

# **CORRESPONDENCE**



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**VIA E-MAIL**

July 26, 2021

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RE: City of Pasadena 2021-2029 Draft Housing Element

Dear Mayor Gordo and Honorable Council Members,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Pasadena’s (“**City**” or “**Lead Agency**”) 2021-2029 update to the City’s General Plan Housing Element (“**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the City provide additional community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips,

reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.<sup>1</sup>

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.<sup>2</sup>

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<sup>1</sup> California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

<sup>2</sup> South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”<sup>3</sup>

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”<sup>4</sup> In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”<sup>5</sup>

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.<sup>6</sup>

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to

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<sup>3</sup> City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* [https://www.hayward-ca.gov/sites/default/files/documents/General\\_Plan\\_FINAL.pdf](https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf).

<sup>4</sup> City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

<sup>5</sup> City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

<sup>6</sup> California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>.

those held by local residents.<sup>7</sup> Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

## **I. THE PROJECT FAILS TO PROVIDE THE INFORMATION AND ANALYSES REQUIRED OF ALL HOUSING ELEMENTS**

### **A. Background Concerning Housing Elements**

Housing Elements of General Plans are the planning tools through which local governments ensure they make "adequate provision for the existing and projected housing needs" as determined through the share of the Regional Housing Needs Allocation (“**RHNA**”) process. *See* Gov. Code § 65580(d). As specified in Gov. Code § 65580 et seq., Housing Elements must include particular information and analyses related to existing and projected housing needs, constraints relative to meeting those needs, and the local government’s specific plans to help fulfill those needs. Housing Elements that fail to provide required information and analyses may be deemed by the state or courts to be out of compliance with the law and the local government may be subject to substantial consequences. *See* Gov. Code §§ 65754, 65754.5, and 65755.

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<sup>7</sup> Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

B. The City's Housing Element Fails to Provide Required Information and Analyses

The City's Housing Element update is missing critically important information and analyses required by law. Those deficiencies include:

- The failure to describe diligent efforts to include all economic segments of the community in the development and update of the housing element and a summary of the public input received and a description of how it will be considered and incorporated into the housing element, Gov. Code, § 65583(c)(8);
- Failure to report on and analyze implementation of the 5th Cycle Housing Element's programs, Gov. Code, § 65588(a), (b);
- Failure to evaluate employment trends, to quantify the need for housing affordable to extremely low-income households, and to analyze of the housing characteristics, Gov. Code, § 65583(a);
- Inadequate analysis of governmental and non-governmental constraints on housing development, such as development fees, local permitting time, and land use controls, Gov. Code, § 65583(a)(5);
- Inadequate identification and analysis of the special housing needs in the City, including the housing needs of people with disabilities and large families, Gov. Code, § 65583(a)(7);
- The absence of a site-specific inventory of land "suitable for residential development" and be available for housing development within the planning period to accommodate the City's RHNA, Gov. Code, § 65583(a)(3), 65583.2;
- Inadequate programs to remove constraints to the development of housing for lower-income households and people with disabilities, Gov. Code, § 65583(c);
- Absence of a program to make sites available to accommodate the RHNA during the planning period, Gov. Code, § 65583(c)(1);

- Failure to identify the agencies and officials responsible for the implementation of the various program actions, Gov. Code, § 65583(c)(8).
- Failure to demonstrate that manufactured housing is permitted in the same manner and in the same zones as conventionally constructed housing, Gov. Code, § 65582.3;
- Failure to identify a zone or zones where emergency shelters are allowed as a permitted use without discretionary review, Gov. Code § 65583(a)(4)(A);
- Lack of actions to promote fair housing and to affirmatively further fair housing, Gov. Code, § 65583(c)(5); and
- Absence of quantified objectives that estimate by income level the number of units that can be constructed, rehabilitated, and conserved over the planning period, Gov. Code, § 65583(b).

These deficiencies in the City’s Housing Element must be addressed to fulfill the City’s obligations and avoid noncompliance with the housing element law.

