



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: OCT 04 2022

Case No. CPC-2021-3141-CA

Council District: ALL

CEQA: ENV-2013-0911-EIR-ADD3; SCH No. 2013041012

Plan Area: Citywide

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **September 22, 2022**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following Code Amendment:

An ordinance amending Section 12.26 J of the Los Angeles Municipal Code (LAMC) to update the citywide Transportation Demand Management (TDM) Ordinance (Proposed Ordinance). This update to the existing 1993 TDM Ordinance proposes new requirements for developments that exceed certain size and use thresholds to incorporate strategies to reduce drive-alone automobile trips and expand access to alternative transportation options. Projects subject to the new regulations would be required to submit a TDM Plan to the Los Angeles Department of Transportation (LADOT) for review and approval before receiving a building permit. The proposed regulations would not apply to existing buildings, businesses, or residents.

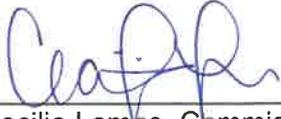
1. **Recommended** that the City Council find, based on its independent judgment, after consideration of the entire administrative record, including the Mobility Plan Environmental Impact Report (EIR), EIR No. ENV-2013-0911-EIR, SCH No. 2013041012, certified on November 25, 2015; Addendum No. ENV2013-0911-EIR-ADD1, dated December 3, 2015; Addendum No. ENV-2013-0911-EIR-ADD2, dated March 2016; and pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15162 and 15164 and the Addendum No. ENV-2013-0911-EIR-ADD3, dated September 9, 2022, that no major revisions to the EIR are required and no subsequent EIR or negative declaration is required for approval of the Project;
2. **Approved and Recommended** that the City Council **adopt** the Proposed Ordinance amending LAMC Section 12.26 J, Transportation Demand Management and Trip Reduction Measures;
3. **Recommended** that the City Council instruct that the Proposed Ordinance be incorporated into the New Zoning Code, subject to changes to conform to the format, style, and nomenclature of the New Zoning Code;
4. **Adopted** the Staff Recommendation Report as the Commission Report on the subject; and
5. **Adopted** the attached Findings.

In addition to the above actions, the City Planning Commission directed staff to research the trip generation rates and thresholds for Hotel Projects to analyze if those thresholds should be adjusted.

The vote proceeded as follows:

Moved: Leung
Second: López-Ledesma
Ayes: Choe, Hornstock, Millman, Dake Wilson
Absent: Campbell, Mack, Perlman

Vote: 6 – 0



Cecilia Lamas, Commission Executive Assistant
Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

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

Attachments: Proposed TDM Ordinance, Findings

c: Arthi Varma, Deputy Director
Nicholas Maricich, Principal City Planner
Conni Pallini-Tipton, Senior City Planner
Emily Gable, City Planner

ORDINANCE NO. _____

An ordinance amending Section 12.26 of the Los Angeles Municipal Code to update Transportation Demand Management and Trip Reduction Measures.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection J of Section 12.26 of the Los Angeles Municipal Code is amended to replace the Transportation Demand Management and Trip Reduction Measures Ordinance in its entirety to read as follows:

J. Transportation Demand Management Program.

1. Intent. To ensure that new development is designed and operated to support sustainable transportation choices for residents, employees, and visitors. A Transportation Demand Management (TDM) Program includes incentives, services, policies, and physical improvements aimed at reducing drive-alone trips and Vehicle Miles Traveled (VMT), encouraging sustainable mode share, including public transit, bicycling, walking, carpooling/vanpooling, and strategies to reduce the need for trips altogether, such as telecommuting for work trips or land use strategies that increase access to destinations. The provisions contained herein are consistent with City policy documents including the Mobility Plan 2035, the Plan for a Healthy Los Angeles, and LA's Green New Deal (Sustainable City pLAn 2019), and state legislation including Senate Bill (SB) 743, the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the California Global Warming Solutions Act of 2006 (AB 32), the California Complete Streets Act of 2008, and South Coast Air Quality Management District (South Coast AQMD) Rule 2202. Implementation of the ordinance achieves the following purposes:

- (a) Reduce dependence on drive-alone trips, provide more transportation options, and increase sustainable mode share to comply with the directives of SB 743, which include the development of a multimodal transportation system and a diversity of land uses, and applicable requirements under South Coast AQMD Rule 2202.
- (b) In compliance with SB 743, mitigate the transportation impacts resulting from new development by providing sustainable, accessible, and affordable transportation options that support the journeys of people of all income levels and modal choices.

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- (c) Support the strong link between land use and transportation through promotion of infill development and mixed land uses that bring common destinations closer to people and make efficient use of infrastructure.
 - (d) Improve air quality, climate change, and public health outcomes through encouragement of sustainable mobility options and reduction of Vehicle Miles Traveled (VMT) and the associated greenhouse gas emissions generated by driving.
 - (e) Advance equity, particularly in disadvantaged communities whose transportation access has been historically underserved, through the provision of safe, affordable, and accessible travel options that: connect people to jobs, services, and opportunities; improve health outcomes; and increase the resilience of environmentally impacted communities.
 - (f) Improve street safety and reduce transportation-related collision risks through the provision of bicycle, pedestrian, and transit infrastructure and services. Support the goal of Vision Zero to eliminate traffic fatalities and severe injuries, particularly in areas of the City with the highest incidences, which disproportionately includes disadvantaged communities.
 - (g) Implement a balanced transportation network by embracing Complete Streets principles of safety, comfort, and convenience for all users of the public right-of-way.
- 2. Definitions.** For the purpose of this Section, the following words and phrases shall have the meanings specified below. Other terms used in this Section shall have the meanings set forth in Section 12.03 of this Code if defined there.

Affordable Dwelling Unit. A dwelling unit which is restricted by a covenant certified by the City of Los Angeles Housing and Community Investment Department or its successor agency to be rented or sold at an affordable level to, and occupied by, persons or families whose annual income does not exceed 120 percent of the Area Median Income for persons or families residing in Los Angeles County. The Area Median Income and affordable housing costs shall be established from periodic publications of the United States Department of Housing and Urban Development, as determined by the California Department of Housing and Community Development or its successor or assignee.

