1) Formerly *Rana muscosa*. *Rana muscosa* was split into *Rana sierrae*, the Sierra Nevada yellow-legged frog, found in the northern and central Sierra Nevada, and *Rana muscosa*, the southern mountain yellow-legged frog, found in the southern Sierra Nevada and southern California.

Reptiles

XANTUSIIDAE (night lizards)

Xantusia vigilis sierrae

Sierra night lizard

- 1) Formerly *Xantusia sierrae*; scientific name changed to reflect currently accepted subspecies concept.

ANNIELLIDAE (legless lizards)

Anniella alexanderae

Temblor legless lizard

- 1) Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). The prior (Jennings and Hayes, 1994) and current (Thompson et al. 2016) Species of Special Concern (SSC) projects evaluated the traditional single species taxon and determined all legless lizards in California to be an SSC. Therefore, the SSC status is carried over to the new taxon concepts until further SSC evaluation.

Anniella campi

Southern Sierra legless lizard

- 1) Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). The prior (Jennings and Hayes, 1994) and current (Thompson et al. 2016) Species of Special Concern (SSC) projects evaluated the traditional single species taxon and determined all legless lizards in California to be an SSC. Therefore, the SSC status is carried over to the new taxon concepts until further SSC evaluation.

Anniella grinnelli

Bakersfield legless lizard

- 1) Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). The prior (Jennings and Hayes, 1994) and current (Thompson et al. 2016) Species of Special Concern (SSC) projects evaluated the traditional single species taxon and determined all legless lizards in California to be an SSC. Therefore, the SSC status is carried over to the new taxon concepts until further SSC evaluation.

Anniella pulchra

Northern California legless lizard

- 1) Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). The prior (Jennings and Hayes, 1994) and current (Thompson et al. 2016) Species of Special Concern (SSC) projects evaluated the traditional single species taxon and determined all legless lizards in California to be an SSC. Therefore, the SSC status is carried over to the new taxon concepts until further SSC evaluation.

Anniella spp.

California legless lizard

- 1) This element represents California records of *Anniella* not yet assigned to new species within the *Anniella pulchra* complex. Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). CNDDDB has assigned new species concepts to most, but not all, previously known and extant legless lizard occurrences. Where an occurrence of a legless lizard is not known to the species level, the general concept California legless lizard (*Anniella* spp.) will be applied until further evidence is available. All legless lizards in California are a Species of Special Concern (Thomson et al., 2016).

Anniella stebbinsi

Southern California legless lizard

- 1) Legless lizards (*Anniella* spp.) in California were traditionally considered one species, but are now considered five species (Pappenfuss and Parham, 2013). The prior (Jennings and Hayes, 1994) and current (Thompson et al. 2016) Species of Special Concern (SSC) projects evaluated the traditional single species taxon and determined all legless lizards in California to be an SSC. Therefore, the SSC status is carried over to the new taxon concepts until further SSC evaluation.

HELODERMATIDAE (venomous lizards)

Heloderma suspectum cinctum

banded Gila monster

- 1) BLM Sensitive designation refers to the full species.

NATRICIDAE (live-bearing snakes)

Thamnophis sirtalis pop. 1

south coast gartersnake

- 1) CDFW Species of Special Concern treats this population as a distinct taxon, though it is more commonly treated as a subpopulation of *Thamnophis sirtalis infernalis*, the California red-sided gartersnake.

Birds

PHASIANIDAE (grouse and ptarmigan)

Centrocercus urophasianus

greater sage-grouse

- 1) The federal proposal applies to the Bi-State DPS (Mono Basin of CA and NV; Mono, Alpine, and Inyo counties in California).

Dendragapus fuliginosus howardi

Mount Pinos sooty grouse

- 1) Formerly merged with *D. obscurus* as blue grouse, but separated on the basis of genetic evidence and differences in voice, behavior, and plumage.

PELECANIIDAE (pelicans)

Pelecanus occidentalis californicus

California brown pelican

- 1) Removed from Fully Protected list (Fish & Game Code §3511) in July 2023 by Senate Bill no. 147

ACCIPITRIDAE (hawks, kites, harriers, and eagles)

Circus hudsonius

northern harrier

- 1) Formerly considered conspecific with *Circus cyaneus*, but treated as separate on the basis of differences in morphology, plumage, and breeding habitat.

FALCONIDAE (falcons)

Falco peregrinus anatum

American peregrine falcon

- 1) Removed from Fully Protected list (Fish & Game Code §3511) in July 2023 by Senate Bill no. 147

RALLIDAE (rails, coots, and gallinules)

Laterallus jamaicensis coturniculus

California black rail

- 1) The IUCN designation of Near Threatened refers to the full species.

CHARADRIIDAE (plovers and relatives)

Anarhynchus nivosus nivosus

western snowy plover

- 1) Federal listing applies only to the Pacific coastal population.
- 2) CDFW SSC designation refers to both the coastal and interior populations.

LARIDAE (gulls and terns)

Gelochelidon nilotica

gull-billed tern

- 1) Taxonomy recently changed from *Sterna nilotica*.

Hydroprogne caspia

Caspian tern

- 1) Taxonomy recently changed from *Sterna caspia*.