- i. *The Proposed Housing Element Fails to Include an Adequate Program to Affirmatively Further Fair Housing.*

For housing elements updated after January 1, 2021, the program to affirmatively further fair housing must include all of the following pursuant to Gov. Code § 65583(b)(10)(A)(i)–(v):

- A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity;
- An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk;



- An assessment of the contributing factors for the fair housing issues identified under the foregoing analysis;
- An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in the foregoing assessment that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved; and
- Strategies and actions to implement those priorities and goals, which may include (but are not limited to) enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

For purposes of Gov. Code § 65584(d)(5), "affirmatively furthering fair housing" (AFFH) means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Gov. Code § 65584(e).

Here, the City has not neither characterized AFFH issues, or developed or incorporated substantive programs to address AFFH issues in the Draft HEU. HCD's Guidance is clear that specific goals and actions are required, such as:

- Enhancing mobility strategies and promoting inclusion for protected classes;
- Encouraging development of new affordable housing in high-resource areas;

- Implementing place-based strategies to encourage community revitalization, including preservation of existing affordable housing; and
- Protecting existing residents from displacement.<sup>8</sup>

The Draft HEU should be revised to implement specific goals and policies that address the proactive mandates of the AFFH statute.

*ii. The Proposed Housing Element Includes an Inadequate and Flawed Inventory of Sites Available for Housing Development.*

Commenters are particularly concerned about a number of issues with the Draft HEU relating to its sites inventory, including:

- A failure to assess in the sites inventory any parcel's *likelihood* of development to satisfy RHNA requirements; and
- Vacant sites are identified to satisfy RHNA requirements which may not be suitable for development.

Planning's process for selecting sites and assessing their capacity seemingly fails to account for any parcel's *likelihood of development*, and its draft site inventory includes many parcels where housing development may or could be extremely unlikely. The Draft HEU includes a sites inventory table in the appendices.

First, while the inventory may or may not account for all or most APNs with a preliminary analysis of capacity, it does not analyze the likelihood that any of these APNs would be developed to increase the number of available housing units in the City. The inventory also does not analyze whether any of the available sites would improve or exacerbate fair housing conditions in the City.

The Draft HEU should also include information about the methodology utilized to analyze or determine site capacity and any site-specific constraints that might apply to particular APNs. All of this is required pursuant to Government Code, section 65583, subdivision (a)(3), and section 65583.1.

An accurate assessment of the site inventory's housing capacity is necessary in order for the housing element to achieve sufficient housing production. The site capacity estimate should account for the following two factors:

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<sup>8</sup> *Id.* at 13.

1. What is the likelihood that the site will be developed during the planning period?
2. If the site were to be developed during the planning period, how many net new units of housing are likely to be built on it?

The portion of the jurisdiction’s RHNA target that a site will realistically accommodate during the planning period is:

$$(\textit{likelihood of development}) \times (\textit{net new units if developed}) = \textit{realistic capacity}^9.$$

**Recommendations:**

1. Provide a quantitative estimate of parcels’ development probabilities, and incorporate this factor into the estimate of sites’ realistic capacity.
2. Report the proportion of sites in the previous housing element’s inventory that were developed during the planning period.
3. Remove parcels from the site inventory where redevelopment is unlikely to occur during the 6th Cycle.
4. Commit to a mid-cycle review to verify Planning’s assumptions about development probabilities. If it turns out that sites within a tier, or category, were developed at a lower-than-expected rate during the first half of the cycle, then the city should rezone for additional capacity or make other appropriate adjustments for the second half of the planning period.
5. Identify sufficient sites to provide a 15-30% No Net.

Secondly, it appears that Planning may have counted many vacant sites towards specific income RHNA targets, despite their potential unsuitability for housing production. Planning must not include “vacant” sites that have no realistic chance of being developed. As with the Suitable Sites inventory, these sites must be discounted by their likelihood of development. Since the likelihood of development for some of these sites could effectively be zero, they should be excluded from Planning’s list of vacant sites after further review.

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<sup>9</sup> See HCD June 10, 2020 Memo re Housing Element Site Inventory Guidebook Gov. Code Sec. 65583.2, available at [https://www.hcd.ca.gov/community-development/housing-element/docs/sites\\_inventory\\_memo\\_final06102020.pdf](https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf).

**Recommendations:**

1. Exclude all vacant parcels that are unsuitable for residential development due to size, shape, gradient, location, and lack of street access.
2. Provide a quantitative estimate of parcels' development probabilities, and incorporate this factor into the estimate of sites' realistic capacity.