LADBS. City of Los Angeles Department of Building and Safety.

LADOT. City of Los Angeles Department of Transportation.

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Medical Use. An inpatient or outpatient healthcare use that provides direct medical, dental, or therapeutic services to patients. Includes, but is not limited to, hospital, medical clinic, dental, therapy, doctor, and optometry office or clinic.

Project. The construction of, addition to, or alteration of, any building or structure that requires a building permit and that results in an increase in floor area. Off-site parking areas which serve a Project shall be considered a part of the Project. Does not include any work on, change of use in, or adaptive reuse of an existing building or structure which does not result in an increase in floor area.

Retail and Customer-Facing Use. A commercial use involved in the sale or dispensing of any material good to the public, including the sale of new or used products, or the provision of consumer or rental services, or personal services. Includes, but is not limited to, general retail, food and beverage sales, eating and drinking establishments, financial services, instructional services, personal services, and heavy commercial uses.

Transportation Demand Management Program, or TDM Program. The City of Los Angeles' TDM Program is the set of regulations, requirements, processes, and implementation strategies set forth in this ordinance and the TDM Program Guidelines.

Transportation Demand Management Calculator, or TDM Calculator. A City of Los Angeles tool that intakes project information to display the Project Level and Point Target and allows a Project applicant to select TDM Strategies to meet the Point Target, to facilitate compliance with the TDM Program.

Transportation Demand Management Plan Compliance Documentation, or TDM Plan Compliance Documentation. Documentation provided by the property owner of a Project to LADOT demonstrating continued compliance with the Project's approved TDM Plan, including maintenance of all TDM Strategies.

Transportation Demand Management Monitoring Data Collection Plan, or TDM Monitoring Data Collection Plan. The TDM Monitoring Data Collection Plan is an agreement between LADOT and the project developer that specifies the required components of a TDM Monitoring Report including the performance metrics, data collection instruments, specific data collection technologies, and optimal data collection formats, as well as the monitoring data reporting frequency.

Transportation Demand Management Monitoring Report, or TDM Monitoring Report. Annual monitoring data as defined by the Project's TDM Monitoring Data Collection Plan.

Transportation Demand Management Plan, or TDM Plan. A Project's documentation, including a site plan and/or other documentation, that describes the TDM Strategies the Project will implement in order to comply with the TDM Program as approved by LADOT and any other coordinating agencies.

Transportation Demand Management Program Guidelines, or TDM Program Guidelines. A companion document to this ordinance, developed, maintained and updated by LADOT, that contains details of the TDM Program goals and benefits, processes, Point Targets, TDM Strategies, evaluation and reporting, and technical justifications.

Transportation Demand Management Strategy, or TDM Strategy. A programmatic action and/or physical feature that aims to reduce drive-alone trips and/or VMT, and/or encourages sustainable mobility options in a way that meets the intent of this Ordinance. TDM Strategies are listed and assigned a point value in the TDM Program Guidelines.

User-Defined TDM Strategy. A TDM Strategy that is not currently listed in the TDM Program Guidelines and is proposed by an applicant for inclusion in a Project's TDM Plan. A proposed User-Defined TDM Strategy shall aim to reduce drive-alone trips and/or VMT, and/or encourage sustainable mobility options in a way that meets the intent of this Ordinance. A User-Defined TDM Strategy shall be approved through the process outlined in this Section.

3. Applicability.

- (a) Except as provided in Subsection 3(c), the TDM Program requirements shall apply to any Project for which the net new floor area results in an increase of at least:
- 25 housing units, or 50 housing units if all units in the Project (exclusive of manager's units) are affordable dwelling units, or
 - 25,000 square feet of floor area of employment and office uses, or
 - 50,000 square feet of floor area of Retail and Customer-Facing Uses, or
 - 50,000 square feet of floor area of Medical Uses, or
 - 25,000 square feet of floor area of warehouse and industrial uses, or
 - 25 guest rooms, or suites of rooms, in a hotel or motel, or
 - 250,000 square feet of floor area in an arena, stadium, or multiplex theater, including a facility associated with an institution or educational facility, that does not have fixed seats, or
 - 10,000 seats in an arena, stadium, or multiplex theater, including a facility associated with an institution or educational facility, or
 - 250 students in any school, trade school, college, or university.

(b) When determining whether a Project is subject to the TDM Program, the Project shall be considered in its entirety. A Project shall not seek multiple applications for entitlements or building permits to evade the applicability of the TDM Program. Off-site parking areas which serve a Project shall be considered a part of the Project.

(c) Exemptions. The following Projects are exempt from Subsection 3(a) and the requirements of this Ordinance:

(1) Projects consisting only of the uses listed in Table 12.26 J.3.(c)(1).

| TABLE 12.26 J.3.(c)(1): EXEMPT USES | |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HOUSING | Alzheimers and Dementia Care Housing Assisted Living Community Care Facility Homeless Shelter Hospice Mobilehome Park Senior Living, including: Medical Care, Non-Medical Single-Family Dwellings including Small Lot Subdivisions Skilled Nursing Home |
| SPECIAL USES | Cemetery Certified Farmers' Market Day Care Facility Indoor Recreation, Commercial, such as Fitness Centers Kennel Nature Reserve Open Space, Public Outdoor Recreation, Commercial, including Golf Course Penal Institution Public Safety Facility Recreation, Public Religious Assembly Veterinary Care |
| AGRICULTURE, HEAVY COMMERCIAL, AND INDUSTRIAL | Animal Keeping Fleet Services Motor Vehicle Services, including: General, Car Wash, Commercial Vehicles, Fueling Station Plant Cultivation Recycling Facility Resource Extraction Salvage Yard Self-Service Storage Facility Solid Waste Facility Storage, Outdoor, including: Cargo Container, Official Motor Vehicle Impound, Standard Vehicle, Commercial Vehicle Utilities, including: Major, Minor, and Wireless Telecommunication |

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(2) Projects that meet the application or permitting milestones in Subsection 10 regarding phase-in of the Ordinance.

4. Relationship to other Zoning Regulations. Wherever the provisions of the Transportation Demand Management Ordinance conflict with any provisions of Supplemental Use Districts, specific plans, overlays or the base zone, the Transportation Demand Management Ordinance provisions shall prevail, unless exempt from new zoning regulations by a vested application or approval or explicitly specified in this ordinance.