Sternula antillarum browni

California least tern

- 1) Taxonomy recently changed from *Sterna antillarum browni*.

Thalasseus elegans

elegant tern

- 1) Taxonomy recently changed from *Sterna elegans*.

ALCIDAE (auklets, puffins, and relatives)

Synthliboramphus scrippsi

Scripps's murrelet

- 1) Formerly included in Xantus's murrelet as *Synthliboramphus hypoleucus scrippsi*. Now considered a full species.

STRIGIDAE (owls)

Athene cunicularia

burrowing owl

- 1) A burrow site = an observation of one or more owls at a burrow or evidence of recent occupation such as whitewash and feathers. Winter observations at a burrow are mapped. Winter observations with or without a burrow in San Francisco, Ventura, Sonoma, Marin, Napa, and Santa Cruz Counties are mapped.

Strix occidentalis caurina

northern spotted owl

- 1) There are no spotted owl EOs in the CNDDDB. All spotted owl location information is maintained in a separate database (<https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-Info>). CNDDDB subscribers can access these datasets from the same bookmark as the CNDDDB layer in BIOS (<https://www.wildlife.ca.gov/Data/BIOS>).

Strix occidentalis occidentalis

California spotted owl

- 1) There are no spotted owl EOs in the CNDDDB. All spotted owl location information is maintained in a separate database (<https://wildlife.ca.gov/Data/CNDDDB/Spotted-Owl-Info>). CNDDDB subscribers can access these datasets from the same bookmark as the CNDDDB layer in BIOS (<https://www.wildlife.ca.gov/Data/BIOS>).
- 2) On 20230223, coastal-southern California DPS was federally proposed Endangered, and Sierra Nevada DPS was federally proposed Threatened.

TYRANNIDAE (tyrant flycatchers)

Empidonax traillii

willow flycatcher

- 1) State listing of the full species includes all subspecies.

Empidonax traillii brewsteri

little willow flycatcher

- 1) State listing of the full species includes all subspecies.

Empidonax traillii extimus

southwestern willow flycatcher

- 1) State listing of the full species includes all subspecies.

LANIIDAE (shrikes)

Lanius ludovicianus mearnsi

San Clemente loggerhead shrike

- 1) Subspecific identity of shrikes currently on San Clemente is uncertain. Mundy et al. (1997a, b) provided evidence *L. l. mearnsi* is genetically distinct from *L. l. gambeli* and *L. l. anthonyi*, whereas Patten and Campbell (2000) concluded, based on morphology, that the birds now on San Clemente are intergrades between *L. l. mearnsi* and *L. l. anthonyi*.

VIREONIDAE (vireos)

Vireo bellii arizonae

Arizona Bell's vireo

- 1) The IUCN designation of Near Threatened refers to the full species.

Vireo bellii pusillus

least Bell's vireo

- 1) The IUCN designation of Near Threatened refers to the full species.

TROGLODYTIDAE (wrens)

Campylorhynchus brunneicapillus sandiegensis

coastal cactus wren

- 1) CDFW Bird Species of Special Concern report uses the common name San Diego cactus wren.

POLIOPTILIDAE (gnatcatchers)

Polioptila californica californica

coastal California gnatcatcher

- 1) CDFW Bird Species of Special Concern report uses the common name Alta California gnatcatcher.

MIMIDAE (mockingbirds and thrashers)

Toxostoma lecontei

Le Conte's thrasher

- 1) CDFW SSC designation refers only to the San Joaquin population.
- 2) The BLM Sensitive designation refers to the San Joaquin Le Conte's thrasher, *Toxostoma lecontei macmillanorum*, although the subspecies concept is not universally recognized.

PASSERELLIDAE (sparrows)

Artemisiospiza belli clementeae

San Clemente Bell's sparrow

- 1) Subspecific validity uncertain. Recognized by AOU (1957), but not by Patten and Unitt (2002).

Melospiza melodia graminea

Channel Island song sparrow

- 1) Subspecific validity is uncertain. This subspecies when referred to as Santa Barbara song sparrow is extinct. However, the subspecies was merged by Patten (2001) with the San Miguel (*M. m. micronyx*), and San Clemente (*M. m. clementae*) song sparrows as the Channel Island song sparrow with the subspecific name *M. m. graminea*.

Melozona crissalis eremophilus

Inyo California towhee

- 1) Previously in the genus *Pipilo*.

PARULIDAE (wood-warblers)

Geothlypis trichas sinuosa

saltmarsh common yellowthroat

- 1) CDFW Bird Species of Special Concern report uses the common name San Francisco common yellowthroat

Setophaga petechia

yellow warbler

- 1) This element includes the subspecies *S. p. morcormi* and *S. p. brewsteri*, which are tracked under the full species, *S. petechia*, due to difficulty distinguishing them. *S. p. sonorana*, which nests in California only along the Colorado River, is tracked separately.

Setophaga petechia sonorana

Sonoran yellow warbler

- 1) Nests in California only along the Colorado River. Observations of yellow warblers from other regions are tracked as the full species, *S. petechia*.