Lastly, Planning should not rely on an overly optimistic forecast of future ADU production which is unlikely to be achieved. There is no evidence that ADU production in the City will appreciably add to the housing stock. There is a difference between an ADU that is put on the rental market and one that is merely used internally by the owner.

The City should also not rely on SCAG's affordability assumptions for ADU units to meet any conclusion that some ADUs will be allocated to moderate, low and very-low income residents. SCAG's affordability analysis calculations rely heavily upon evidence from outside jurisdictions because SCAG admits there is a lack of data available for the Southern California ADU market.<sup>10</sup> Perhaps more importantly, the SCAG study also admits that many ADUs are "non-rented" ADUs and there is *no reliable data* on how many ADUs are actually put on the rental market versus used internally by the owner, e.g., for family member use.<sup>11</sup> In the Bay Area, it is estimated that approximately half of ADUs are non-rented.<sup>12</sup> Thus, the City cannot make any assumptions that newly permitted ADUs, even if they were produced, will be available to meet the City's RHNA obligations.

- iii. The City Should Consider Incorporating Programs and Policies Designed to Achieve the Additional Production of Housing Units Under the Sixth Cycle RHNA Requirements.*

The Draft HEU should undertake a schedule of actions that will achieve SCAG's Sixth Cycle RHNA allocation for the City. The City is required to build an additional 9,429 units from 2021-2029. However, the City is not planning to implement any programs,

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<sup>10</sup> SCAG ADU Affordability Analysis, available at [https://scag.ca.gov/sites/main/files/file-attachments/adu\\_affordability\\_analysis\\_120120v2.pdf?1606868527](https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527).

<sup>11</sup> *Id.* at 10.

<sup>12</sup> *Id.*

plans, policies, or the like that will come anywhere close to achieving that mandate. The Draft HEU's Housing Plan only contains vague goals without any specific plan or mandates to implement the necessary changes to accelerate housing development.

HCD has suggested that effective programs contain the following items<sup>13</sup>:

- Definite time frames for implementation (e.g. annually during the planning period, upon adoption of general plan amendment, by June 2020, etc.).
- Identification of agencies and officials responsible for implementation (e.g., planning department, county community development department, city building official, housing manager, public housing authority, etc.).
- Description of the local government's specific role in program implementation (e.g. a description of how the city will market the availability of rehabilitation funds).
- Description of the specific action steps to implement the program.
- Proposed measurable outcomes (e.g., the number of units created, completion of a study, development of a homeless shelter, initiation of a rezone program, preservation of at-risk units, etc.).
- Demonstration of a firm commitment to implement the program (e.g., the city will apply for HOME funds by June 2009).
- Identification of specific funding sources, where appropriate (e.g., dollar amounts of annual funding entitlements or allocations — Community Development Block Grants; Emergency Solutions Grants; Housing Opportunities for Persons with AIDS; continuum of care; redevelopment successor agency's low- to moderate-income housing funds; bond proceeds; tax credit allocations; and other federal, state and local resources).

The Draft HEU should be amended to consider more effective and definite plans and policies to achieve the City's 6<sup>th</sup> Cycle RHNA obligations.

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<sup>13</sup> See <https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml>.

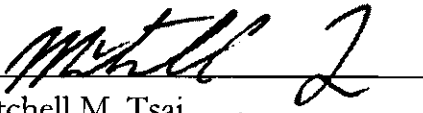
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### III. CONCLUSION

Commenters request that the City address all the aforementioned issues raised.

Please contact my Office if you have any questions or concerns.

Sincerely,

  
\_\_\_\_\_  
Mitchell M. Tsai

Attorneys for Southwest Regional  
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

**EXHIBIT A**



Technical Consultation, Data Analysis and  
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March 8, 2021

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**Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling**

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Dear Mr. Tsai,

Soil Water Air Protection Enterprise ("SWAPE") is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas ("GHG") emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

#### Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model ("CalEEMod") is a "statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects."<sup>1</sup> CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.<sup>2</sup>

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>3</sup>

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<sup>1</sup> "California Emissions Estimator Model." CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.

<sup>2</sup> "California Emissions Estimator Model." CAPCOA, 2017, *available at*: <http://www.aqmd.gov/caleemod/home>.

<sup>3</sup> "CalEEMod User's Guide." CAPCOA, November 2017, *available at*: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.



Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.<sup>4</sup>

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) n$$

Where:

$$n = \text{Number of land uses being modeled.”}^5$$

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$$\text{Emissions}_{\text{pollutant}} = \text{emissions from vehicle running for each pollutant}$$

$$\text{VMT} = \text{vehicle miles traveled}$$

$$\text{EF}_{\text{running,pollutant}} = \text{emission factor for running emissions.”}^6$$

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

### Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.<sup>7</sup> In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.<sup>8</sup> The default number of construction-related worker trips is calculated by multiplying the

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<sup>4</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14-15.

<sup>5</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 23.

<sup>6</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>7</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>8</sup> CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.<sup>9</sup> Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”<sup>10</sup> Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.<sup>11</sup> The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).<sup>12</sup>

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).<sup>13</sup>

<b>Worker Trip Length by Air Basin</b>		
<b>Air Basin</b>	<b>Rural (miles)</b>	<b>Urban (miles)</b>
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
<b>Average</b>	<b>16.47</b>	<b>11.17</b>
<b>Minimum</b>	<b>10.80</b>	<b>10.80</b>
<b>Maximum</b>	<b>19.80</b>	<b>14.70</b>
<b>Range</b>	<b>9.00</b>	<b>3.90</b>

<sup>9</sup> “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/01\\_user-39-s-guide2016-3-2\\_15november2017.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4), p. 34.

<sup>10</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 15.

<sup>11</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 14.

<sup>12</sup> “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/02\\_appendix-a2016-3-2.pdf?sfvrsn=6](http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6), p. 21.

<sup>13</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

### Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.<sup>14</sup> In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

<b>Local Hire Provision Net Change</b>	
<b>Without Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,623
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	120.77
<b>With Local Hire Provision</b>	
Total Construction GHG Emissions (MT CO <sub>2</sub> e)	3,024
Amortized Construction GHG Emissions (MT CO <sub>2</sub> e/year)	100.80
<b>% Decrease in Construction-related GHG Emissions</b>	<b>17%</b>

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

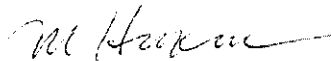
This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

<sup>14</sup> “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: [http://www.aqmd.gov/docs/default-source/caleemod/05\\_appendix-d2016-3-2.pdf?sfvrsn=4](http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4), p. D-85.

## Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



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



Paul E. Rosenfeld, Ph.D.

**EXHIBIT B**



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

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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. Thesis on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. 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 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, 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 dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

## **Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## **Publications:**

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermოდ and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

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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.

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- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.
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Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

### Presentations:

Rosenfeld, P.E., 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 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> 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 23<sup>rd</sup> 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 Florida, 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 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

### **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the United States District Court For The District of New Jersey

Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.

Case No.: 2:17-cv-01624-ES-SCM

Rosenfeld Deposition. 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”  
*Defendant*.

Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237

Rosenfeld Deposition. 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants

Case No.: No. BC615636

Rosenfeld Deposition, 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants

Case No.: No. BC646857

Rosenfeld Deposition, 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiff vs. The 3M Company et al., Defendants

Case: No 1:16-cv-02531-RBJ

Rosenfeld Deposition, 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> 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 The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC

Case No.: LC102019 (c/w BC582154)

Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*

Case Number: 4:16-cv-52-DMB-JVM

Rosenfeld Deposition: July 2017

- In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No.: No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial, March 2017
- In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No.: RG14711115  
Rosenfeld Deposition, September 2015
- In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No.: LALA002187  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Iowa District Court For Wapello County  
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants  
Law No.: LALA105144 - Division A  
Rosenfeld Deposition, August 2015
- In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action N0. 14-C-30000  
Rosenfeld Deposition, June 2015
- In The Third Judicial District County of Dona Ana, New Mexico  
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward  
DeRuyter, Defendants  
Rosenfeld Deposition: July 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 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case Number CACE07030358 (26)  
Rosenfeld Deposition: December 2014
- In the United States District Court Western District of Oklahoma  
Tommy McCarty, et al., Plaintiffs, v. 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 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 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 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

**EXHIBIT C**





Technical Consultation, Data Analysis and  
Litigation Support for the Environment

1640 5<sup>th</sup> St., Suite 204 Santa  
Santa Monica, California 90401  
Tel: (949) 887-9013  
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**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Industrial Stormwater Compliance  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

#### **Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

#### **Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

**Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

### **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 Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F., 1999,** Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F., 1997,** The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F., and Gill, M., 1996,** Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F., Fukunaga, G.L., 1996,** The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F., 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 examination, 2009-2011.