(a) **Exception for Certain Specific Plans.** The TDM provisions of the Loyola Marymount University Specific Plan and the Warner Center Specific Plan shall prevail and not be superseded by this Ordinance, unless or until the Loyola Marymount University Specific Plan or the Warner Center Specific Plan is amended to defer to this Ordinance.

5. Standards.

(a) **General Requirements.** The City shall not issue a Building Permit or a Certificate of Occupancy for a Project that is not in compliance with the requirements of this Section.

(b) **Project Scale and Levels.** Requirements are scaled to the size and scope of a Project and have corresponding requirements as defined in Subsection 5(c). There are three Project Levels as defined in Table 12.26 J.5.(b). The Level applied to a Project is based on the new floor area, or the number of residential units, guest rooms, seats, or students added within the net new floor area. A Project that consists of multiple uses that result in different Project Levels shall be classified in the highest applicable Project Level.

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| TABLE 12.26 J.5.(b): PROJECT LEVEL THRESHOLDS | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| | Level 1 | Level 2 | Level 3 |
| | New, within the net new floor area: | | |
| <i>Housing (except as noted in the Affordable Housing section)</i> | 25-49 housing units | 50-249 housing units | 250 housing units or more |
| <i>Affordable Housing</i> | 50 or more housing units, in which all units in the Project (exclusive of managers' units) are affordable dwelling units | N/A | N/A |
| <i>Employment / Office</i> | 25,000-49,999 sf of floor area | 50,000-99,999 sf of floor area | 100,000 sf or more of floor area |
| <i>Retail / Customer-Facing</i> | 50,000-99,999 sf of floor area | 100,000-249,999 sf of floor area | 250,000 sf or more of floor area |
| <i>Medical Use / Hospital</i> | 50,000-99,999 sf of floor area | 100,000-249,999 sf of floor area | 250,000 sf or more of floor area |
| <i>Warehouse / Industrial Space</i> | 25,000-99,999 sf of floor area | 100,000-249,999 sf of floor area | 250,000 sf of floor area |
| <i>Hotel / Motel</i> | 25-99 guest rooms, or suites of rooms | 100-249 guest rooms, or suites of rooms | 250 or more guest rooms, or suites of rooms |
| <i>Arena / Stadium / Multiplex Theater</i> | N/A | 250,000-499,999 sf of total floor area (no fixed seats), or with 10,000 to 19,999 seats | 500,000 sf or more of total floor area (no fixed seats), or 20,000 or more seats |
| <i>School, Trade School, College, or University (that requires building permits from the City of Los Angeles)</i> | 250 or more students | N/A | N/A |

(c) **Project Requirements.** The Project shall be assigned a Point Target based on the applicable Project Level and amount of parking proposed for a Project. Table 12.26 J.5.(c) shows the Point Target range by Project Level. The TDM Program Guidelines describe the Point Target calculation and a menu of qualified TDM Strategies with corresponding point values.

Throughout the lifetime of the Project, the Project will select and implement enough TDM Strategies from the TDM Program Guidelines to meet or exceed its assigned

Point Target. The lifetime of the Project shall mean until such time as the Project is demolished, or such time as the project undergoes a change of use to a use and project size that is not subject to this Ordinance under Subsection 3(a) or to a use that is exempt under Subsection 3(c)(1), or such time as the Project is added to or replaced with a new Project that is subject to the TDM Ordinance. Compliance with the TDM Ordinance shall entail the following:

- (1) The applicant shall submit a TDM Plan to LADOT for approval. The point value of the TDM Strategies selected for the TDM Plan shall add up to a minimum of the Project's required Point Target. No building permit shall be issued to a Project without an approved TDM Plan.
- (2) LADOT shall review and approve or disapprove a TDM Plan within 30 days after the date of submission of a TDM Plan, or within 90 days if the TDM Plan includes any TDM strategies that need to be pre-approved by LADOT, Metro, or other authorizing agency as defined in the TDM Program Guidelines. Any submission by the Applicant of a revised TDM Plan will initiate a new period for LADOT review.
- (3) The Project applicant shall execute and record a Covenant and Agreement that runs with the land, that an approved TDM Plan and the TDM Strategies contained therein will be maintained throughout the lifetime of the Project. A Project may apply to modify its TDM Plan pursuant to Subsection 5(d). No Certificate of Occupancy shall be issued to a Project without an approved TDM Plan and recorded Covenant and Agreement.
- (4) The owner of a property that has a TDM Plan pursuant to this Section shall be responsible for implementing the TDM Strategies in the Project's approved TDM Plan throughout the lifetime of the Project. The Property Owner shall designate and maintain a TDM Coordinator who shall coordinate with the City on the Project's compliance with the approved TDM Plan. Membership to a Transportation Management Organization (TMO) may be used in place of a designated TDM coordinator.
- (5) The owner of a property that has a TDM Plan pursuant to this Section shall submit annually to LADOT a TDM Plan Compliance Documentation that includes:
 - (a) Documentation showing maintenance of the TDM Strategies in the Project's approved TDM Plan.

The TDM Plan Compliance Documentation shall be submitted on or before the date of issuance of the Project's Certificate of Occupancy each year, with the first TDM Plan Compliance Documentation required one year after issuance of the Certificate of Occupancy. Upon confirmation by LADOT that the Project has submitted timely and complete TDM Plan Compliance Documentation

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demonstrating compliance with the TDM Program for five consecutive years, the annual TDM Plan Compliance Documentation requirement may be waived. Required submission of annual TDM Plan Compliance Documentation may be reinstated by LADOT following any enforcement action related to noncompliance with the TDM Program.