Mammals

PHYLLOSTOMIDAE (leaf-nosed bats)

Leptonycteris yerbabuenae

lesser long-nosed bat

- 1) Federal listing uses the scientific name *Leptonycteris curasoae yerbabuenae*.

VESPERTILIONIDAE (evening bats)

Lasiurus frantzii

western red bat

- 1) Nomenclature changed from *Lasiurus blossevillei* to *Lasiurus frantzii* based on Baird et al. 2015, J. of Mammalogy 96(6):1255-1274.

APLODONTIIDAE (mountain beavers)

Aplodontia rufa californica

Sierra Nevada mountain beaver

- 1) The IUCN Least Concern designation refers to the full species.

Aplodontia rufa nigra

Point Arena mountain beaver

- 1) The IUCN Least Concern designation refers to the full species.

Aplodontia rufa phaea

Point Reyes mountain beaver

- 1) The IUCN Least Concern designation refers to the full species.

HETEROMYIDAE (kangaroo rats, pocket mice, and kangaroo mice)

Perognathus alticolus alticolus

white-eared pocket mouse

- 1) CDFW SSC, BLM Sensitive, and IUCN Endangered designations refer to the full species.

Perognathus alticolus inexpectatus

Tehachapi pocket mouse

- 1) CDFW SSC and IUCN Endangered designations refer to the full species.

Perognathus inornatus

San Joaquin pocket mouse

- 1) This element includes the subspecies *P. i. inornatus* and *P. i. neglectus*, which are tracked under the full species, *P. inornatus*, due to difficulty distinguishing them. *P. i. inornatus* generally occurs on the eastern side of the San Joaquin Valley, while *P. i. neglectus* generally occurs on the western side. *P. i. psammophilus*, which occurs only in the Salinas Valley, is tracked separately.

CRICETIDAE (mice, rats, and voles)

Neotoma fuscipes riparia

riparian (=San Joaquin Valley) woodrat

- 1) This species is currently undergoing taxonomic revision

Reithrodontomys megalotis santacruzae

Santa Cruz harvest mouse

- 1) Synonymous with *Reithrodontomys megalotis longicaudus*, Santa Cruz Island population.

CANIDAE (foxes, wolves, and coyotes)

Urocyon littoralis catalinae

Santa Catalina Island fox

- 1) The IUCN Near Threatened status refers to the full species.

Urocyon littoralis clementae

San Clemente Island fox

- 1) The IUCN Near Threatened status refers to the full species.

Urocyon littoralis dickeyi

San Nicolas Island fox

- 1) The IUCN Near Threatened status refers to the full species.

Urocyon littoralis littoralis

San Miguel Island fox

- 1) The IUCN Near Threatened status refers to the full species.

Urocyon littoralis santacruzae

Santa Cruz Island fox

- 1) The IUCN Near Threatened status refers to the full species.

Urocyon littoralis santarosae

Santa Rosa Island fox

- 1) The IUCN Near Threatened status refers to the full species.

MUSTELIDAE (weasels and relatives)

Enhydra lutris nereis

southern sea otter

- 1) The IUCN Endangered designation refers to the full species.

Lontra canadensis sonora

southwestern river otter

- 1) CDFW SSC status refers only to the subspecies *L. canadensis sonora*, which is known in California only from the Colorado River.

Martes caurina humboldtensis

Humboldt marten

- 1) Federal status refers to the coastal DPS of Pacific marten (*Martes caurina*)

Pekania pennanti

Fisher

- 1) In 2004, the West Coast DPS of fisher became a candidate for federal listing, and underwent numerous evaluations, proposed rules, and revisions in subsequent years. In 2020, the West Coast DPS was further divided into the Southern Sierra Nevada DPS and the Northern California/Southern Oregon DPS (which also includes Northern Sierra Nevada and Southern Oregon Cascades subpopulations which arose from reintroductions). State threatened and federal endangered statuses apply only to the Southern Sierra Nevada ESU/DPS. State listing defines the northern limit of the SSN ESU as the Merced River, while federal listing uses the Tuolumne River.

BOVIDAE (sheep and relatives)

Ovis canadensis nelsoni

desert bighorn sheep

- 1) Desert bighorn sheep (*O. c. nelsoni*) in the Peninsular Ranges are tracked as a metapopulation of the subspecies, Peninsular bighorn sheep DPS (*O. c. nelsoni* pop. 2)

- 2) Fully Protected with the exception of legal hunting conducted in compliance with California Code of Regulations 14 CCR 362.

Ovis canadensis nelsoni pop. 2

Peninsular bighorn sheep DPS

- 1) The subspecies peninsular bighorn sheep (*O. c. cremnobates*) has been synonymized with *O. c. nelsoni* (Wehausen & Ramey 1993). Peninsular bighorn sheep are now considered to be a metapopulation and are recognized as a federal Distinct Population Segment (DPS).



Outlook

Town & Country

From Linda Robinson <linda.robinson5633@gmail.com>

Date Mon 10/27/2025 3:52 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Please do not approve this monstrosity of buildings, TRAFFIC, noise and light pollution, AND water consumption!! Keep what's left of our beautiful foothills untouched.

Signed,

Opposed