**Martinez, Ruben**

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**From:** Ed Washatka <ed.washatka@gmail.com>  
**Sent:** Thursday, July 29, 2021 7:54 AM  
**To:** PublicComment-AutoResponse  
**Subject:** Pasadena Affordable Housing Coalition Issues Public Comments on Draft Housing Element

**CAUTION:** This email was delivered from the Internet. Do not click links or open attachments unless you *know* the content is safe. Report phish using the Phish Alert Button. [Learn more...](#)

**Pasadena Affordable Housing Coalition**

July 28, 2021

Honorable Mayor  
Pasadena City Council  
City Hall  
100 N. Garfield Avenue  
Pasadena, California 91109

RE: Consideration of Draft Housing Element

Honorable Mayor and City Council Members:

The State Department of Housing and Community Development provides guidance to cities on revising their Housing Elements, noting that California law requires all cities in California to “*adequately plan to meet the housing needs of everyone in the community.*”

This broad mandate is too often narrowly interpreted to mean compliance with the minimum standards needed for State certification.

The Pasadena Affordable Housing Coalition, made up of a widely representative group of community and civic organizations, urges the City Council to go beyond demonstrating that Pasadena has the *theoretical* capacity to meet our city’s Regional Housing Needs Assessment of 9,429 total units.

The dominant theme of the public’s comment at the City’s outreach meetings has been the demand for effective solutions to the affordable housing crisis facing our rent-burdened tenants and unhoused residents.

To that end, the Housing Element must be a plan that goes beyond potentially *allowing* for 5,974 units of affordable housing (to be added in Pasadena over the next eight years) but instead provides a comprehensive approach to *achieving* that goal.

Each night, thousands of Pasadenans go to sleep worrying about their housing security – and hundreds more do not have a place to sleep at all. It is cold comfort to them to offer a plan that addresses their needs *in concept*, but not *in reality*.

The Coalition’s member organizations support a comprehensive set of recommendations based on three key overarching principles to ensure the plan not only meets the minimum standards of State law but most importantly meets the needs of Pasadena’s families, seniors, workers, disabled and low-income renters. These principles are:

- **Make affordable housing easier and less expensive to build in Pasadena** by removing the myriad local barriers that inflate the costs and discourage development of affordable housing.
- **Provide augmented local funding to help bridge the gap between the cost of providing affordable housing and the current resources available.** Pasadena cannot fill the gap on its own, but can ensure that Federal, State, regional, private and non-profit resources can be leveraged to maximize the supply of local affordable housing.
- **Provide housing security to Pasadena’s rent-burdened tenants**, recognizing the dire crisis facing them now as they cope with rising rents, inadequate legal protections against evictions and harassment and often substandard living conditions that go unreported for fear of retaliation.

**Making affordable housing easier and less expensive to build in Pasadena** starts with common sense policies that include enabling construction of deed-restricted affordable housing by right on congregational land and in commercial zones; removing parking minimums citywide; incentivizing the building of accessory dwelling units (ADUs); and streamlining the cumbersome processes that impede the development of affordable housing as well as permanent supportive housing for unhoused residents.

Consideration of an affordable housing overlay on congregational land has been needlessly delayed and if not pursued immediately should be among the first priorities for implementation in the Housing Element. Given the changing face of retail, development “by right” of adaptive reuse with affordable housing should also be a critical priority.

ADUs can provide “elegant density” that not only increase the housing supply overall, but help low-income owners and young families afford their mortgages.

Finally, Pasadena should recognize that tortuous entitlement processes don’t produce equitable outcomes. Pasadena should set high standards -- and grant permits to those who comply.

**Providing augmented local funding to help bridge the gap between the cost of providing affordable housing and the current resources available** is the only way to adequately leverage the resources from Federal, State, regional, private and non-profit resources. Using redevelopment set aside for affordable housing, Pasadena compiled an exemplary record of supporting local affordable housing.