- (6) For Level 3 Projects, the property owner shall submit annually to LADOT a TDM Monitoring Report that includes monitoring data as defined by the Project's TDM Monitoring Data Collection Plan. The specifications of the TDM Monitoring Data Collection Plan shall be defined prior to issuance of a Certificate of Occupancy. Potential components of the TDM Monitoring Data Collection Plan are defined in the TDM Program Guidelines. Upon confirmation by LADOT that the Project has submitted timely and complete TDM Monitoring Reports for five consecutive years, the annual TDM Monitoring Report requirement may be waived. Required submission of annual TDM Plan Compliance Documentation may be reinstated by LADOT following any enforcement action related to noncompliance with the TDM Program.
- (7) Level 3 projects shall install any technology that may be required by the TDM Monitoring Data Collection Plan. The technology shall comply with the LADOT privacy protocols described in Subsection 11, and shall be approved by LADOT to ensure compatibility with their monitoring methods.

| Project Level | Point Target Range | TDM Plan and Annual TDM Plan Compliance Documentation | TDM Monitoring Report |
|-------------------------|---------------------------|--------------------------------------------------------------|------------------------------|
| Level 1 Projects | 15-25 Points | Required | Not Required |
| Level 2 Projects | 20-30 Points | Required | Not Required |
| Level 3 Projects | 25-35 Points | Required | Required |

- (d) **TDM Plan Modifications.** Any modifications to an approved TDM Plan require submission of a revised TDM Plan for approval by LADOT and payment of any fees required by Section 19.15 of Los Angeles Municipal Code. A TDM Plan shall comply with the TDM Program Guidelines version in effect at the time of submission and include TDM Strategies that achieve the property's Point Target. LADOT review of a TDM Plan Modification application shall follow the time limits set forth in Subsection 5(c)(2).

6. Administration.

(a) **Content of TDM Program Guidelines and TDM Calculator.** Upon enactment of this Ordinance, LADOT shall establish and maintain the TDM Program Guidelines, the TDM Calculator, and other necessary components of the TDM Program outlined in this Section. The TDM Program Guidelines and the TDM Calculator shall be consistent with the purposes of this Section and each other. The TDM Program Guidelines shall include the following:

- (1) TDM Program goals and benefits;
- (2) TDM Point Targets by Project Level and parking supply;
- (3) TDM Strategies and their associated point values;
- (4) TDM evaluation metrics and reporting requirements; and
- (5) The technical justification for assigned point values for each TDM Strategy.

(b) **Updates to TDM Program Guidelines and TDM Calculator.** The General Manager of LADOT may update the TDM Program Guidelines and TDM Calculator to:

- (1) provide feasible options to applicants to meet program goals and outcomes; and
- (2) reflect best practices, emerging technologies, and/or respond to lessons learned from monitoring and evaluation.

(c) **Effect of Updates on Project Requirements.** Projects shall meet all requirements of the TDM Program Guidelines version in effect at the time when submitting their first TDM Plan, including but not limited to the designated Point Target and available TDM Strategies. If LADOT updates the TDM Program Guidelines subsequent to the date the applicant submitted a TDM Plan, the applicant may elect to have their Project be subject to all requirements of the current version of the TDM Program Guidelines by submitting a TDM Plan Modification for approval.

7. Monitoring and Enforcement. LADOT shall be responsible for enforcing continual compliance with the requirements of the TDM Program, as outlined below.

(a) Any property owner failing to comply with the mandatory requirements of the TDM Ordinance shall be subject to an infraction charged by the City Attorney. Section 11.2.03 of this Code shall govern the issuance of administrative citations for administrative and continuing violations as an alternative to other legally available civil and criminal remedies that apply to code violations. Section 11.2.04 (b) of this Code shall govern administrative fines to be paid for violations of the code. In instances where the fines specified below exceed those that can be recovered under Section 11.2.04 (b), the fines in this Section shall prevail. If the issuance of administrative citations fails to result in compliance with the mandatory requirements of the TDM Ordinance, the City Attorney reserves the right to charge any property owner who fails to comply with any of the mandatory requirements of this Code as guilty of a misdemeanor as governed by Section 11.00(m).

- (b) A property owner shall allow City staff access to relevant portions of the property to conduct site visits, inspect physical improvements, collect empirical data, and/or facilitate phone, and/or digital surveys with residents, tenants, employees, and visitors. City staff shall provide advance notice of request for access.
- (c) No building, grading, demolition, foundation, use of land or change of use permit, nor Certificate of Occupancy, shall be issued for any building or site that contains a Project that is not in compliance with the requirements of the TDM Program.
- (d) Failure to submit TDM Plan Compliance Documentation annually, beginning no sooner than one year after the issuance of the Certificate of Occupancy, on a date specified by the TDM Program Guidelines, shall result in the issuance of a Notice to Comply. A failure to adequately respond within 30 days of the issuance of the Notice to Comply shall result in a \$250 penalty per day of non-compliance with the requirement to submit a TDM Plan Compliance Documentation.
- (e) Failure to maintain one or more TDM Strategies in the approved TDM Plan shall result in the issuance of a Notice to Comply. A failure to adequately respond within 30 days of the issuance of the Notice to Comply shall result in a \$250 penalty per day of non-compliance, and shall escalate for subsequent offenses in accordance with Section 11.2.04 (b) of this Code, for each required TDM Strategy that is included in the TDM Plan and that LADOT finds to be out of compliance.
- (f) For Level 3 projects, failure to submit the TDM Monitoring Report annually, beginning no sooner than one year after the issuance of the Certificate of Occupancy, on a date specified by the TDM Program Guidelines, shall result in the issuance of a Notice to Comply. A failure to adequately respond within 30 days of the issuance of the Notice to Comply shall result in an initial \$2,500 penalty for a first violation. If the violation continues to not be resolved an additional \$2,500 penalty shall be assessed for each additional 30 days that the Project is in non-compliance with the requirement to submit a TDM Monitoring Report.
- (g) If failure to submit reporting requirements results in an on-site visit by City staff to investigate the site's compliance with the TDM Program, a \$2,500 penalty shall be charged to the property owner, in addition to any penalties for non-compliant TDM Strategies.

8. User-Defined TDM Strategy.

- (a) **Alternative Compliance - Director's Authority.** A User-Defined TDM Strategy as an alternative to those strategies contained in the menu of TDM Strategies in the

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TDM Program Guidelines may be requested in accordance with Sec. 13B.5.1. (Alternative Compliance) of Chapter 1A of this Code.