Since its abolition in 2011, the only local stream of funding for affordable housing has come from housing developers who’ve chosen not to provide onsite units to meet their inclusionary responsibilities. This is grossly inadequate to the need. Voters in other jurisdictions including Los Angeles, Culver City and Santa Monica have approved local taxes or bonds.

As Pasadena considers meeting its overall fiscal needs, affordable housing should be a paramount goal to maintain our character as an inclusive and diverse community dedicated to safe and decent housing for all our residents.

**Enhancing housing security for Pasadena's rent-burdened tenants** is necessary because renters' lives can't wait for the city to meet the pent-up demand for additional affordable housing options.

Just as developers often require grants and below market financing to make their projects viable, low and very low income tenants often require subsidies and protections against undue escalations in housing costs to make their rents affordable. No one knows whether the State's program for forestalling mass evictions after the expiration of the present eviction moratorium will be adequate.

Even if mass displacement does not immediately occur, over the past two decades thousands of long-term residents, many of them multi-generational Pasadenans, have been involuntarily displaced out of the city.

This tragedy has fallen most heavily on people of color, particularly the historic Black community in Pasadena, which the 2010 Census showed had been reduced by 24% in just ten years. Given the drastic escalation in rents and home values during the last decade, a similar or greater decline is to be expected upon the release of the 2020 Census figures.

To stem the tide of displacement, the city must fashion remedies to meet not only its RHNA goals - as important as they are - but the affordable housing concerns of its existing residents-over 60% of whom are renters.

Our coalition urges the City to recognize the dire crisis of its existing residents with means adequate to the challenge, adopting a comprehensive set of tenant protections including rent control, just cause eviction rights, adequate legal representation for low-income tenants and a citywide rent registry.

If any of these policies are not included in the Housing Element, the City must propose adequate alternatives for providing housing security to ensure Pasadenans are not forced out of their homes, their neighborhoods, their children's schools and in some cases out onto the streets.

These three principles and the policies we've enumerated in this letter represent a framework for development of a comprehensive Housing Element. Our Coalition has extensively discussed a more detailed set of policies and programs which are all vital to a balanced and realistic plan for housing affordability in Pasadena.

We ask the Commission members and City staff to give thoughtful consideration to each and every one of our recommendations for inclusion in the Housing Element.

We appreciate this opportunity to provide the views of hundreds of informed and active local community members who insist their City "adequately plan to meet the needs of everyone in the community."

Respectfully submitted,

The Pasadena Affordable Housing Coalition  
Member Organizations:

All Saints Church

Complete Streets Coalition  
Democrats of Pasadena Foothills  
League of Women Voters-Pasadena Area  
Making Housing and Community Happen  
NAACP-Pasadena Branch  
Pasadena For All  
Pasadenans Organizing for Progress  
Abundant Housing LA-Pasadena

**Proposed Housing Element Policy Solutions**  
**Submitted by Pasadena Affordable Housing Coalition**  
**July 28, 2021**

**Tenant Protection Solutions:**

- **Tenant Anti-Harassment:** This defines and codifies illegal harassment activities and toughens civil and criminal penalties for landlords who are abusing their tenants. [Source 1 from Abundant Housing LA](#), [Source 2 from City of Los Angeles City Clerk Connect](#)
- **Just Cause and Rent Control:** Under just cause a tenant cannot be unfairly evicted and under rent control a cap is placed on the amount a landlord can increase the rent every year. [Source 1 from Local Housing Solutions](#), [Source 2 from Princeton University evaluated the effect of just cause eviction ordinances across the United States](#), [accept Santa Monica Rent Control Info](#)
- **Rental Registry:** A rental registry allows a city to require landlords to report the number of bedrooms per unit, rent amounts, the date of last rent increase, provided utility services, parking costs, and more. [One example is the City of San Jose. The City of El Cerrito has a rent registry that applies to all owners of residential rental property](#)
- **Tenant's Right to Legal Counsel:** This program provides free legal counsel to tenants going through eviction. [ACLU article on tenant's right to council](#)

**Zoning Solutions:**

- **Congregational Land Overlay Zone:** A congregational land overlay zone is a zoning tool which allows religious congregations to build affordable housing at sufficient densities on their land. The congregational land overlay zone should be implemented within 6 months of the housing element's adoption. See this [factsheet](#) for information on the congregational land overlay zone.
- **Incentivize affordable ADUs and Junior ADUs:** Allow more flexibility on ADU size (e.g. build a second story above parking on 1<sup>st</sup> floor), Make it less costly and less time intensive to develop ADUs. [City of Los Angeles ADU Accelerator Program](#).
- **Remove Parking Minimums Citywide:** Parking minimums increase the developer's cost for building housing, take up space that could be used for more housing units, and disincentivize the use of transit. [Report on effect of the City of Buffalo's cutting of parking minimums](#), [San Francisco](#), and [Berkeley](#)

- **Encourage “Missing Middle” housing types:** Missing middle housing is house-scale buildings (duplexes, fourplexes, cottage courts, courtyard buildings) with multiple units built in walkable neighborhoods. [Missing Middle Housing Source](#). [Congress for New Urbanism Source](#)
- **Housing Overlay Zone, such as an Affordable Housing Overlay Zone:** A housing overlay zone provides a package of incentives to developers who include in their projects homes that people can afford. [Factsheet on Housing Overlay Zones](#). [Berkeley Affordable Housing Overlay Zone](#).
- **Local density bonus program near transit:** These programs encourage developers to build more housing units – including affordable units – near major public transportation stops. [City of Los Angeles TOC Program](#)
- **Allow housing in commercially zoned areas:** The majority of Pasadena is built out, therefore, vacant or underutilized commercially zoned areas are opportunities to build housing where vacant land is hard to come across. [Berkeley Turner Center Report on Residential Redevelopment of Commercially Zoned Land in California](#).
- **Streamline the approval of deed-restricted, affordable housing, and permanent supportive housing.** [Habitat of Humanity Report on Streamlining Approvals for Affordable Housing in California](#).
- **Form-Based Code (FBC):** This type of code removes barriers and incentivizes Missing Middle Housing in appropriate locations. FBC represents a paradigm shift in the way that we regulate the built environment, using physical form rather than a separation of uses as the organizing principle, to create predictable, built results and a high-quality public realm. [Missing Middle Housing on Form-Based Code](#)

### **Funding Solutions:**

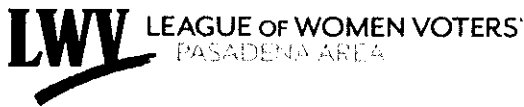
- **Vacancy Tax:** A vacancy tax places a fee on property owners who allow their residential rental units to remain vacant for a certain length of time. [City of Oakland Vacant Property Tax](#). [Report to City of Los Angeles Council about vacancy tax applicability to the city](#).
- **Unbundle Parking Cost from Rent Cost:** Unbundling parking costs from the cost of housing makes housing more affordable as renters can choose to rent a housing unit without paying for the cost of a parking space [City of Santa Monica Unbundling Parking in municipal code](#). [Report from Mike Manville \(UCLA\) about the benefits of unbundling the cost of parking from rent costs](#). [Article from Mobility Lab about transportation benefits of unbundling parking](#).
- **Local Transfer Tax:** Transfer taxes are assessed on the sale value of a property when it changes ownership. The revenue potential for transfer taxes can be large and can be directed towards an affordable housing production fund. [Report from Shane Phillips \(UCLA\) on Real Estate Transfer Tax Reform](#).
- **Affordable Housing Bond:** An affordable housing bond will issue a certain amount of bonds to fund housing projects and assistance for low-income and middle-income households and for people experiencing homelessness. [City of Emeryville Affordable Housing Bond, passed](#)
- **Create an Affordable Housing Fund, funded by an Impact Fee:** An impact fee is a development fee whose purpose is to offset the impact of new development on the need for affordable housing. The fees are collected and dedicated towards affordable housing production fund. [Berkeley Turner Center Report on Residential Impact Fees](#). [Grand Nexus Study on Impact Fees in San Mateo County](#).
- **Increase general funds to the housing department so that it is fully staffed to be open to the public during all City business days.**
- **Rent forgiveness due to the COVID-19 pandemic and resulting economic conditions.** Divert some Housing Department funds/grants to forgive back rents so that tenants are not evicted.