- (1) **Initiation.** An applicant may initiate an application for Alternative Compliance for a User-Defined TDM Strategy by filing an application with the Department and paying a filing fee equivalent to that established for a “Miscellaneous Clearance - Director” as set forth in Section 19.04 of this Code and a “Technical Study” fee as set forth in Section 19.15 of this Code.
 - (2) **Consultation.** The Director or the Director’s designee shall consult with LADOT during consideration of an application for a User-Defined TDM Strategy.
 - (3) **Conditions.** The Director shall impose conditions binding on the applicant to secure substantial compliance with the goals and purposes of this ordinance, including such conditions as are necessary to ensure that:
 - (a) The applicant commits in an enforceable agreement that runs with the land to monitor the effectiveness of the User-Defined TDM Strategy to encourage alternatives to drive-alone trips;
 - (b) The applicant shall submit to LADOT all monitoring data, with monitoring metrics and frequency to be determined at the discretion of LADOT; and
 - (c) The applicant commits to a substitute TDM Strategy or Strategies of commensurate effectiveness (a Strategy assigned equal or more points) if the User-Defined TDM Strategy is terminated for any reason.
 - (4) **Findings.** In addition to the findings required by Sec. 13B.5.1. (Alternative Compliance) of Chapter 1A of this Code, in approving an Alternative Compliance for a User-Defined TDM Strategy, the Director or Area Planning Commission (on appeal) shall find that:
 - (a) The proposed alternative is expected to reduce drive-alone trips and/or vehicle miles traveled (VMT) to and/or from the project site, and the amount of drive-alone trips and/or VMT reduced as a result of the User-Defined TDM Strategy will be commensurate with other TDM Strategies that are assigned to have a comparable value of points in the TDM Program Guidelines.
- 9. Hardship Exemption.** In cases of extreme hardship, duly established to its satisfaction, the City Council, acting in its legislative capacity, and by resolution, may grant an exemption from any or all the provisions of this ordinance. In granting such an exemption, the City Council shall make the following findings:
- (a) Specific features of the development make it infeasible to satisfy all of the provisions of this Section; and

- (b) The applicant has committed to provide equivalent alternative measures to reduce vehicle trips.

10. Phase In. Projects that have reached certain application or approval milestones by specified dates shall be exempt from the provisions of this Ordinance, as follows:

- (a) Projects for which a land use approval, including, if applicable, an active Development Agreement, was obtained from the City for the activity prior to the effective date of this Ordinance and the land use approval is still valid;
- (b) Projects for which a preliminary application has been submitted to the City pursuant to Government Code Section 65941.1, or for which an application has been deemed complete by the City pursuant to Government Code Section 65943, on or before the effective date of this ordinance;
- (c) Projects for which a Notice of Completion for a Draft Environmental Impact Report has been circulated, on or before the effective date of this ordinance;
- (d) Projects that have vested rights pursuant to LAMC Section 12.26.A.3, on or before the effective date of this ordinance;
- (e) Level 2 and Level 3 Projects that receive a building permit within 180 days after the effective date of this Ordinance;
- (f) Level 1 projects that receive a building permit within 365 days after the effective date of this Ordinance.

11. Privacy Protocols. City staff shall use the most current and restrictive privacy protection policies to protect personal privacy during site visits and in the use of data collected during the monitoring process. The City will apply protection standards to all monitoring data obtained about a Project to protect any personally identifiable data of building occupants and visitors. The City's protection standards include data minimization, access limitations, data categorization, security, and transparency for the public.

12. Severability. If any part or provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remainder of this ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect, and to this end, the provisions of this ordinance are severable.

FINDINGS

Charter and General Plan Findings

City Charter Sections 556 and 558

Pursuant to City Charter Sections 556 and 558, as described below, the proposed ordinance is in substantial conformance with the purpose, intent and provisions of the General Plan, as well as in conformance with the public necessity, convenience, general welfare and good zoning practice. Specifically, the action addresses each of the following goals, objectives and policies of the General Plan as outlined below.

General Plan Framework Element Findings

The TDM Program aims to create more transportation options to improve accessibility to destinations and reduce drive alone trips citywide. By requiring new developments that meet a specified size threshold to provide multimodal transportation infrastructure and/or deploy programs that reduce vehicle trips, this program will help influence travel behavior to accommodate the growing demands on the transportation system which helps implement the following objectives and policies from the General Plan Framework Element:

Land Use Policy 3.1.2: Allow for the provision of sufficient public infrastructure and services to support the projected needs of the City's population and businesses within the patterns of use established in the community plans as guided by the Framework Citywide Long-Range Land Use Diagram.

Land Use Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution.

Land Use Policy 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

Land Use Objective 3.3: Accommodate projected population and employment growth within the City and each community plan area and plan for the provision of adequate supporting transportation and utility infrastructure and public services.

The proposed TDM Program aims to promote active transportation like walking and biking, by incentivizing developers to provide strategies that are alternatives to vehicle use and encourage more active modes of travel. These strategies live in the TDM menu of more than 40 strategies that include pedestrian access improvements, incentivizing shared parking, providing bike facilities and bike share through coordination with Metro, as well as many more TDM strategies that align with the following objectives and policies of the General Plan Framework.

Land Use Goal 3D: Pedestrian-oriented districts that provide local identity, commercial activity, and support Los Angeles' neighborhoods.

Land Use Policy 3.8.4: Enhance pedestrian activity by the design and siting of structures in accordance the *Urban Form and Neighborhood Design* policies of this Element and Pedestrian-Oriented District Policies 3.16.1 through 3.16.3.

Land Use Goal 3E: Pedestrian-oriented, high activity, multi- and mixed-use centers that support and provide identity for Los Angeles' communities.

Land Use Policy 3.9.3: Determine the appropriateness of centralized and shared parking structures, and where suitable and feasible, encourage their development.

Land Use Policy 3.9.4: Promote the development of para-transit and other local shuttle system and bicycle amenities that provide access for residents of adjacent neighborhoods, where appropriate and feasible.

Land Use Policy 3.9.5: Promote pedestrian activity by the design and the siting of structures in accordance with Pedestrian-Oriented District Policies 3.16.1 through 3.16.3.

Land Use Policy 3.9.7: Provide for the development of public streetscape improvements, where appropriate.

Land Use Goal 3F: Mixed-use centers that provide jobs, entertainment, culture, and serve the region.

Land Use Policy 3.10.2: Accommodate and encourage the development of multi-modal transportation centers, where appropriate.

Land Use Policy 3.10.4: Provide for the development of public streetscape improvements, where appropriate.

Land Use Goal 3I: A network of boulevards that balance community needs and economic objectives with transportation functions and complement adjacent residential neighborhoods.

Land Use Policy 3.13.6: Design multi-family residential units to minimize the impacts of traffic and noise and incorporate recreational and open space amenities to support the needs of the residents.

Land Use Goal 3K: Transit stations to function as a primary focal point of the City's development.

Land Use Policy 3.15.2: Work with developers and the Metropolitan Transportation Authority to incorporate public- and neighborhood-serving uses and services in structures located in proximity to transit stations, as appropriate.

Land Use Policy 3.15.4: Design and site new development to promote pedestrian activity and provide adequate transitions with adjacent residential uses.

Land Use Policy 3.15.5: Provide for the development of public streetscape improvements, where appropriate.

Land Use Policy 3.15.6: Establish standards for the inclusion of bicycle and vehicular parking at and in the vicinity of transit stations; differentiating these to reflect the intended uses and character of the area in which they are located (e.g., stations in some urban areas and "kiss-and-ride" facilities may have limited parking, while those in suburban locations may contain extensive parking).

Housing Goal 4A: An equitable distribution of housing opportunities by type and cost accessible to all residents of the City.

Housing Policy 4.2.1: Offer incentives to include housing for very low- and low-income households in mixed-use developments.

Urban Form and Neighborhood Design Goal 5A: A liveable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and citywide scales.

Urban Form and Neighborhood Design Policy 5.1.2: Implement demonstration projects that establish proactive measures to improve neighborhood and community design, and coordinate these activities with the Los Angeles Neighborhood Initiative demonstration projects, Los Angeles County Metropolitan Transportation Authority station area activities, and other City, non-profit and private efforts.

Urban Form and Neighborhood Design Objective 5.5: Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

Urban Form and Neighborhood Design Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

The proposed TDM Program helps increase access to jobs and services by requiring various strategies be deployed by applicable projects to comply with the TDM Program. By supporting transportation modes other than drive alone car trips, the TDM Program expands and improves sustainable transportation options and increases access. Furthermore, the TDM menu of strategies includes the Mobility Investment strategy which allows projects that need to comply with TDM to choose the Mobility Investment strategy, which establishes a fund that would be invested in improving transportation infrastructure to improve access to jobs and services. With these strategies, the TDM Program helps implement the following policies:

Economic Development Policy 7.1.4: Develop an infrastructure investment strategy to support the population and employment growth areas.

Economic Development Policy 7.10.2: Support efforts to provide all residents with reasonable access to transit infrastructure, employment, and educational and job training opportunities.

The TDM Program includes options for projects to help support the deployment of electric energy DASH buses as ways to comply with TDM and help increase capacity and sustainability

of the City's transportation system. Also, staff acknowledges that through the impacts of COVID-19 telecommunication options have become more common and sometimes necessary for modern services, this program was developed with that in mind and aims to support the following policies from the General Plan Framework.

Infrastructure and Public Services of Framework Policy 9.29.7: Encourage Additional Markets for Electric Energy such as environmentally friendly alternative fuel for transportation in electric buses and light duty vehicles.

Infrastructure and Public Services of Framework Policy 9.35.4: Promote the internally and externally cost-efficient delivery of services and exchange of information using telecommunication systems.

Infrastructure and Public Services of Framework Policy 9.35.6: Incorporate Appropriate Telecommunications Requirements into all relevant local policies, plans, and ordinances.

Infrastructure and Public Services of Framework 9.36.1: Encourage employers to adopt telecommunication.

Mobility Plan 2035 (Mobility Element) Findings

The proposed TDM Program implements and advances the following specific Mobility Plan 2035 goals and policies aimed at creating a safer transportation environment in multiple aspects. The following goals and policies align closely with the proposed TDM Ordinance regarding mobility safety, transportation access and connectivity, and the environment:

Goal 1: Safety First

Policy 1.2 Complete Streets: Implement a balanced transportation system on all streets, tunnels, and bridges using complete streets principles to ensure the safety and mobility of all users.

Goal 2: World Class Infrastructure

Policy 2.3 Pedestrian Infrastructure: Recognize walking as a component of every trip, and ensure high-quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment.

Policy 2.5 Transit Network: Improve the performance and reliability of existing and future bus service.

Policy 2.6 Bicycle Networks: Provide safe, convenient, and comfortable local and regional bicycling facilities for people of all types and abilities.

Policy 2.15 Allocation of Transportation Funds: Expand funding to improve the built environment for people who walk, bike, take transit, and for other vulnerable roadway users.

Goal 3: Access for all Angelenos

Policy 3.1 Access for All: Recognize all modes of travel, including pedestrian, bicycle, transit, and vehicular modes - including goods movement - as integral components of the City's transportation system.

Policy 3.3 Land Use Access and Mix: Promote equitable land use decisions that result in fewer vehicle trips by providing greater proximity and access to jobs, destinations, and other neighborhood services

Policy 3.4 Transit Services: Provide all residents, workers and visitors with affordable, efficient, convenient, and attractive transit services.

Policy 3.5 Multi-Modal Features: Support "first-mile, last-mile solutions" such as multi-modal transportation services, organizations, and activities in the areas around transit stations and major bus stops (transit stops) to maximize multi-modal connectivity and access for transit riders.

Policy 3.7 Regional Transit Connections: Improve transit access and service to major regional destinations, job centers, and intermodal facilities.

TDM strategies can incentivize sustainable travel options that are available today due to advancements in modern and innovative technology that provide alternatives to vehicle travel, overall reduce and help shorten vehicle trips. Ultimately, this effort can achieve a more equitable and efficient use of transportation infrastructure, reduce transportation related GHGs, and improve quality of life in a manner that benefits all Angelenos, particularly those who depend on transit or alternative means of transportation. The proposed TDM Program replaces the current seven prescriptive strategies of the existing TDM Ordinance with a whole range of more than 40 strategies that aim to achieve many of the goals as outlined in the Mobility Plan including decreasing drive alone trips. Furthermore, the proposed Program will include a monitoring and evaluation component to enforce and improve the program over time, making it adaptable and flexible to work of the program evaluation component which uses the latest technology and data including real time information, open source data, transparency, monitoring, reporting, emergency response, departmental and agency cooperation and database management.