### **Preservation Solutions:**

- **Long-Term Preservation of Housing Subsidies and Stewardship:** Community land trusts should be implemented to preserve housing subsidies and provide stewardship to ensure that affordable housing and the land underneath is maintained long-term. Source 1 from the Lincoln Institute of Land Policy. Source 2, second report from Lincoln Institute of Land Policy.
- **City Purchases and Covenants (Preserves) Naturally Occurring Affordable Housing:** This is a fairly affordable way for cities to preserve naturally occurring affordable housing and prevent the displacement of low-income households. If the city does not want to own the housing, they can hand it over to a local community land trust for operation and ownership. Shelter force article on Naturally Occurring Affordable Housing.
- **Code Enforcement** (e.g., recent visits to tenant housing reveals that enforcement has been lax resulting in poor living conditions.)

### **Other Solutions:**

- **Strategic Use of City-Owned Land:** Devote City-Owned land exclusively to the creation of 100% affordable and/or supportive housing projects through below-market or no-cost sale or lease to non-profit developers of community land trusts. Source 1, page 13 of ACT LA Housing Element Recommendations Letter. Local Housing Solutions Source.
- **Provide "bridge housing" and "tiny homes" and supportive services to help people become housed** Volunteers of America Article on Housing Options for Unhoused Folks. SAMHSA Article on Housing Options
- **Mandate on-site affordable housing** in the Inclusionary Housing Ordinance.



Alhambra Altadena Arcadia Bradbury Duarte LaCañada Flintridge Monrovia Monterey Park  
Pasadena San Gabriel San Marino Sierra Madre South Pasadena

July 29, 2021

Pasadena City Council  
City Hall  
100 N. Garfield Avenue  
Pasadena, California 91109

RE: Consideration of Draft Housing Element

Ladies and Gentlemen:

The League of Women Voters Pasadena Area believes that affordable, safe, decent and stable housing is critical to healthy communities and is a foundation for social justice. [We define "Affordable" as 30% of a household's income.]

In California the costs of housing have increased far more rapidly than incomes. This imbalance has led to the crisis of homelessness and housing insecurity. A community should ensure that an adequate supply of affordable housing is available for all its residents. This includes existing residents, as well providing for population growth, to house all workers - from grocery clerks to brain surgeons, service sector employees, public safety employees, teachers and other professionals, as well as seniors and persons with disabilities.

The League of Women Voters – Pasadena Area is very concerned about the deficit of affordable housing in Pasadena and is in full support of the letters sent by the Pasadena Affordable Housing Coalition and Abundant Housing LA. Over the past three years, we have been conducting a study that focused on:

- How to stabilize housing for current renters and concluded that rent control, just cause eviction regulations, right to council in housing courts, and other tenant protection measures were needed to keep renters in their units; and
- The requirements to get more affordable housing units built. We reached consensus on the need for more funding and identification of available land as well as the need to protect and maintain those affordable housing units that already exist.

We support the need for good planning. But a good plan will sit on the shelf if the work and resources needed to carry out the plan are not provided. We would urge the Commission and the City Council to move quickly – within six to twelve months after the plan is approved -- to



adopt the regulations and zoning maps to make the plan come to life. The budget must include robust funding for the planning and building departments to have sufficient personnel to review plans, inspect building sites and protect the future inhabitants of the new units and inspect and enforce codes in existing units. Every extra month spent on approving plans means higher costs in the construction phase. Establish clear standards for materials, streamline processes and expect high quality work.

Where, you might ask, will the money to pay for this come from? The current impact fees charged for new buildings must include pay for the people required by the city to monitor the planning and building process. The property taxes on new sites will add significant resources to the city coffers. To build up the funds available to actually construct affordable units, the city can help taxpayers understand the income tax advantages of tax credits for investment in affordable housing. Finally, the city must take full advantage of any and all state and federal affordable housing funding streams.

In the course of our study, we came to respect the work that is currently being done in Pasadena and the expertise of the current planning department staff. The use of inclusionary zoning regulations has allowed Pasadena to build many more affordable units than our neighbors. Creative thinking has made safe housing available to the unhoused, and focus on the needs of seniors, one of the fastest growing groups in need of affordable housing, has meant that apartments have been and will be built to accommodate them. But much more needs to be done and we are hopeful that you will not only build a great plan but will carry it out!

Thank you for your attention.  
League of Women Voters Pasadena Area

*Anita Mackey*

Anita Mackey  
Advocacy Director and Housing Committee Convener