Goal 3: Access for all Angelenos

Policy 3.8 Bicycle Parking: Provide bicyclists with convenient, secure and well-maintained bicycle parking facilities.

Goal 4: Collaboration, Communication & Informed Choices

Policy 4.1 New Technologies: Support new technology systems and infrastructure to expand access to transportation choices

Policy 4.2 Dynamic Transportation Information: Support a comprehensive, integrated transportation database and digital platform that manages existing assets and dynamically updates users with new information.

Policy 4.3 Fair and Equitable Treatment: Ensure the fair and equal treatment of people of all races, cultures, incomes and education levels with respect to the development and implementation of citywide transportation policies and programs

Policy 4.7 Performance Evaluation: Evaluate performance of new transportation strategies through the collection and analysis of data.

Policy 4.8 Transportation Demand Management Strategies: Encourage greater utilization of Transportation Demand Management (TDM) strategies to reduce dependence on single occupancy vehicles.

Policy 4.9 Transportation Management Organizations: Partner with the private sector to foster the success of Transportation Management Organizations (TMOs) in the City's commercial districts.

Policy 4.10 Public-Private Partnerships: Encourage partnerships with community groups (residents and business/property owners) to initiate and maintain enhanced public rights-of-way projects.

The proposed TDM Program aims to address issues of climate change and has parallel health benefits by encouraging active transportation and incentivizing clean fuels and fleets to help provide clean air. Shifting travel to sustainable modes of transportation has many benefits, including reducing VMT, transportation costs, opportunity costs, improving air quality, public health, and wellness. In order for TDM to be most effective it requires local and regional coordination which will be led by LADOT and will continue over time with Metro and South Coast AQMD. The following policies of the Mobility Plan will be implemented through this program.

Goal 4: Collaboration, Communication & Informed Choices

Policy 4.11 Cohesive Regional Mobility: Communicate and partner with the Southern California Association of Governments (SCAG), Los Angeles County Metropolitan Transportation Authority (Metro), and adjacent cities and local transit operators to plan and operate a cohesive regional mobility system.

Policy 4.13 Parking and Land Use Management: Balance on-street and off-street parking supply with other transportation and land use objectives.

Policy 4.14 Wayfinding: Provide widespread, user-friendly information about mobility options and local destinations, delivered through a variety of channels including traditional signage and digital platforms.

Policy 5.1 Sustainable Transportation: Encourage the development of a sustainable transportation system that promotes environmental and public health.

Policy 5.2 Vehicle Miles Traveled (VMT): Support ways to reduce vehicle miles traveled (VMT) per capita.

Policy 5.4 Clean Fuels and Vehicles: Continue to encourage the adoption of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

Plan for a Healthy Los Angeles (Health, Wellness and Equity Element) Findings

The connection between health and mobility has been articulated in the City's Mobility Plan 2035 and the Plan for a Healthy Los Angeles, the Health, Wellness and Equity Element of the City's General Plan. The Plan for a Healthy Los Angeles recognizes the role mobility plays in health, in both negative and positive ways, and describes a balanced, affordable, and sustainable transportation system as a cornerstone of a healthy city:

As a major contributor of greenhouse gas emissions, trucks and vehicles play a role in the region's poor air quality and smog, in addition to contributing to climate change. Furthermore, vehicle collisions are responsible for a significant rate of deaths in the City, and vulnerable users such as pedestrians and cyclists are at a greater risk of injury or death, according to the Health Atlas. As Los Angeles continues to make significant changes to its transit network, there are opportunities to build more sustainable communities and increase access to healthful resources, such as jobs, education centers, medical services, grocery stores, daycare, and parks. (Chapter 1: Introduction, p18-19)

The proposed TDM Program aims to promote and incentivize active transportation improvements which implements the following Plan for a Healthy LA policies:

Policy 2.1 Access to goods and services: Enhance opportunities for improved health and well-being for all Angelenos by increasing the availability of and access to affordable goods and services that promote health and healthy environments, with a priority on low-income neighborhoods.

Policy 2.2 Healthy building design and construction: Promote a healthy built environment by encouraging the design and rehabilitation of buildings and sites for healthy living and working conditions, including promoting enhanced pedestrian-oriented circulation, lighting, attractive and open stairs, healthy building materials and universal accessibility using existing tools, practices, and programs.

Policy 2.11 Foundation for health: Lay the foundation for healthy communities and healthy living by promoting infrastructure improvements that support active transportation with safe, attractive, and comfortable facilities that meet community needs; prioritize implementation in communities with the greatest infrastructure deficiencies that threaten the health, safety, and well-being of the most vulnerable users.

The proposed TDM Program aims to reduce vehicle miles traveled citywide which will subsequently reduce operational vehicle emissions and toxic air pollutants. Poor air quality has a disproportionate impact on vulnerable and low-income communities and has been shown to have significant public health costs to individuals and society. The deployment of the proposed TDM Program strategies helps implement the following Plan for a Healthy Los Angeles policies:

Policy 5.1 Air pollution and respiratory health: Reduce air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health

Policy 5.7 Land use planning for public health and GHG emission reduction: Promote land use policies that reduce per capita greenhouse gas emissions, result in improved

air quality and decreased air pollution, especially for children, seniors and others susceptible to respiratory diseases.

Housing Element Findings

The proposed TDM program will help increase options of sustainable ways to travel citywide while also incentivizing mixed uses and awarding points for buildings that include affordable housing. The transportation improvements that are encouraged through the proposed TDM Program will help implement the following Housing Element objectives and policies:

Goal 2: A City in which housing helps to create safe, livable and sustainable neighborhoods.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities, services and transit.

Policy 2.2.5: Provide sufficient services and amenities to support the planned population while preserving the neighborhood for those currently there.

Policy 2.5.1: Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers.

Air Quality Element Findings

The proposed TDM Program is designed to produce shifts to sustainable modes of transportation. Shifting travel to sustainable modes of transportation has many benefits, including reducing VMT, transportation costs, opportunity costs, improving air quality, public health, and wellness. An example includes reduced driving and increased time for exercise and family bonding as a result of working from home. This program will work in coordination with the South Coast AQMD and Metro for specific strategies of the program. While the main goal is to reduce drive alone trips the program also intends to implement the following policies in conjunction with the following policies of the Air Quality Element:

Policy 1.2.2: Pursue the City's air quality objectives in cooperation with regional jurisdictions.

Policy 1.2.3: Monitor and assess the progress of the City's air quality improvement programs.

Objective 1.3: Reduce particulate air pollutants emanating from unpaved areas, parking lots, and construction sites.

Policy 1.3.2: Minimize particulate emissions from unpaved roads and parking lots which are associated with vehicular traffic.

Objective 2.1: Reduce work trips as a step towards attaining trip reduction objectives necessary to achieve regional air quality goals.

The proposed TDM Program will provide a menu of more than 40 TDM strategies that help reduce vehicle trips and LADOT will monitor and update those strategies over time with the goal of a more adaptive and responsive program. These strategies are each selected and backed by data for reducing drive alone trips and VMT. Some of the strategies include telecommunication, increasing access to transit or providing transit passes to building occupants, and encouraging carpool or car share programs. The menu of TDM strategies of the proposed TDM Program will help implement the following policies and objectives of the Air Quality Element:

Goal 2: Less reliance on single-occupant vehicles with fewer commute and non-work trips.

Objective 2.1: Reduce work trips as a step towards attaining trip reduction objectives necessary to achieve regional air quality goals.

Policy 2.1.1: Utilize compressed work weeks and flextime, telecommuting, carpooling, vanpooling, public transit, and improve walking / bicycling related facilities in order to reduce Vehicle Trips and / or Vehicle Miles Traveled (VMT) as an employer and encourage the private sector to do the same to reduce work trips and traffic congestion.

Policy 2.1.2: Facilitate and encourage the use of telecommunications (i.e. telecommuting) in both the public and private sectors, in order to reduce work trips.

Objective 2.2: Increase vehicle occupancy for non-work trips by creating disincentives for single passenger vehicles, and incentives for high occupancy vehicles.

Policy 2.2.1: Discourage single-occupant vehicle use through a variety of measures such as market incentive strategies, mode-shift incentives, trip reduction plans and ridesharing subsidies.

Policy 2.2.2: Encourage multiple-occupant vehicle travel and discourage single-occupant vehicle travel by instituting parking management practices.

Policy 2.2.3: Minimize the use of single-occupant vehicles associated with special events or in areas and times of high levels of pedestrian activities.

Goal 3: Efficient management of transportation facilities and systems infrastructure using cost-effective system management and innovative demand-management techniques.

Objective 3.1: Increase the portion of work trips made by transit to levels that are consistent with the goals of the Air Quality Management Plan and the Congestion Management Plan.

Policy 3.1.1: Implement programs to finance and improve public transit facilities and service.

Policy 3.1.2: Address public safety concerns as part of transit improvement programs, such as guarded and / or well lit transit facilities, emergency equipment and safe-driving training for operators, in order to increase transit ridership.

Policy 3.1.3: Cooperate with regional transportation agencies in expediting the development and implementation of regional transit systems.

Objective 3.2: Reduce vehicular traffic during peak periods.

Policy 3.2.1: Manage traffic congestion during peak hours.

The TDM Program prioritizes the collection of transportation data, which will help demonstrate the long-term efficacy of the TDM strategies in achieving program goals. For example, parking data can help improve the program over time and inform future transportation and land use planning decisions. LADOT aims to monitor and collect data for the program and encourage projects to provide automotive parking sensors to help collect data and with a long range goal to partner with academic Institutions to continue adapting the program as new data shows what is or isn't being effective. Therefore, the proposed TDM Program will help implement the following policies and objectives of the Air Quality Element:

Objective 3.3: Install Automated Traffic Surveillance and Control Systems, utilize channelization of streets and other capital programs appropriate with the City's portion of regional goals.

Policy 3.3.1: Implement the best available system management techniques, and transportation management and mobility action plans to improve the efficiency of existing transportation facilities, subject to availability of funding.

CEQA Findings

As demonstrated in Exhibit D, approval of the proposed Transportation Demand Management Ordinance is supported by an Addendum to the Mobility Plan 2035 Final Environmental Impact Report, SCH No. 2013041012, that reviews the proposed TDM Ordinance.

An Environmental Impact Report (EIR), EIR No. 2013-911-EIR; SCH No. 2013041012, was prepared for the Mobility Plan 2035, among other approvals, and certified on August 11, 2015. A First Addendum, No. ENV-2013-911-ADD1, and Second Addendum, No. ENV-2013-911-ADD2 were prepared to evaluate subsequent updates to the Mobility Plan 2035. The Mobility Plan 2035 Final EIR was prepared in accordance with California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State CEQA Guidelines. The Mobility Plan 2035 FEIR and First and Second Addenda evaluate the environmental effects that could result from full implementation of the Mobility Plan 2035, the Mobility Element of the City's General Plan, and amendments to the Mobility Plan 2035 that were adopted by City Council on January 20, 2016, and September 7, 2016.

The Mobility Plan's Policy 4.8 calls for increased use of TDM strategies to reduce dependence on single-occupancy vehicles, and the Plan identifies updating the City's existing TDM Ordinance as an implementation program (Program PL.9). The proposed TDM Program is consistent with the Mobility Plan and its EIR findings, and does not create any new conditions that would require preparation of a subsequent or supplemental EIR.

The TDM Ordinance has been reviewed by the City of Los Angeles in light of Sections 15162 and 15163 of the CEQA Guidelines. As the CEQA Lead Agency, the City of Los Angeles has determined, based on the analysis presented in Exhibit D, that none of the conditions apply which would require preparation of a subsequent or supplemental EIR and that an Addendum to the certified 2015 Mobility Plan FEIR is the appropriate environmental documentation under CEQA for the TDM Ordinance.